

RESIDENT OF THE STATE FOR AT LEAST ONE YEAR. THE SELLER AND PURCHASER SHALL APPEAR BEFORE THE DEPARTMENT AND MAKE OATH TO EVERY FACT CONTAINED IN THE LICENSE APPLICATION. THE PURCHASER SHALL PAY THE DEPARTMENT A \$5 FEE FOR THE DREDGING LICENSE, AND THE DEPARTMENT SHALL CERTIFY ON THE LICENSE THAT THE FEE IS PAID. UPON COMPLETING THESE PROCEDURES, THE PURCHASER IS ENTITLED TO THE SAME PRIVILEGES TO CATCH OYSTERS AS THE ORIGINAL OWNER HAD BEFORE THE TRANSFER.

REVISOR'S NOTE: This section presently appears as Article 66C, section 702(e) of the Code. The word "unlawful" is an inadvertant error in the present Code. The law as enacted in Chapter 604, Acts of 1947 used the word "lawful". The department does permit such transfer. The only other changes made are in style.

#### 4-1015. OYSTER CULLING.

(A) IN GENERAL. - A PERSON WHO CATCHES OYSTERS FROM THE WATERS OF THE STATE WITH ANY SCOOP, DREDGE, TONG, RAKE, OR ANY SIMILAR INSTRUMENT SHALL CULL THE OYSTERS ON THE NATURAL BAR FROM WHICH THEY WERE CAUGHT, AND RETURN EVERY SHELL TO THE BAR. ANY OYSTER WHOSE SHELL MEASURES LESS THAN THREE INCHES IN LENGTH, FROM HINGE TO MOUTH, WHETHER OR NOT ATTACHED TO A MARKETABLE OYSTER, SHALL BE INCLUDED IN THE CULLING AND REPLACED UPON THE BAR FROM WHICH CAUGHT. IF ANY OYSTER MEASURING LESS THAN THREE INCHES ADHERES SO CLOSELY TO THE SHELL OF A MARKETABLE OYSTER THAT IT RENDERS IMPOSSIBLE ITS REMOVAL WITHOUT DESTROYING THE SMALL OYSTER, THEN BOTH OYSTERS SHALL BE RETURNED TO THE BAR FROM WHICH CAUGHT. HOWEVER, MARKETABLE OYSTERS MAY BE RETAINED IF THE SMALL OYSTER ADHERING TO THE MARKETABLE OYSTER IS LESS THAN ONE INCH IN LENGTH FROM HINGE TO MOUTH AND CANNOT BE REMOVED WITHOUT DESTROYING THE SMALL OYSTER. OYSTER CULLING SHALL BE COMPLETED BEFORE ANY OYSTER IS THROWN OR DEPOSITED IN THE HOLD OR BOTTOM OF ANY BOAT.

(B) POSSESSION AND TRANSPORTATION OF UNCULLED OYSTERS. - A PERSON MAY NOT POSSESS MORE THAN FIVE PERCENT SHELLS OF ANY SIZE AND OYSTERS LESS THAN THREE INCHES FROM HINGE TO MOUTH. IN ASCERTAINING THIS PERCENTAGE THE DEPARTMENT SHALL SELECT AN AMOUNT OF OYSTERS FROM ANY PILE, HOLD, BIN, HOUSE, OR PLACE AS DEEMED PROPER AND REQUIRE IT TO BE CULLED AND DISPOSED OF, AS PROVIDED BY THIS SECTION.