

# HB893.pdf

Uploaded by: Jay Jacobs

Position: FAV

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Legislative District 36  
Caroline, Cecil, Kent, and  
Queen Anne's Counties

Environment and Transportation  
Committee

*Subcommittees*

Motor Vehicle and Transportation

Natural Resources, Agriculture,  
and Open Space

Local Government and Bicounty Agencies

Joint Committee on Administrative,  
Executive, and Legislative Review



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THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

## HB893-Tidal Fish Licenses-Oyster Revocations- Administrative Penalties

Dear Chairman, Korman, Vice Chair Boyce and members of the  
Environment & Transportation Committee:

I am introducing HB893, Tidal Fish Licenses-Oyster Revocations-  
Administrative Penalties. This legislation would suspend for certain  
time periods, rather than revoke, a person's oyster authorization for  
knowingly committing certain violations in the oyster fishery. This  
legislation would require reinstatement of a person's entitlement to  
engage in the oyster fishery under certain circumstances.

For a first violation, suspended up to 2 years and for a second  
violation, suspended for up to 10 years. Then the person would be  
eligible to be placed back in line for an oyster authorization.

Currently there are approximately 65 already on the waiting list and  
those under this legislation would be placed at the back of the list  
currently waiting.

I ask for your favorable vote for HB893

**HB 893 - CBF - UNF.pdf**

Uploaded by: Allison Colden

Position: UNF



# CHESAPEAKE BAY FOUNDATION

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Environmental Protection and Restoration  
Environmental Education

## House Bill 893

### Tidal Fish Licenses – Oyster Authorizations – Administrative Penalties

Date: February 19, 2025  
To: Environment and Transportation Committee

Position: **UNFAVORABLE**  
From: Allison Colden,  
Executive Director

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Chesapeake Bay Foundation (CBF) **OPPOSES** House Bill 893 which would strip the Department of Natural Resources (DNR) of its discretion and authority to revoke an individual's authorization to harvest oysters after a finding that the individual did knowingly poach oysters from an oyster sanctuary, aquaculture lease, or area closed due to shellfish sanitation regulations. This action would constitute a significant weakening of the Department's ability to address 'bad actors' in the oyster fishery whose actions threaten public health, oyster recovery efforts, and private investments in water quality improvements.

Currently, DNR has the discretion to pursue penalties up to and including revocation of an authorization to harvest oysters after a violation has been established through an administrative hearing process. If, after the conclusion of an administrative hearing and all associated appeals, an administrative law judge determines, on the preponderance of evidence, that the individual *knowingly* harvested oysters illegally, DNR will revoke their authorization to harvest oysters. This administrative process is limited to a small subset of violations in the oyster fishery which are considered most dangerous to public health, personal property, and the sustainability of public trust resources.

This administrative process is analogous to other professional licenses and oversight processes. In many professions (e.g. doctors, lawyers, etc.) a regulatory entity reviews complaints or reports of misconduct and, after reviewing evidence and hearing any appeals, may remove an individual's ability to practice in that industry based on a violation of the standards and norms of the profession. In the case of oyster authorizations, an individual is authorized to harvest and sell oysters according to the standards and norms (i.e. regulations) determined by the Department which are reviewed and agreed to by the licensee each year through the Shellfish Closure Book.

Since the passage of legislation in 2011 establishing DNR's administrative authority for oyster authorizations, the General Assembly has amended the law on several occasions. Each time, the General Assembly has afforded DNR additional discretion that allows the department to consider an individual's history in the fishery, the severity of the alleged offense, the hardship a penalty may impose on the individual, and other mitigating circumstances when choosing whether and what type of penalty to pursue for poaching violations. The outcome of these changes has been a significant *decrease* in revocations imposed (less than 1 per year). Further, current law also allows a full-time waterman who has had their oyster authorization revoked to participate in other fisheries so that they may maintain a livelihood in the seafood industry even after revocation of the privilege to harvest oysters.

Maryland Office • Philip Merrill Environmental Center • 6 Herndon Avenue • Annapolis • Maryland • 21403

We believe that prior wise decisions made by the General Assembly have appropriately balanced a need for a strong deterrent from poaching activity and DNR's ability to address 'bad actors' in the fishery with the discretion to decline to pursue revocation when circumstances or history do not warrant it.

**CBF urges the Committee's UNFAVORABLE report on House Bill 893.**

For more information, please contact Matt Stegman, Maryland Staff Attorney, at [mstegman@cbf.org](mailto:mstegman@cbf.org).

**testimony HB 893.pdf**

Uploaded by: Brian Frosh

Position: UNF

## Testimony of Hon. Brian Frosh in Opposition to HB 893

House Environment and Transportation Committee, February 19, 2025

Chair Korman, Vice Chair Boyce and members:

I am offering this testimony as a private citizen. In 2010, I was the lead Senate sponsor of the law that HB 893 now seeks to amend. The issue of oyster poaching was brought to my attention during a site visit by the Chesapeake Bay Commission to the Horn Point Laboratory.

The Commission met with Dr. Donald Merritt who was in charge of oyster restoration in the Chesapeake Bay. Dr. Merritt told the Commission that the greatest threat to the oyster population in the Bay was not disease. It was not pollution. It was theft.

The State, at great expense, has grown billions of oysters at the laboratory at Horn Point. It has built reefs. It has placed the oysters in sanctuaries and elsewhere in the Bay.

Dr. Merritt told us that the sanctuaries were being devastated by licensed individuals who dragged oysters from the sanctuaries. Even when caught in the act, the thieves rarely received significant punishment and were absolutely undeterred from stealing oysters from state sanctuaries.

I believe that the law on the books is fundamentally fair. The state grows the oysters. It plants them in strategic areas around the Bay, and it grants a privilege – a license – to competent, law-abiding citizens to harvest oysters once they have reached maturity.

Before someone's license can be revoked under existing law, **an administrative law judge must hold a hearing and determine that the offense was committed knowingly.** See, Natural Resources Article, Sec. 4-1210(b)(2).

When someone is more than 200 feet inside a sanctuary and is **knowingly** scraping oysters from the sea bed, significant punishment is warranted.

When someone is **knowingly** taking oysters in a bed that has been declared off limits because of health threats due to pollution, significant punishment is warranted.

When someone is **knowingly** stealing oysters from an aquaculture operation that belongs to someone else, significant punishment is warranted.

The law you are considering is not a criminal law. It does not provide for jail time for the offenders. It merely allows for the revocation of a privilege if the violation was intentional.

My understanding is that in the nearly 15 years that the law has been in effect, 32 licenses have been revoked. The individuals who have been sanctioned had managed to accumulate, on average, 18 other violations. Moreover, only about 1/3 of those charged ultimately had their licenses revoked.

I believe that the current standards are fair and appropriate. Even if you were to find them to be too harsh, it is critical to set sanctions that are high enough to deter the intentional misconduct that is addressed by the law.

HB 893 certainly does not meet that test. It is too lenient. A maximum penalty of a two year suspension for knowingly stealing oysters is insufficient. A blanket pardon of past misconduct is indiscriminate and inappropriate. DNR ought to have some discretion if those who have intentionally stolen oysters in the past are to be readmitted to the fishery.

I would urge the Committee to give HB 893 an UNFAVORABLE report.

Hon. Brian Frosh  
bfrosh@gmail.com



**COA\_MD GA 02.2025 OPP HB893.pdf**

Uploaded by: Chesapeake Oyster Alliance

Position: UNF



Chesapeake  
**OYSTER ALLIANCE**  
*10 Billion for the Bay*

ADVOCATES FOR HERRING BAY | CAPE CONSERVATION CORPS | CHESAPEAKE BAY FOUNDATION  
CHESAPEAKE BEACH OYSTER CULTIVATION SOCIETY | LIVING CLASSROOMS FOUNDATION  
MAGOTHY RIVER ASSOCIATION | MARK STREET VENTURES | PHILLIPS WHARF ENVIRONMENTAL CENTER  
SEVERN RIVER ASSOCIATION | SHORE RIVERS | SHORE THING SHELLFISH | SOLAR OYSTERS  
ST. MARY'S RIVER WATERSHED ASSOCIATION | TRUE CHESAPEAKE OYSTER COMPANY

**House Bill 893**

Tidal Fish Licenses - Oyster Authorizations - Administrative Penalties

DATE: February 17, 2025

POSITION: **OPPOSE**

The Chesapeake Oyster Alliance is a broad coalition consisting of 113 partners, including non-profits, academic institutions, oyster aquaculture operations and other businesses with a shared goal of adding 10 billion oysters to the Bay. With a focus on oyster restoration, science-based fishery management, and increasing aquaculture, the Chesapeake Oyster Alliance aims to accelerate oyster recovery efforts and in so doing the recovery of Chesapeake Bay at-large

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 ongoing illegal oyster harvesting activities.”* Oyster poaching is a significant impediment to oyster recovery. Over the past 5 years, there have been more than 90 citations issued for oystering in sanctuaries, which represents a fraction of poachers who were caught. The statutory requirement that an individual’s authorization to catch oysters be revoked if they are found guilty of one of these five violations reflects the seriousness of these actions and are intended to serve as a strong deterrent to those who would consider skirting these regulations for monetary gain.

We, the above-listed members of the Chesapeake Oyster Alliance, **OPPOSE House Bill 893** which would weaken deterrents for oyster poaching penalties and undermine oyster recovery.

HB 893 would eliminate the Department of Natural Resources’ most potent deterrent – revocations – by bringing penalties down to a 2-year suspension for a single violation, and up to 10 years for two or more violations. It would also allow for reinstatement of authorizations for individuals currently revoked whose revocation thus far has exceeded the proposed suspensions in the bill.

Those who poach oysters undermine the efforts to remedy overfishing, weaken oyster recovery and threaten the future of the oyster industry. Weakening oyster poaching is a detriment to the honest efforts of watermen who comply with harvest regulations. As of February 2024, there were only 5 active suspensions and 59 revocations, involving a total of 64 citizens. On average individuals with a revoked license have been found guilty of 13 DNR violations, including fishery violations not just of oysters, but clam, striped bass, blue crab, on top of a range of other non-fishery charges, including hunting violations and poaching of deer. Application of the current penalties serves to remove the most serious ‘bad actors’ from the fishery and protects the investments of all Marylander’s and the lease rights of all working people on the water

The Chesapeake Oyster Alliance respectfully requests an **unfavorable on House Bill 893**. Please contact Chesapeake Oyster Alliance Senior Manager, Tanner Council (tcouncil@cbf.org; 434.882.8266) with any questions.

# **Environmental Law Clinic Testimony HB893.pdf**

Uploaded by: Emily Rudo

Position: UNF

### **Written Testimony in Opposition to House Bill 893**

*Tidal Fish Licenses - Oyster Authorizations - Administrative Penalties  
Before the Environment and Transportation Committee: February 19, 2025*

#### **Introduction:**

Thank you, Mr. Chairman, Vice Chairwoman and members of the committee. The University of Maryland Carey School of Law Environmental Law Clinic **OPPOSES** HB893 which would significantly reduce penalties for oyster poachers.

#### **Overview:**

Maryland is committed to protecting its natural resources, particularly critical oyster populations within its waters. Oysters play an integral role in the Chesapeake Bay by filtering excess nutrients, improving water quality and creating habitats for other aquatic life. Their reefs also help to protect shores from erosion as well as storm surge, protecting coastal communities. Maryland's oyster population is on the verge of extinction. Overharvesting and poaching threaten oyster populations, disrupting ecological benefits as well as impacting local communities. The current legal and regulatory frameworks deter poachers and educate fisherman—both aspects needed to protect the Chesapeake Bay and its aquatic inhabitants.

HB893's changes to administrative penalties would undermine these efforts. Currently, Maryland stands alongside other states in enforcing penalties against individuals who violate fishing laws aimed at safeguarding these vital oyster sanctuaries. Notably, Virginia imposes significantly harsher penalties than Maryland by requiring mandatory license revocations for serious infractions and issuing multi-year bans for repeat offenders. Maryland's current framework allows for the Maryland Department of Natural Resources (DNR) to use their discretion in whether or not to even seek a penalty. If they choose so, trial proceedings ensure due process like any other judicial hearing. Each party has the opportunity plead their case and DNR must prove the oysterman *knowingly* violated the law. Without a strong system to deter those who otherwise would poach oysters, our at-risk oyster population will be further depleted.

#### **Current Process and Fairness:**

Education of waterman is important in the regulatory scheme to ensure everyone has the tools needed to responsibly fish. Maryland is obligated to provide each licensed individual with a rule book that includes detailed maps outlining designated open and closed fishing areas, as well as established sanctuaries. Each licensed fisherman is required to sign this rulebook, thereby acknowledging both the receipt of the document and their understanding of Maryland's fishing regulations. This signed rulebook serves as an affidavit, affirming the fisherman's commitment to sustainable fishing practices and understanding of the penalties associated with noncompliance. It serves as an essential tool for the State in its case against violators, as it shows the fisherman had knowledge of the regulations and, consequently, should have been aware of any violations.

Maryland's existing administrative process is both effective and fair in addressing violations. 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. The system allows DNR discretion to

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consider mitigating factors when deciding whether to further bring an enforcement proceeding. If DNR finds the violation was egregious enough under §4-1210 to consider revoking their license, DNR has 90 days to provide notice to the poacher of a hearing with an administrative law judge. This time frame allows both due process and adequate investigation time for both parties.

These hearings provide an opportunity for both the state and the defendant to present evidence, examine witnesses—including expert witnesses—and engage in cross-examination. The process adheres to the strict rules of evidence, ensuring that all evidence presented is both relevant and probative. Additionally, the state bears the burden of proof of showing the accused *knowingly* violated the law. Further, the state must prove the accused's guilt by a preponderance of the evidence. The administrative process under §4-1210 mirrors legal proceedings.

### **Conclusion:**

Maryland's current procedures for equipping fishermen with the necessary tools and resources, including comprehensive maps within the rulebook, effectively provide them with the means to avoid violations. Furthermore, the DNR website clearly outlines the administrative hearing process. Maryland's existing administrative framework fairly balances support for sustainable oystermen while also safeguarding the state's vulnerable oyster population.

The University of Maryland Francis King Cary School of Law Environment Clinic strongly **opposes** HB893 as it challenges the integrity of Maryland's equitable and operational system for Administrative Penalties. For these reasons, we request an unfavorable report on House Bill 893.

*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.*

**Oral Testimony in Opposition to House Bill 893**

*Tidal Fish Licenses - Oyster Authorizations - Administrative Penalties  
Before the Environment and Transportation Committee: February 14, 2025*

Thank you, Mr. Chairman, Vice Chairwoman and members of the committee for granting us the opportunity to provide testimony in opposition of HB893 which would change administrative penalties for violations of Maryland's fisheries laws.

*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.*

Maryland's current enforcement framework is both *fair* and *effective* in deterring poaching while protecting due process rights. But before I get to the administrative process, I want to highlight that Maryland goes to *great* lengths to educate fishermen about where, when, and how they can responsibly harvest oysters and other aquatic life. Each year, DNR provides fisherman with an updated rulebook, including comprehensive maps, to ensure they are fully informed of regulations and boundaries. Upon receiving these materials, the fisherman must sign an affidavit acknowledging they understand these laws. From the beginning, Maryland gives fisherman with tools for success—they are not left unequipped.

Maryland has been committed to protecting and promoting its natural resources, especially its oyster populations, which are at a *historical low*. Maryland is *not* an outlier in enforcing its fisheries laws. Maryland is in line with other Chesapeake Bay states, and notably, Virginia's penalties for poachers are harsher, requiring mandatory license revocations for serious infractions and issuing multi-year bans for repeat offenders.

Maryland's framework is also *fair* 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 can argue their case in district court. Separately, DNR also has discretion when deciding whether to seek further penalties, ensuring that enforcement is measured and appropriate to the severity of the violation. If DNR finds the violation egregious enough to revoke their license, the poacher must be notified within 90 days that they must go before an administrative judge.

These hearings mirror judicial proceedings with due process safeguards that ensure equity for *both* parties. And importantly, before any penalty is imposed, the Department must *prove* that a violation was committed *knowingly*, so that honest mistakes are not unfairly punished. The enforcement process itself is protective of due process and fully compliant with the Administrative Procedure Act, providing a fair and transparent system just like any other administrative proceeding.

Maryland has built an enforcement system that effectively deters poaching while remaining fair. Watermen are given the resources to comply with the law, enforcement is not arbitrary, and due process protections are firmly in place. Changing this system would not strengthen fisheries management—it would weaken it.

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For these reasons and those stated by others on this panel, the University of Maryland Environmental Law Clinic **opposes** HB893 and requests an unfavorable report.

# **HB 893 - Concerned Citizens - UNF.pdf**

Uploaded by: Matt Stegman

Position: UNF



Testimony before the  
House Environment and Transportation Committee  
February 19, 2025

**House Bill 893**  
**Tidal Fish Licenses – Oyster Authorizations – Administrative Penalties**  
**Position: OPPOSE**

Dear Chairman Korman, Vice Chair Boyce, and Members of the Committee:

We, the undersigned organizations and individuals, respectfully request an **unfavorable** report from House Environment and Transportation Committee on House Bill 893. This bill would remove the Department of Natural Resources' (DNR) authority to revoke authorizations to harvest oysters, significantly weakening penalties and deterrents for oyster poaching. Further the bill would allow existing revocations to be retroactively reinstated, allowing those with a revoked authorization to bypass those currently on the waiting list.

The Chesapeake Bay oyster population remains at around two percent of historic levels, and oyster poaching is a significant impediment to oyster recovery. Administrative penalties are reserved for the most egregious set of violations, which includes poaching from an oyster sanctuary, poaching from an oyster aquaculture lease, and poaching from areas closed due to sanitation issues, among others. These violations threaten the long-term sustainability of the oyster population, private investment in oyster recovery and public health and safety. The existing statute reflects the seriousness of these specific actions and is intended to serve as a strong deterrent to these illegal activities.

Even if an individual's oyster authorization is revoked, they can continue to participate 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 fishing.

Removing the ability to revoke a license for the most serious oyster poaching offenses is an undermining of the Department's authority and limits the ability to remove 'bad actors' from the oyster fishery. These 'bad actors' not only damage the resource but undercut honest watermen who adhere to the regulations. Limiting a suspension to not more than 2 years for a first offense significantly weakens the deterrent effect of administrative action as the penalty could be as little as a month, rendering a suspension little more than the cost of doing business. The bill also requires reinstatement of an authorization at the termination of suspension regardless of any other violations that may have occurred. Many of those currently revoked have committed additional offenses while revoked, and this bill would allow them to be reinstated rather than making that license available for those who have been on the waitlist for years.

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. Knowing 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 DNR's thoughtful and limited implementation of their current authority.

We urge the Committee to provide an **unfavorable** report on House Bill 893 and thank you for your consideration.

Sincerely,

Elle Basset  
South, West, and Rhode Riverkeeper  
Arundel Rivers Federation

Alice Volpitta  
Baltimore Harbor Waterkeeper  
Blue Water Baltimore

Mark Southerland, PhD  
Vernal Pools Partners

Liz Curtz  
Friends of St. Clements Bay

Kevin Sullivan  
Annapolis, MD

Deanna Bauerlein  
Bowie, MD

Michael Brown  
Silver Spring, MD

David Mosher  
Gaithersburg, MD

Cheryl Duvall  
Annapolis, MD

Georganne Pinkard  
Baltimore, MD

Maddie Beller  
Baltimore, MD

David Hutton  
Catonsville, MD

Kenneth Lewis  
Cockeysville, MD

Benjamin Ford  
Miles-Wye Riverkeeper  
ShoreRivers

Robin Broder  
Waterkeepers Chesapeake

Emma Green Ewing  
St. Mary's River Watershed Association

Julia Lawrence  
Columbia, MD

William Bua  
Laurel, MD

Worral R. ("Nick") Carter III  
Greensboro, MD

Craig Carlson  
Chevy Chase, MD

Lani Hummel  
Annapolis, MD

Judi Guralnick  
Baltimore, MD

James Mcvey  
Arnold, MD

Martín Herdoiza  
Baltimore, MD

Laura Schmidt  
Baltimore, MD

John Keitt Hane IV  
Baltimore, MD

Eleanor Cook  
Baltimore, MD

Emilia Meyer  
Baltimore, MD

Kevin Sullivan  
St. Michael's, MD

Daniel Johannes  
Bowie, MD

Milo Abrams  
Chevy Chase, MD  
Churchville, MD

Cheryl Duvall  
Annapolis, MD

Annie Mesaros  
Baltimore, MD

Martha Garcia Mowbray

Larry Jennings  
Cape St. Claire, MD

Ronald Hartman  
Elkton, MD

Kulie Kurland  
Takoma Park, MD

# **HB 893 - Oyster Gardeners - UNF.pdf**

Uploaded by: Matt Stegman

Position: UNF

February 19, 2025

House Environment & Transportation Committee  
250 Taylor House Office Bldg.  
Maryland House of Delegates  
Annapolis, Maryland 21401

**RE: House Bill 893 – Tidal Fish Licenses – Oyster Authorizations – Administrative Penalties**

Position: **OPPOSE**

Dear Chairman Korman and Members of the Committee:

Thank you for the opportunity to provide testimony on House Bill 893. We, the undersigned, represent the thousands of oyster gardeners participating in community-based restoration of the Bay's oyster resource each year.

The Chesapeake Bay Foundation's Maryland Oyster Gardening Program and the Department of Natural Resources' (DNR) Marylanders Grow Oysters Program were established to empower local citizens who wanted to make a difference in recovering the Bay's oyster populations. Each year, oyster gardeners receive several thousand oyster spat to grow out in cages hanging from their docks or on their property. Oyster gardeners tend these cages carefully during the growing season, cleaning off excess algae, removing sediment and ensuring the oysters are growing well. This close care and dedication pays off at the end of the season when these oysters are collected and placed in oyster sanctuaries throughout the Bay.

Through these innovative programs, oyster gardeners have planted more than 20 million oysters on sanctuary bars throughout Maryland waters. Because these oysters are grown for a year in a protected environment, they are of larger size when placed on sanctuary reefs. This affords them higher survival, greater reproductive capacity, and higher filtration rates than smaller oysters.

Oysters are the Bay's most prodigious filters and an important keystone in the ecosystem. They provide habitat to other fish and shellfish species, they clean our water, and they reduce nutrient pollution. That is why we dedicate countless hours to the care and husbandry of our oyster 'gardens.'

HB 893 would remove a key protection for oyster sanctuaries by removing DNR's ability to revoke an oyster authorization for those caught poaching oysters from oyster sanctuaries. Oyster sanctuaries throughout Maryland have received annual plantings by oyster gardeners which could be under threat if this important deterrent to oyster poaching is removed. While smaller in scale than state-supported restoration projects, we believe our significant investments of time and effort deserve protection from harvest. Protecting these sanctuaries from poaching will allow the oysters to grow, reproduce, and create self-sustaining populations that are so critical to the oyster's recovery.

We urge the Committee to protect the investments of the hundreds of Maryland citizens contributing to oyster restoration annually, and we respectfully request an unfavorable report on House Bill 893.

Sincerely,

Rebecca Cluster  
North Beach, MD  
Herring Bay

Jason Goodman  
Pasadena, MD  
Black Hole Creek

Cindy Kim  
Lusby, MD  
Patuxent River

Julie Kurland  
Takoma Park, MD

Donna Williams  
Rockville, MD

Don Adams  
Reisterstown, MD  
Carroll County Public Schools

Jill King  
Annapolis, MD  
Podickory Creek

Ruthellen Sheldon  
Annapolis, MD  
Chesapeake Bay

Tara Smith  
Garrett Park, MD  
West River

Ryan Johnson  
Annapolis, MD  
Weems Creek

Helene Fox  
Annapolis, MD  
Weems Creek

Michael Lungociu  
Annapolis, MD  
Blackwalnut Creek

Andrew Moe  
Annapolis, MD  
Severn River

Nicole Love  
Shady Side, MD  
West River

Taylor Janish  
Essex, MD  
Back River

Harold Collinson  
Leonardtown, MD  
Breton Bay

Howard Dent  
Newburg, MD  
Cuckold Creek

Patricia Mansfield  
Brookeville, MD

Mark Streger  
Annapolis, MD  
Duvall Creek

Madelyn Knowles  
Annapolis, MD  
Blackwalnut Creek

Megan Deppe  
Davidsonville, MD

William Wirth  
Easton, MD  
Miles River

Andrea Youngk  
Cape St. Claire, MD  
Magothy River

Susan Benac  
Crownsville, MD  
Severn River

Kimberly Price  
Crownsville, MD  
Severn River

Dave Hassett  
Chester, MD

Hiram Larew  
Churchton, MD  
Broadwater Creek

Jeff DeHart  
Ocean Pines, MD  
St. Martins River

Jacqueline Agnew  
Crownsville, MD  
Severn River

Danielle Barlow  
Stevensville, MD  
Eastern Bay

**HB0893\_DNR\_LOI\_ENT\_2-19-25.pdf**

Uploaded by: Emily Wilson

Position: INFO



Wes Moore, Governor  
Aruna Miller, Lt. Governor  
Josh Kurtz, Secretary  
David Goshorn, Deputy Secretary

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February 19, 2025

**BILL NUMBER: HOUSE BILL 893 – First Reader**

**SHORT TITLE: Tidal Fish Licenses - Oyster Authorizations - Administrative Penalties**

**DEPARTMENT’S POSITION: INFORMATIONAL**

**EXPLANATION OF DEPARTMENT’S POSITION**

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Currently, the Department revokes licenses and authorizations under the definition of revocation as described in COMAR 08.02.13.01. “Revocation” means the act of the Department permanently rescinding a fishing license, authorization, or entitlement and thereby permanently prohibiting a person from engaging in a fishing activity or activities under any circumstances. The Department defines “Suspension” as the act of the Department temporarily rescinding a fishing license, authorization, or entitlement and thereby temporarily prohibiting a person from engaging in a fishing activity or activities under any circumstances.

Under its current authority enumerated in Natural Resources Article, §4-1210, Annotated Code of Maryland, when a citation is issued for one of the enumerated offenses the Department assesses the circumstances and makes a decision whether to move forward with pursuing a revocation action against the individual or not. If the Department initiates a revocation action against the individual, the Department must prove its case in a civil proceeding in front of the Office of Administrative Hearings. If the Department is successful, the individual is permanently revoked from the commercial oyster fishery, subject to appeals to the Circuit Court and beyond. The outcome of the criminal case in the District Court has no bearing on the case in front of the Office of Administrative Hearings because they have different evidentiary standards, one being a criminal matter (District Court) and one being a civil administrative matter (Office of Administrative Hearings). If the Department chooses to not initiate a revocation action against the individual, and the individual is convicted in District Court (subject to appeals, etc.), the Department may elect to initiate an administrative action in accordance with COMAR 08.02.13.02 and .03, which were promulgated under the authority of Natural Resources Article, §4-701, Annotated Code of Maryland. If the individual receives any disposition other than guilty or nolo contendere, the Department is not able to take any administrative action against the individual.

This bill would remove the Department’s ability to revoke an individual based on the enumerated offenses and instead replace that authority with the ability to suspend an individual for either two or 10 years, depending on whether the individual had previously been adjudicated as having committed a knowing violation under Natural Resources Article, §4-1210, Annotated Code of Maryland. The Department believes that the suspensions provided for in this bill still present a meaningful deterrent effect on potential offenders while providing an avenue for individuals to return to the fishery in the hope that they have been rehabilitated. The decade-long suspension for second or subsequent offenses,

Contact: Emily Wilson, Director, Legislative and Constituent Services (Acting)  
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while not as permanent as a revocation, would effectively remove bad actors for a significant amount of time. Additionally, violators who are convicted in criminal court of committing egregious offenses may still be revoked under the points system established in COMAR and are not eligible for reinstatement under the terms of this bill.

#### **BACKGROUND INFORMATION**

There have been a number of recent bills similar to this one. House Bill 725 in 2023, House Bill 1310 in 2022, Senate Bill 637 in 2021, House Bill 856 in 2020, and House Bill 1153 in 2019 are a few of the past bills related to removing the revocation under Natural Resources Article, Section 4-1210.

Additionally, the Department engaged in an iterative process over the interim to address the concerns that we heard that legislative session.

#### **BILL EXPLANATION**

HB 893 removes the Department's ability to revoke an individual for certain offenses on issuance of a citation and replaces it with a tiered suspension based on an individual's past offenses. The bill also requires the Department to reinstitute the authorization of individuals who had previously been revoked so long as the duration of the revocation has been at least equivalent to the period of suspension that would be instituted under the new structure.