

**MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Education, Health and Environmental Affairs Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 689
Unlawful Taking of Oysters from Submerged Land Leases and
Water Column Leases - Penalties
DATE: February 12, 2020
(2/25)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 689. Senate Bill 689 establishes that in addition to any other applicable penalty, there is a minimum fine of \$2,000 and a maximum fine of \$3,000 for violations of § 4-1201 of the Natural Resources Article.

The Judiciary traditionally opposes legislation that includes mandatory provisions. The Judiciary believes it is important for judges to weigh the facts and circumstances for each individual case when making a determination. Provisions that place restrictions on the judge may make the judge's job easier but prevent the judge from considering legislative intent or factors unique to the case.

cc. Hon. Katherine Klausmeier
Judicial Council
Legislative Committee
Kelley O'Connor