

Testimony before the  
Senate Education, Energy, and Environment Committee  
February 27, 2024

Senate Bill 317  
Position: **OPPOSE**

Dear Chairman Feldman, Vice Chair Kagan, and Members of the Committee:

We, the undersigned organizations and individuals, respectfully request an **unfavorable** report from the Senate Education, Energy, and Environment Committee on Senate Bill 317. This bill would weaken penalties for oyster poaching by allowing for suspension in place of revocation of an oyster harvest authorization and allowing for reinstatement of an oyster authorization at any time following a District Court ruling other than a guilty verdict.

In its 2009 report, the Maryland Oyster Advisory Commission stated, “there is no single factor more important to the future of ecologic restoration and aquaculture than to address and dramatically reduce the ongoing illegal oyster harvesting activities.” Oyster poaching is a significant impediment to oyster recovery. The statutory requirement that an individual’s authorization to catch oysters be revoked reflects the seriousness of these actions and is intended to serve as a strong deterrent to those who would consider skirting these regulations for monetary gain.

Even if an individual’s oyster authorization is revoked, they can continue to operate in other fisheries, meaning their opportunity to earn a livelihood in the fishing industry is not completely shut down. In this regard, Maryland’s penalties are less stringent than other states’, like Virginia, who has the authority to seize vessels and harvest equipment, preventing individuals from participating at all in commercial harvesting.

Requiring a suspension in place of a revocation is a serious undermining of the Department’s authority and muddies the definition of a suspension versus a revocation. It limits a suspension to not more than 3 years, at which time the person’s license is reinstated regardless of administrative or criminal penalties. The bill also fails to acknowledge that oyster poaching cases frequently result in nolle prosequi verdicts as prosecutors defer to administrative action which must be taken no more than 90 days following the citation. By conditioning administrative penalties on the outcome of criminal cases, this bill simultaneously complicates the process for both the Department and the parties involved while weakening the Department’s ability to disincentivize poaching of the state’s natural resources.

Oysters are a public resource, belonging to all Marylanders. Regulations and the penalties which reinforce them are put in place to protect these resources, which are held in public trust for the benefit of all. Violation of these regulations in a manner that invokes the most serious penalties the Department can levy should not be taken lightly, as is reflected in the current statute.

We urge the Committee to provide an **unfavorable** report on Senate Bill 317 and thank you for your consideration.

Sincerely,

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