

(3) "Tong" does not include a patent tong.

[(s)] (U) "Tong boat" means any boat on or from which tongs or patent tongs are used in catching oysters.

4-1009.

(a) During the closed season for taking oysters, a person may take seed oysters from the natural bars of the State marked by the Department for a period not exceeding one month in any one year, at times designated by the Department. The seed oysters shall be taken only in accordance with rules and regulations the Department prescribes, sold only to lessees of private oyster grounds, delivered only on leased oyster bottoms and subject to the provisions of § 4-1103(e) of this article.

(b) The Secretary may establish by rule or regulation daily catch limits on the quantities of oysters which may be caught from the natural oyster bars of the State, and may amend the daily catch limits to conserve the public oyster resource. Notice of the establishment or amendment of these catch limits, INCLUDING ALL APPLICABLE REASONS FOR THE DEPARTMENT'S ACTION, shall be given BEFORE PUBLICATION, TO THE JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW AND by publication of THE notice in at least one newspaper [in each county] OF GENERAL CIRCULATION IN THE STATE, IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN EACH COUNTY IN WHICH THE AFFECTED WATERS ARE LOCATED, AND ON THE WEBSITE OF THE DEPARTMENT not less than one week prior to the effective date.

(c) A person may not land, sell, or attempt to land or sell on any day oysters from the waters of the State exceeding the daily catch limit established by the Secretary by more than 10 percent. However, in emergencies, the Department may authorize unloading up to two daily catch limits in 1 day. A licensed oyster buyer or dealer may sell or attempt to sell oysters which he shows were purchased from another catcher.

(d) All oysters landed or offered for sale on any day by any person licensed to catch oysters which are in excess of the daily catch limit shall become the property of the State, and payment shall be made directly to the State by the buyer or receiver of the oysters at the same price paid the catcher for the balance of his catch. All funds received under this subsection shall be deposited to the credit of the Fisheries Research and Development Fund and shall be used for repletion of the natural oyster bars of the State.

4-1009.1.

(A) THE DEPARTMENT MAY ADOPT REGULATIONS WHICH DESIGNATE AN AREA AS A HARVEST RESERVE AREA FOR OYSTERS.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, BY PUBLISHING PUBLIC NOTICE, THE DEPARTMENT MAY ESTABLISH FOR A HARVEST RESERVE AREA:

(1) THE OPENING OR CLOSURE OF AN AREA FOR THE HARVESTING OR CONSERVATION OF OYSTERS;