

**Oral Testimony in Opposition to Senate Bill 76**

*Tidal Fish Licenses - Oyster Authorizations - Administrative Penalties  
Before the Education, Energy, and the Environment Committee: February 4, 2025*

Thank you, Mr. Chairman, Vice Chairwoman and members of the committee for granting us the opportunity to provide testimony in opposition of SB76 which would change administrative penalties for violations of Maryland's fisheries laws. This position is presented in collaboration with the Chesapeake Bay Foundation and the University of Maryland Francis King Carey School of Law Environmental Clinic.

For years Maryland has vigorously protected and promoted its natural resources, especially its oyster populations which are at historically low population levels. The proposed changes to §4-1210 would undermine these efforts by removing a significant tool for reducing the illegal take of oysters and other economically and ecologically important fin and shellfish. Currently, Maryland stands alongside other Chesapeake Bay states in enforcing penalties against individuals who violate oystering laws. Maryland is not an outlier. Notably, Virginia imposes significantly harsher penalties than Maryland by mandating revocation for serious infractions and issuing multi-year bans for repeat offenders.

Maryland's framework is both effective and equitable in addressing violations. Under the current system, individuals who receive a citation may have the option to prepay the fine and admit guilt or attend a district court hearing to determine guilt. Concurrently, if DNR finds the violation was egregious enough to revoke fisherman's license, DNR has 90 days to notify the poacher that they must go before an administrative law judge. This timeline guarantees that oystermen receive notice from DNR in a timely manner after receiving a citation to prepare a defense.

These administrative hearings mirror judicial proceedings with due process safeguards. For example, the state must prove by a preponderance of the evidence, a significant evidentiary burden, that the poacher knowingly violated the statute. In their defense, the defendant can present evidence, examine witnesses, and engage in cross-examination. As now written, the law ensures due process and equity for all parties.

Moreover, Maryland goes to great lengths to educate fishermen about where, how, and when they can harvest oysters and other shellfish. Each year, DNR provides updated, comprehensive maps in a guidebook to educate fisherman on how to avoid violations. Upon receipt of these materials, they must sign an affidavit acknowledging that they are aware of these laws. At the outset, Maryland provides fisherman with tools for success-they are not left unequipped.

For these reasons and those stated by Dr. Boesch and Mr. Frosh, the University of Maryland Environmental Law Clinic **opposes** SB76 as Maryland's existing framework maintains a fair balance between supporting its oysterman and deterring harmful poachers, thus safeguarding the state's precious oyster population. We request an unfavorable report.

*This testimony is submitted on behalf of the Environmental Law Clinic at the University of Maryland Carey School of Law and not by the School of Law, the University of Maryland, Baltimore, or the University of Maryland System.*