

JACK BAILEY
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Calvert and St. Mary's Counties

Budget & Taxation Committee



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Senate Bill 76 – Tidal Fish Licenses – Oyster Authorizations – Administrative Penalties

Dear Chair Feldman and Members of the Committee,

I am writing to introduce Senate Bill 76, which would reform the administrative penalty system for commercial oyster authorizations under §4-1210 of the Natural Resources Article.

Last year, I came before this Committee with legislation based on my concerns that commercial watermen were having their authorizations, and in turn their ability to earn a living, taken away from them permanently without being convicted of a crime. These hard-working people had no ability to receive an expungement or even a Governor's pardon, meaning that they had no second chance at an opportunity to work in their way of life. Following the hearings on that bill last session, the Department of Natural Resources reviewed the administrative penalty system and came back to us with these proposed reforms that will address these concerns.

Senate Bill 76 will end the practice of permanently revoking a commercial oyster authorization through an administrative procedure. Instead, it allows DNR to suspend an individual's authorization for an established period of time. Under this bill, an authorization can be suspended for up to two years for a first offense and up to 10 years for a second or subsequent offense. The bill also provides a pathway for individuals who have previously lost their authorization to participate in the fishery. I am submitting with this bill an amendment to clarify the provisions of the bill to ensure that they align with this intent.

These provisions only apply to revocations under §4-1210 and do not affect licensees who have had received suspensions based on points or on other sections of the Natural Resources Article. As I stated before this Committee last year, I do not believe that a person should have their livelihood permanently taken away without a criminal conviction. This legislation addresses my primary concerns with the law as currently written and strikes a balance between the need to protect the rights of commercial watermen and protect oysters in our waterways.

I want to thank DNR for their willingness to review and consider changes to this process. I respectfully request a favorable report on Senate Bill 76 with this amendment. Thank you for your consideration.

Sincerely,

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

Senator Jack Bailey