

purposes.

Subsection (c) presently appears as section 703A(e); subsection (d) presently appears as section 703A(d).

Subsection (e) is new language derived from Article 66C, section 703A(f) of the Code. Language consistent with the penalty provisions in this title has been added.

Article 66C, section 703A(f) is proposed for deletion in light of proposed subsection (e) and the uniform penalty provision of this title.

The only other changes made are in style.

4-1118. OTHER PROHIBITIONS.

(A) CATCHING OR DESTROYING OYSTERS ON LEASED OYSTER BOTTOMS. - A PERSON, OTHER THAN THE LESSEE, MAY NOT WILLFULLY AND WITHOUT AUTHORITY CATCH OYSTERS ON ANY LEASED OYSTER BOTTOM, OR WILLFULLY DESTROY OR TRANSFER OYSTERS ON THIS LAND IN ANY MANNER.

(B) ALTERING BUOYS, STAKES, AND MONUMENTS. - A PERSON, OTHER THAN A LESSEE, MAY NOT REMOVE, ALTER, OR TRANSFER ANY STAKE, BUOY, OR MONUMENT ON ANY LEASED OYSTER BOTTOM. HOWEVER, IN ANY ACTION AT LAW WHERE A TRESPASSER ON A LEASED OYSTER BOTTOM IS CHARGED WITH LOSING OR DESTROYING BUOYS, STAKES, OR MONUMENTS, THE COURT MAY NOT IMPOSE A PENALTY UPON THE VIOLATOR IF THE COURT DETERMINES AS A FACT THAT THE TRESPASS WAS UNINTENTIONAL AND WITHOUT KNOWLEDGE.

(C) APPROPRIATION OF LAND WITHOUT LEASE. - A PERSON, OTHER THAN A LESSEE OF LEASED OYSTER BOTTOMS, OR A LESSEE, WHILE HE IS IN DEFAULT IN PAYMENT OF ANY RENT OR FEE, MAY NOT USE FOR ANY PURPOSE ANY SUBMERGED LAND OF THE STATE. HOWEVER, ANY PERSON MAY USE ANY SUBMERGED LAND SUBJECT TO LEASE AND NOT ALREADY LEASED FOR THE TEMPORARY BEDDING OF OYSTERS FOR A PERIOD NOT EXCEEDING THREE MONTHS.

REVISOR'S NOTE: Subsection (a) presently appears as Article 66C, section 708(s) of the Code. The phrase "take or remove" is proposed for deletion. In light of the definition of "catch" set forth in section 4-101(b), the latter verb is being used throughout this