

IN EXCESS OF LIMIT PROHIBITED; EXCESS OYSTERS BECOME STATE PROPERTY.

(A) CATCHING OYSTERS ON NATURAL OYSTER BARS.—DURING THE CLOSED SEASON FOR TAKING OYSTERS, A PERSON MAY TAKE OYSTERS FROM THE NATURAL BARS OF THE STATE MARKED BY THE DEPARTMENT FOR A PERIOD NOT EXCEEDING ONE MONTH IN ANY YEAR, AT TIMES DESIGNATED BY THE DEPARTMENT. THE OYSTERS SHALL BE TAKEN ONLY IN ACCORDANCE WITH RULES AND REGULATIONS THE DEPARTMENT PRESCRIBES, SOLD ONLY TO LESSEES OF PRIVATE OYSTER GROUNDS, AND DELIVERED ONLY ON LEASED OYSTER BOTTOMS.

(B) SECRETARY MAY REGULATE CATCH LIMITS; NOTICE.—THE SECRETARY MAY REESTABLISH BY RULE OR REGULATION DAILY CATCH LIMITS ON THE QUANTITIES OF OYSTERS WHICH MAY BE CAUGHT FROM THE NATURAL OYSTER BARS OF THE STATE, AND MAY AMEND THE DAILY CATCH LIMITS TO CONSERVE THE PUBLIC OYSTER RESOURCE. NOTICE OF THE ESTABLISHMENT OR AMENDMENT OF THESE CATCH LIMITS SHALL BE GIVEN BY PUBLICATION OF NOTICE IN AT LEAST ONE NEWSPAPER IN EACH COUNTY NOT LESS THAN ONE WEEK PRIOR TO THE EFFECTIVE DATE.

(C) LANDING OR SELLING EXCESS OYSTERS PROHIBITED; EXCEPTION.—A PERSON MAY NOT LAND, SELL, OR ATTEMPT TO LAND OR SELL ON ANY DAY OYSTERS FROM THE WATERS OF THE STATE EXCEEDING THE DAILY CATCH LIMIT ESTABLISHED BY THE SECRETARY BY MORE THAN TEN PERCENT. A LICENSED OYSTER BUYER OR DEALER MAY SELL OR ATTEMPT TO SELL OYSTERS WHICH HE SHOWS WERE PURCHASED FROM ANOTHER CATCHER.

(D) OYSTERS IN EXCESS OF CATCH LIMITS ARE STATE PROPERTY.—ALL OYSTERS LANDED OR OFFERED FOR SALE ON ANY DAY BY ANY PERSON LICENSED TO CATCH OYSTERS WHICH ARE IN EXCESS OF THE DAILY CATCH LIMIT SHALL BECOME THE PROPERTY OF THE STATE, AND PAYMENT SHALL BE MADE DIRECTLY TO THE STATE BY THE BUYER OR RECEIVER OF THE OYSTERS AT THE SAME PRICE PAID THE CATCHER FOR THE BALANCE OF HIS CATCH. ALL FUNDS RECEIVED UNDER THIS SUBSECTION SHALL BE DEPOSITED TO THE CREDIT OF THE FISHERIES RESEARCH AND DEVELOPMENT FUND AND SHALL BE USED FOR REPLETION OF THE NATURAL OYSTER BARS OF THE STATE.

REVISOR'S NOTE: This section presently appears as Article 66C, section 708(x) of the Code. The reference in the present section to Chesapeake Bay is proposed for deletion and "State" substituted therefor because the