



Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor
Jeannie Haddaway-Riccio, Secretary
Allan Fisher, Deputy Secretary

Bill Number: House Bill 1310

Short Title: Tidal Fish Licenses – Oyster Authorizations – Revocation

Department’s Position: Letter of Information

Explanation of Department’s Position

The Maryland Department of Natural Resources (the Department or DNR) provides the following information on HB 1310.

The bill provides that the Department “may revoke” a commercial oyster authorization for persons found to have *knowingly* committed an offense, changing it from the current “shall revoke” language. The authorization would provide that the Department may reinstate a revoked authorization after a 5-year period.

The new text in (d)(2) is unclear. Under the proposed text, it appears that the individual’s authorization is not actually “revoked,” but is “suspended” for a period of at least 5 years during which the agency would need to hold a hearing for potential reinstatement of the license. This means that authorizations will be held indefinitely or until an individual asks for, and the Department grants, the reinstatement of that authorization after 5 or more years. Certain fisheries authorizations are limited in availability. Individuals who want to obtain those types of authorizations are placed on a waitlist (as described in Natural Resources Article, Sec. 4-701). With “revoked” licenses being held indefinitely, waitlisted individuals would not be able to obtain these authorizations. Furthermore, the bill does not limit the number of times a person can *knowingly* violate the law and then apply for reinstatement. An individual could continually violate the law and then apply for reinstatement, which would lead to continual hearings and detrimental impacts to natural resources.

For any additional information, please feel free to contact our Legislative and Constituent Services Director, Bunky Luffman.

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