

to amend the oyster cull law to exempt from its requirements of return to the waters of oysters under three inches in size attached to marketable oysters, those oysters of less than one inch which are attached to the shells of marketable oysters and are incapable of removal without destruction, and to exclude marketable oysters with less than one inch spat attached from the 5% of under size oysters allowed to be in the possession of any person, and to correct an error therein.

SECTION 1. *Be it enacted by the General Assembly of Maryland, That Sections 699(a) and (b) of Article 66C of the Annotated Code of Maryland (1957 Edition), title "Natural Resources," subtitle "Oysters and Clams," be and they are hereby repealed and re-enacted, with amendments, to read as follows:*

699.

(a) Merchantable and unmerchantable oysters taken from any of the waters of this State, either with scoops, dredges or any similar instruments, or tongs or rakes, shall be culled upon their natural bed or bar whence taken, and all shells shall be returned to the bed or bar from which they were taken, and all oysters whose shells measure less than three inches in length, measuring from hinge to mouth, whether attached to a marketable oyster or not, shall be included in said culling and replaced upon said bed or bar as taken; and when oysters measuring less than three inches are adhering so closely to the shell of a marketable oyster as to render removal impossible without destroying the small oysters, then such oysters, including the marketable oyster or oysters shall be returned to the bed or bar from which they were taken, *except that marketable oysters may be retained if said small oyster or oysters adhering to the marketable oysters are less than one inch in length from hinge to mouth and cannot be removed without destroying the small oysters*; and the culling of oysters taken as aforesaid required by this section shall be actually made and completed before such oysters are thrown or deposited in the hold or bottom of any boat.

(b) It shall be unlawful for any person to have oysters in his possession which contain more than five per cent (5%) of shells and oysters less than three inches from hinge to mouth (whether adhering to marketable oysters or not), which for the purpose of this subtitle are declared to be unmerchantable oysters, *except that those marketable oysters having small oysters less than one inch in length from hinge to mouth adhering to them which cannot be removed without destroying the small oyster, shall not be counted in the five per cent (5%)*. IT IS THE INTENTION OF THE GENERAL ASSEMBLY THAT SHELLS OF OYSTERS TO WHICH SMALL OYSTERS LESS THAN ONE INCH IN LENGTH ARE SO CLOSELY ATTACHED THAT THEY CANNOT BE REMOVED WITHOUT DESTROYING THE SMALL OYSTER SHALL BE RETURNED TO THE TIDAL WATERS OF THIS STATE AFTER SHUCKING, TO THE GREATEST EXTENT PRACTICABLE AND WITH THE LEAST PRACTICABLE DELAY, AND THE DEPARTMENT OF CHESAPEAKE BAY AFFAIRS IS CHARGED WITH THE DUTY OF CARRYING OUT THE INTENT OF THE GENERAL ASSEMBLY. In ascertaining such percentage the officers or employees of the Department of [Tidewater Fisheries] Chesapeake