

JACK BAILEY
Legislative District 29
Calvert and St. Mary's Counties

Budget & Taxation Committee



THE SENATE OF MARYLAND
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Senate Bill 166 - Shellfish Aquaculture – Penalties – Suspension or Revocation of Permit or Registration Card

Dear Chair Feldman and Members of the Committee,

I am writing to introduce Senate Bill 166. This bill would create an administrative process to suspend or revoke the licenses of individuals participating in shellfish aquaculture if they commit egregious violations of State law.

Senate Bill 166 authorizes the Department of Natural Resources (DNR) to suspend a Shellfish Aquaculture Harvester Permit or a Shellfish Aquaculture Harvester Registration Card for five years for a first offense and revoke a permit or registration card for a second offense. The offenses that this process would apply to are identical to the offenses for holders of an oyster authorization with one difference. An oyster authorization can be suspended for taking oysters during closed seasons; since aquaculture does not have closed seasons, that is not included in this bill. In its place, the bill would allow an aquaculture permit or registration card to be suspended or revoked if the holder takes oysters for commercial purposes from a natural oyster bar or the public shellfish fishery area without a valid authorization. The administrative procedure is otherwise unchanged from the existing procedure for tidal fish licensees.

Both the holder of a tidal fish license with an oyster authorization and an aquaculture permit holder are licensed by DNR to harvest and sell oysters. However, currently a tidal fish licensee is subject to administrative penalties that can result in the suspension or revocation of their authorization for violating State law protecting the public oyster fishery, such as catching oysters in a sanctuary, while a person licensed to engage in aquaculture activities is not. This bill is intended to treat both license holders equally under the law.

The provisions of this bill are modeled after the existing statute for tidal fish licensees who hold an oyster authorization as this statute was amended by House Bill 893, which became law last year. As I heard from the watermen who were affected and concerned by the penalties that could be administered under that procedure as it existed prior to last year, one concern I heard come up often was that these watermen were being held to a standard that did not apply to others who committed similar offenses, particularly those who engaged in aquaculture. Last year's legislation created a much fairer penalty for administrative violations by watermen who hold oyster authorizations, and now that this process has been improved, I believe it is appropriate to apply it to all who are engaged in commercial activities related to oysters in Maryland's waterways.

I respectfully request a favorable report on Senate Bill 166. Thank you for your consideration.

Sincerely,

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

Senator Jack Bailey