



Wes Moore, Governor
Aruna Miller, Lt. Governor
Josh Kurtz, Secretary
David Goshorn, Deputy Secretary

March 11, 2026

BILL NUMBER: HOUSE BILL 1304 – FIRST READER

SHORT TITLE: NATURAL RESOURCES - FISHING WITHOUT A LICENSE - ENFORCEMENT

DEPARTMENT’S POSITION: LETTER OF INFORMATION

EXPLANATION OF DEPARTMENT’S POSITION

House Bill 1304 creates additional penalties for individuals who are charged with commercially or recreationally fishing without a license if the person held the appropriate license in the previous license year and failed to renew the license. The Department opposes this bill for the following reasons.

First, the Department already has a penalty schedule established in the Code of Maryland Regulations for both commercial and recreational fisheries violations that has been created in conjunction with the Department’s Sport Fisheries Advisory Commission/Tidal Fisheries Advisory Commission Joint Penalty Workgroup. That workgroup is made up of advisory commission representatives from the recreational, commercial, charter, and seafood dealer sectors to ensure that Department penalties appropriately penalize and deter illegal activities. Any suspensions that derive from those penalty schedules are the result of guilty dispositions. This means that an individual has been cited and either paid the prepayable fine, and therefore admitting guilt, or was convicted in court. Only a very small subset of violations may result in administrative sanctions merely based on being charged with a violation, specifically the oyster violations described in Natural Resources Article, §4-1210, Annotated Code of Maryland, certain types of crab and striped bass violations described in Natural Resources Article, §4-1211, Annotated Code of Maryland, as well as aquaculture violations.

Currently, there is no suspension for recreational anglers who are convicted of fishing without the appropriate recreational license, regardless of whether or not they held the license in the previous license year and failed to renew it. For commercial licensees, engaging in commercial fishing activities without a valid commercial fishing license carries 30 points, resulting in a maximum possible suspension of one year. The Department is also able to reduce that suspension based on mitigating circumstances. The discrepancy between the recreational and commercial penalties is reflective of the ability of commercial licensees to use significantly more efficient gear to engage in much greater harvest for personal profit, rather than the less efficient gear used by recreational harvesters for personal use.

Second, recreationally fishing without a required license is one of the most frequent citations issued by the Natural Resources Police. If merely charging someone with that violation led to the administrative sanctions described in House Bill 1304, the Department would need additional staff to draft and mail Notices of Agency Action to the violators and then prosecute the cases in administrative court if and

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when they appeal the suspensions, as would be allowed under the contested case provisions of the State Government Article. This also raises concerns with the way the bill applies penalties to individuals who previously had a license but failed to renew it but does not penalize individuals who have never held a license. This creates a reverse incentive for recreational anglers to not ever purchase a fishing license, as they will only be suspended if they forget to renew a license they previously held. Another issue with the language the bill uses is that while commercial licenses run on a fixed license year (September 1 - August 31), recreational licenses are valid for 365 days from the date of purchase, whenever that purchase occurs. It is possible this means that if a recreational license was previously held, but expired within the last year, the sanctions described in this bill apply, but it is not completely clear since there is no actual "license year". Natural Resources Police will have to determine the exact date the individual's license expired.

Finally, this bill retroactively applies to individuals charged with these violations on or after September 1, 2025. At the time of those violations, there was no suspension associated with recreationally fishing without a license if the person held the appropriate license in the previous license year and failed to renew the license. Creating a penalty for an action after the fact is considered an "ex post facto" law, which is explicitly prohibited by both the United States Constitution and the Maryland Constitution.

BACKGROUND INFORMATION

Current penalty schedules for commercial and recreational violations are found at Code of Maryland Regulations (COMAR) 08.02.13.03 and 08.02.13.05, respectively.

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