

DISCRETION OF THE COURT.

REVISOR'S NOTE: This section presently appears as Article 66C, section 263(d) of the Code, as amended by Chapter 469, S.B. 1045, Acts of 1973. It is placed in this subtitle because the provisions refer to waters of the State whether tidal or nontidal. The other subsections of section 263 refer to tidal waters and therefore appear in subtitle 7 of this title.

The penalty provision is retained because it is distinct from the uniform penalty section of the title to the extent that the possible fine and incarceration are greater. The only other changes made are in style.

4-510. USE OF SPEARGUN PROHIBITED.

A PERSON MAY ~~[[ONLY]]~~ FISH WITH A SPEARGUN AND SPEAR IN THE WATERS OF THE STATE ONLY UNDER THE RULES AND REGULATIONS, AND CONTROL OF THE DEPARTMENT. A SPEARGUN AS USED IN THIS SECTION MEANS ANY TYPE OF DEVICE USED FOR PROPELLING A SPEAR UNDERWATER BY ANY MEANS OTHER THAN MANUAL IN ORDER TO CATCH FISH.

REVISOR'S NOTE: This section presently appears as Article 66C, section 319B of the Code. It is set forth here for organizational purposes. The word "only" has been added to indicate that spearfishing is lawful if pursuant to control of the department. The specific reference to means of propelling a spear is proposed for deletion and substituted by broader language to cover new methods developed such as use of a CO2 cartridge.

Present subsection (b) is proposed for deletion in light of the uniform penalty provision of this title. Present subsection (c) also is proposed for deletion as redundant. The addition of the word "only" in the revised section means that any other use of a speargun is illegal.

The only other changes made are in style.