

VETOES

(1) FOR A FIRST VIOLATION, A FINE NOT EXCEEDING \$1,500 PER FISH;

(2) FOR A SECOND VIOLATION, WITHIN A 2 YEAR PERIOD, A FINE NOT EXCEEDING \$2,500 PER FISH, ~~OR IMPRISONMENT NOT EXCEEDING 30 DAYS OR BOTH~~ AND REVOCATION OF THE FISHING LICENSE FOR A PERIOD NOT LESS THAN 1 YEAR BUT NOT MORE THAN 2 YEARS; AND

(3) FOR A THIRD VIOLATION WITHIN A 4 YEAR PERIOD, A FINE NOT EXCEEDING \$2,500 PER FISH, ~~OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH~~ AND REVOCATION OF THE FISHING LICENSE FOR A PERIOD NOT LESS THAN 2 YEARS BUT NOT MORE THAN 5 YEARS.

[(d)] (E) A common carrier transporting fish who is not the buyer, seller, or catcher of the fish or is not controlled by the buyer, seller, or catcher of the fish is not subject to any penalty under this section for transporting fish which is either unlawfully caught or of unlawful size provided that the operator of the common carrier has in his possession a valid bill of lading, stating the origin, shipper, destination and receiver of the fish and the common carrier does not know or have reason to know that the fish were unlawfully caught or of unlawful size.

[(e)] (F) Any person who violates any provision of § 4-1014 of this subtitle by using a power dredge to catch oysters outside of the waters of this State that lie contiguous to Somerset County, as described in § 4-1014(a) of this subtitle, is guilty of a misdemeanor and on conviction is subject to:

(1) For a first offense, a fine not exceeding \$250; and

(2) For any subsequent offense, a fine not exceeding \$500 and revocation of the person's power dredging license for the remainder of the power dredging season.

4-1205.

A Natural Resources Police Officer or any law enforcement officer, upon arresting any person for violating any provision of this title or any rule or regulation promulgated pursuant to it, [may] ~~WILL~~ SHALL seize every fish unlawfully caught, sold, offered for sale, transported, or possessed. The Department may dispose of the seized fish at its discretion.

4-1206.

(a) A Natural Resources Police Officer or any law enforcement officer, upon arresting any person for violating any provision of this title or any rule or regulation promulgated pursuant to it, ~~will immediately~~ [may] SHALL IMMEDIATELY seize every device, equipment, conveyance, or property unlawfully used. If the owner or person in charge of the seized device, equipment, conveyance, or property is convicted, the court may declare the device, equipment, conveyance, or property forfeited in addition to any other penalty provided in this title. Any forfeiture becomes the property of the Department for disposition at its discretion. If the owner is not known, the court may proceed ex parte to hear and determine any question of forfeiture. If the owner or