

POUNDS OF STRIPED BASS ON ANY DAY FOR ANY PURPOSE OTHER THAN SALE.

(E) PURCHASE OF STRIPED BASS. - A PERSON MAY NOT KNOWINGLY BUY ANY STRIPED BASS CAUGHT FROM THE STATE WATERS OF THE CHESAPEAKE BAY AND ITS TRIBUTARIES FROM ANY PERSON EXCEPT THE LICENSED COMMERCIAL FISHERMAN WHO CAUGHT THE FISH, OR A WHOLESALER OR RETAILER OF FISH.

(C) SELLERS REQUIRED TO MAINTAIN RECORDS. - ANY PERSON WHO BUYS STRIPED BASS CAUGHT FROM STATE WATERS OF THE CHESAPEAKE BAY AND ITS TRIBUTARIES FOR THE PURPOSE OF RESALE SHALL MAINTAIN RECORDS SHOWING EVERY PURCHASE MADE DURING THE PRECEDING 90 DAY PERIOD, THE DATE AND PLACE OF EACH PURCHASE, THE QUANTITY PURCHASED, AND THE NAME OF THE PERSON FROM WHOM THE FISH WERE PURCHASED.

(D) PENALTY FOR VIOLATION OF SECTION. - ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND UPON CONVICTION IS SUBJECT TO A FINE OF AT LEAST \$100 AND NOT EXCEEDING \$1,000, OR IMPRISONMENT FOR AT LEAST THREE MONTHS AND NOT EXCEEDING SIX MONTHS, OR BOTH, WITH COSTS IMPOSED IN THE DISCRETION OF THE COURT.

REVISOR'S NOTE: This section presently appears as Article 66C, section 263A of the Code. In subsection (a) the phrase "one of the following" was included to clarify that the seller or transporter must meet only one of the requirements. Also, the scientific name for rockfish is proposed for deletion here and in subsequent subsections in light of the fact that the scientific names of fish change occasionally, according to the Fisheries Administration.

In subsection (d), the Legislative Council added new language to make this a malum in se crime rather than a malum prohibitum crime under the present statute. The average citizen has difficulty insuring that no fish he purchases was taken from the state waters of the Chesapeake Bay or that its seller is either a licensed commercial fisherman or a wholesaler or retailer. The penalty provision of subsection (d) is retained because it exceeds the uniform penalty provision of