

JACK BAILEY
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Calvert and St. Mary's Counties

Budget & Taxation Committee



THE SENATE OF MARYLAND
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Senate Bill 317 – Oysters, Striped Bass, and Crabs – Commercial Authorizations – Suspensions and Revocations

Dear Chairman Feldman and Members of the Committee:

I am writing to introduce Senate Bill 317. This bill would protect the due process rights of commercial watermen by ensuring that the Department of Natural Resources may not revoke their license to catch oyster, striped bass, or crabs unless the license holder has been convicted of or pled nolo contendere to a violation of the State's natural resources law.

The bill allows for a suspension of an individual's license for a period not to exceed three years if that individual receives a citation for certain offenses relating to oysters, striped bass, and crabs. This suspension shall immediately end upon the individual submitting documentation demonstrating the underlying violation resulted in an acquittal, dismissal, not guilty verdict, or an entry of nolle prosequi. However, if the license holder is convicted or pleads nolo contendere to the underlying violation, the Department may extend their suspension or revoke their authorization in the same manner they can currently.

Under current law, DNR can pursue a revocation of a commercial waterman's authorizations on the basis of a citation alone. We should never use an administrative proceeding with a lower burden of proof as a substitute for a conviction of a criminal violation that carries with it the presumption of innocence. This bill is consistent with the intent of current law by providing DNR with a way to expeditiously remove bad actors from our State's waterways but also provides an avenue for the restoration of the license should a conviction not be obtained.

I respectfully request a favorable report on Senate Bill 317. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Bailey".

Senator Jack Bailey