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Environment and  
Transportation Committee

Subcommittees  
Environment  
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THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

January 18, 2021

**RE: HB 0145 Unlawful Taking of Oysters from Submerged Land Leases and Water Column Leases  
- Penalties**

Environment and Transportation Chair, Vice Chair and Committee Members

For the record, I am Delegate Regina T. Boyce here to testify on HB 145 Unlawful Taking of Oysters from Submerged Land Leases and Water Column Leases - Penalties.

HB145 was created from research recommendations submitted by the University of Maryland Agriculture Law Education Initiative. The research began due to concerns of theft from leases by many aquaculture growers. The research questions were, "How can Maryland strengthen its oyster aquaculture theft laws? What programs and regulations have other states put in place to address the problem of oyster aquaculture theft"? It was determined that current laws were inadequate, and per 2020 research inconsistent, in that they were not strong enough deterrents to those who are committing theft. It was also determined that there is prosecutorial and judicial confusion related to charges and penalties of oyster theft in Natural Resources Article 4-1201 and the Criminal Law Article 7-104. This bill hopes to create the consistency needed and suggestions made per the research report

HB145 reflects some of the recommendations of fines and penalties in the Natural Resources Article 4-1201 and Criminal Law Article 7-104. The bill requires the department to set a minimum and maximum fine, requires a class by the Department of Natural Resources on commercial fishery laws at expense of the offender, suspends the license of the offender until fines and class have been satisfied, and provides for penalties under Article 7-104 of the Criminal Article upon the second or subsequent offense in the unlawful taking of oysters from a submerged land lease or a water column.

It is my belief that the thief of oysters, or any item that contributes to the livelihood of a person's well-being, is a crime against our economy and the stability of our families.

Thank you for your time and consideration of HB 145. I urge a favorable report.

A handwritten signature in cursive script that reads "Regina T. Boyce".

Regina T. Boyce, Delegate