

TONGING RESTRICTED.— ALL SUBMERGED LAND OF THE STATE NOT LEASED FOR CULTIVATION OF OYSTERS NOR DESIGNATED AS DREDGING TERRITORY BY THE PROVISIONS OF THIS SUBTITLE SHALL BE RESERVED FOR TONGERS EXCLUSIVELY. THE OWNER, CAPTAIN, MASTER OR ANY CREW MEMBER OF ANY BOAT MAY NOT CATCH OYSTERS BY SCOOP, HANDSCRAPE, OR DREDGE, OR ATTEMPT OR CONSPIRE TO CATCH OYSTERS BY SCOOP, HANDSCRAPE, OR DREDGE, FROM ANY SUBMERGED LAND OF THE STATE RESERVED FOR TONGERS EXCLUSIVELY OR CLOSED BY ANY RULE OR REGULATION, OR ORDER OF THE DEPARTMENT. HOWEVER, THIS SUBSECTION DOES NOT APPLY TO CATCHING SEED OYSTERS UNDER THE SURVEILLANCE AND WITH THE PERMISSION OF THE DEPARTMENT.

(F) SIZE AND NATURE OF DREDGE.—A PERSON MAY NOT CATCH OYSTERS IN THE WATERS OF THE STATE OR POSSESS ANY SCOOP, DREDGE, HANDSCRAPE, OR SIMILAR INSTRUMENT HAVING A TOOTH BAR MORE THAN 42 INCHES IN LENGTH MEASURING FROM THE OUTSIDE TEETH ON DREDGES USED IN DREDGING ON ROCK BOTTOMS OR 44 INCHES IN LENGTH MEASURING FROM THE OUTSIDE TEETH ON DREDGES USED IN DREDGING ON MUD BOTTOMS, OR OF A WEIGHT EXCEEDING 200 POUNDS. THE CAPTAIN OR ANY OTHER PERSON MAY NOT POSSESS OR USE A "DEVIL CATCHER" OR "DEVIL DIVER", OR SIMILAR DEVICE ON ANY DREDGE BOAT TO BE ATTACHED TO THE DREDGE FOR STEERING IT TO THE BOTTOM.

(G) FIREARMS ON DREDGE BOATS.—SUBJECT TO THE LAWS RELATING TO FIREARMS, THE CAPTAIN, MASTER, OR ANY PERSON ON BOARD OR HAVING CONTROL OF ANY DREDGE BOAT, MAY NOT HAVE OR PERMIT TO BE KEPT ON THE DREDGE BOAT MORE THAN TWO SHOT GUNS NOT LARGER THAN A NUMBER TEN GAUGE AND USING SHOT NOT LARGER THAN NUMBER ONE.

REVISOR'S NOTE: Subsection (a) presently appears as Article 66C, section 702(n) of the Code. The reference to the Natural Resources Police Officer is made pursuant to Chapter 348, Acts of 1972, which created the force. Language has been added to indicate that a dredging license must be exhibited to any law enforcement officer, since all law enforcement officers are authorized to enforce State laws on the waters of the State.

Subsection (b) presently appears as Article 66C, section 702(d) of the Code. The penalty provisions of this subsection are proposed for deletion in light of the uniform penalty provisions of this title.