

one hundred dollars (\$100), or confined in jail not less than thirty days nor more than six months, either or both, or if a tonger, shall be fined not less than fifty dollars (\$50) or confined in jail not less than fifteen days nor more than three months, either or both. In addition to such fines or imprisonment, any cargo, hold, bin, or lot of oysters found unculled, or culled in violation of this section, shall be confiscated and returned to some natural rock, bed or shoal of the Potomac River under the supervision of the officer making the arrest. Any boat containing unculled oysters or oysters culled in violation of this section shall be held as security for the payment of any fine. In case there is an appeal or a waiver of trial [before a magistrate or justice of the peace], the cargo, hold, bin, or lot of oysters shall be held in the custody of the officer making the arrest until the captain of the boat or the vendor or packer of oysters shall have reculled said oysters; and the officer under whose supervision the reculling is done, shall give the offender a certificate showing the number of bushels of such unmarketable oysters and shells culled out and returned to the natural rocks, beds, or shoals of the Potomac River; and the costs of reculling and other expenses incident thereto shall be borne by the offender.

#### § 716. Fisheries Research and Development Fund.

All moneys received by the Comptroller of the treasury, under the provisions of this subtitle, from license fees, taxes, fines, penalties, and forfeitures, imposed by any circuit court or the Criminal Court of Baltimore City, and all royalties paid to the State for oyster shells and clam shells removed from bottoms beneath the tidal waters of Maryland or any other source, shall be credited by said Comptroller to the Fisheries Research and Development Fund. *All other fines shall be paid in accordance with Article 26 § 155.* The Fisheries Research and Development Fund shall be administered by the Department of Chesapeake Bay Affairs and used for repletion of fisheries resources, marketing of fisheries products, and related research. The Fisheries Research and Development Fund may be used to match federal funds that may be or become available for research and development of fisheries resources.

#### § 717. Penalties.

(a) General provisions.—(1) Whenever the word “court” or “courts” is used in this section it shall mean and include any circuit court of the tidewater counties, the Criminal Court of Baltimore [City], any [trial magistrate of the said counties or city, or any justice of the peace] *District Court* having criminal jurisdiction in any of the said tidewater counties, provided such court[, trial magistrate or justice of the peace] has jurisdiction over the alleged violator.

If the said violation occurred in any waters adjacent to and contiguous with any tidewater county, the courts having jurisdiction in the county where the violation occurred shall have jurisdiction thereof.

When the word “person” is used in this section it shall have the meaning defined in subsection (m) of § 696 of this subtitle.

[In all criminal proceedings arising from the violation of any of the provisions of this subtitle the defendant shall have the right of