



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
Jeannie Haddaway-Riccio, Secretary

October 22, 2020

The Honorable Paul Pinsky
Chair, Senate Education, Health and Environmental Affairs Committee
2W Miller Senate Office Building
Annapolis, Maryland 21401-1991

The Honorable Kumar Barve
Chair, Environment and Transportation Committee
Room 251 House Office Building
Annapolis, Maryland 21401-1991

Re: Submission of Oyster Poaching –Administrative Penalties Report
Agency: Maryland Department of Natural Resources
Report Authority: § 4-1210(e) of the Natural Resources Article (MSAR #11681)

Dear Chairmen:

In accordance with, § 4-1210(e) of the Natural Resources Article, please accept the Oyster Poaching – Administrative Penalties report as required by the legislation passed in 2018 Maryland General Assembly, HB 1172, Chapter 520.

Additional hard copies have been filed with the Legislative Library, but we are happy to provide committee members with hardcopies upon request. Should you have any questions or comments regarding this report, please feel free to contact James W. McKittrick, Director, Legislative and Constituent Services at jamesw.mckittrick@maryland.gov or 443-510-5013.

Sincerely,

Jeannie Haddaway-Riccio
Secretary

Enclosure

cc: Sarah Albert, Department of Legislative Services (5 copies)
James W. McKittrick

LEGISLATIVE REPORT

Pursuant to the language set forth in HB 1172, Chapter 520 of 2018 (MSAR# 11681) (Oyster Poaching – Administrative Penalties).

BACKGROUND

Chapter 520 of 2018 modifies the department's authority to revoke commercial oyster authorizations pursuant to certain violations of the Natural Resources Article.

Under Natural Resources Article, §4-1210, Annotated Code of Maryland, the department may initiate an action to revoke a commercial oyster authorization of a commercially licensed individual if they receive a citation for 1) taking oysters located more than 200 feet within a closed or prohibited area, 2) taking oysters with gear that is prohibited in that area, 3) taking oysters outside of a time restriction for the harvest of oysters by more than 1 hour, 4) taking oysters during closed seasons, or 5) taking oysters from a leased area by a person other than the leaseholder or the leaseholder's designee. If the presiding officer of the hearing finds that the offense was committed knowingly, the department shall revoke the individual's authorization to catch oysters.

HB 1172 required that the department submit to the Senate Education, Health, and Environmental Affairs Committee and the House Environment and Transportation Committee a report on the number of citations issued during the previous year for the enumerated offenses and the action taken or the penalty imposed by the department for each offense.

NUMBER OF CITATIONS ISSUED FOR ENUMERATED OFFENSES (Jan. 2018 - Dec. 2018)

Taking oysters located more than 200 feet within a closed or prohibited area	6
Taking oysters with gear that is prohibited in that area	7
Taking oysters outside of a time restriction for the harvest of oysters by more than 1 hour	11
Taking oysters during closed seasons	1
Taking oysters from a leased area by a person other than the leaseholder or the leaseholder's designee	0

ACTION TAKEN/PENALTY IMPOSED BY THE DEPARTMENT FOR EACH OFFENSE

0Y66246929	Case still active
1Y66246930	Case still active
2Y66246931	Case still active
1Y66218552	No action taken
0Y66176775	Revoked oyster authorization
6Y66211326	Revoked oyster authorization
2Y66235801	Case still active
3Y66235802	Case still active
4Y66235803	Case still active
5Y66235804	Case still active
1Y66224327	Revoked oyster authorization
1Y66231551	Revoked oyster authorization
1Y66211328	Prosecuted with 1Y66231551 – Revoked oyster authorization
5Y66245121	No action taken
5Y66245163	No action taken

5Y66258813	Recreational violation – Suspended 180 days
4Y66258812	Recreational violation – Failed to appear – Case still active
1Y66258809	Case no longer existent in court records – No action taken
0Y66258808	Not commercially licensed – Not convicted – No action taken
2Y66258810	Recreational violation – Suspended 180 days
3Y66258811	Not commercially licensed – Not convicted – No action taken
1Y66228408	Recreational violation – Failed to appear – Case still active
6Y66227132	Recreational violation – Convicted – Administrative case is active
2Y66227184	Recreational violation – Convicted – Administrative case is active
1Y66245166	Recreational violation – Not convicted – No action taken