

STAKES, OR MONUMENTS BUT THE TEMPORARY LOSS OR DESTRUCTION OF ANY BUOYS, STAKES, OR MONUMENTS SHALL NOT OPERATE TO PERMIT ANY UNAUTHORIZED PERSON TO TRESPASS ON OR REMOVE, DESTROY, OR DISTURB OYSTERS ON ANY AREAS.

REVISOR'S NOTE: This section presently appears as Article 66C, section 708(p) of the Code. In the last sentence "monuments" has been added to references to "buoys or stakes" to maintain consistency with the preceding provision.

The provision making tampering with buoys, stakes, or monuments a crime is proposed for deletion in light of the uniform penalty provision. The last sentence is also proposed for deletion because its substance is set forth in proposed section 4-1118(b) of this Article. The only other changes made are in style.

4-1114. RIGHTS OF LESSEE; EXCEPTION FOR WICOMICO AND SOMERSET COUNTIES.

(A) NATURE OF LEASE. - THE LESSEE OF ANY LEASED OYSTER BOTTOM SHALL HAVE EXCLUSIVE OWNERSHIP OF AND TITLE TO ALL THE OYSTERS PLANTED BY HIM OR EXISTING ON THE LEASEHOLD. A LANDLORD-TENANT RELATIONSHIP SHALL EXIST BETWEEN THE STATE AND LESSEE AS LONG AS THE LEASE IS EFFECTIVE. BOTH PARTIES SHALL HAVE ALL THE RIGHTS AND PRIVILEGES OF LANDLORD AND TENANT AS DEFINED IN THE LAWS OF MARYLAND, SUBJECT TO THE FOLLOWING CONDITIONS:

(1) LAND LEASED UNDER THIS SUBTITLE SHALL BE USED ONLY FOR THE PURPOSE OF PLANTING AND CULTIVATING OYSTERS;

(2) RESIDENTS OF THE STATE MAY FISH ON ALL LEASED OYSTER BOTTOMS, IF THEY DO NOT REMOVE OR DESTROY OYSTERS ON THE AREAS; AND

(3) A PERSON MAY NOT REDEEM OR PURCHASE ANY LEASED OYSTER BOTTOM.

(B) LESSEE MAY TAKE OYSTERS FROM LEASED OYSTER BOTTOM AT ANY TIME. - A LESSEE MAY CATCH OYSTERS AT ANY TIME FROM HIS LEASED OYSTER BOTTOM FOR PRIVATE USE, PLANTING OR CULTIVATING, OR FOR SALE FOR PLANTING BY OTHER LESSEES.