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RECREATIONAL ANGLERS FIGHTING FOR MARYLAND'S MARINE RESOURCES

March 6, 2015

To: Honorable Kumar P. Barve, Chair
Honorable Dana Stein, Vice-Chair, and
Honorable Members of the House Environment and Transportation Committee

Re: **House Bill 1005** Natural Resources – Commercial Fisheries Offenses – Stay of Revocation
CCA Maryland Position: **Oppose**

CCA Maryland recommends an **Unfavorable** report from the House Environment and Transportation Committee on House Bill 1005.

This legislation would significantly raise the bar required for an Administrative Law Judge (ALJ) to revoke certain fishing licenses for those cited for violating certain fisheries laws and regulations, thus permitting them to continue to exploit the public resource unless a higher standard. Instead of concluding that the illegal act actually occurred, an Administrative Judge would be required to stay any license revocation pending conviction for the offense unless the ALJ determines the individual “wantonly and willfully committed the offense”.

This Bill must be considered in light of the realities surrounding fisheries enforcement. A long history of egregious violations of fisheries regulations, including significant violations of federal fisheries laws like the one recently settled involving illegal gill netting by commercial fishermen from Tilghman Island, led General Assembly to pass a series of laws enhancing judicial penalties and providing DNR for the first time with administrative tools to actually revoke the fishing license of repeat and egregious offenders. This Bill would significantly weaken those laws.

A review of court records finds that more than a handful of commercial fishermen regularly cited for fisheries violations are repeat and frequent offenders. The unfortunate reality is that certain state courts and prosecutors, especially in traditional fishing communities, are more likely to hand down minimal fines and most critically, regularly plead down any violations to something less than an actual conviction. The license revocation process this Bill allows is an important tool for DNR to restrict access to those that are egregious and repeat offenders of Maryland’s fisheries laws even when situations permit them to avoid actual convictions for those violations.

A fishing license is authorization to enjoy a public benefit. It is a privilege that should not be treated lightly, nor is it something that should be subject to arbitrary revocation. Because of this the license revocation process is not utilized by DNR for everyday violators. The ALJ is an

independent judicial officer, DNR and the Licensee argue their respective cases, and the finding is appealable. Adding the “wanton and willful” standard to the current “knowingly” standard would add a real barrier for our state to utilize this critical tool when needed.

While some citizens have attempted to minimize the importance and impact of illegal fishing activities and to characterize them as “victimless crimes” that is clearly not the case. The Bay’s marine resources, fish, crabs and oysters are public property and do not belong exclusively to those who exploit them for private profit. Poaching impacts the income of commercial fishermen who are fishing legally, charter boat captains and the recreational fishing industry. It also affects all citizens whose taxes help support DNR and projects such as oyster plantings in sanctuaries.

For these reasons CCA Maryland strongly urges you not to weaken the ability of Maryland to protect our shared fisheries resources and to thus oppose House Bill 1005.