

that the public has resorted to the bar for a livelihood, whether continuously or at intervals, during any oyster season within five years prior to the filing of any application for a lease of the area in question, or within five years prior to making of a resurvey under § 4-1102. The actual condition of the area in question at any time within the five-year period shall be considered in determining whether or not the area is a natural oyster bar.

4-1118.

(a) 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) A person, other than a lessee, may not remove, alter, transfer, or destroy any stake, buoy, or monument on any leased oyster bottom.

(c) 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.

4-1118.1.

(A) EXCEPT FOR NORMAL HARVESTING ACTIVITIES, THE DREDGING AND TRANSPLANTING OF OYSTER SHELL OR SEED OYSTERS AS PART OF THE DEPARTMENT'S OYSTER PROPAGATION PROGRAM, OR AS AUTHORIZED IN A STATE WETLANDS LICENSE, A PERSON MAY NOT DESTROY, DAMAGE, OR INJURE ANY OYSTER, OYSTER BAR, REEF, ROCK, OR OTHER AREA LOCATED ON A NATURAL OYSTER BAR IN THE CHESAPEAKE BAY THAT IS NOT A LEASED OYSTER BOTTOM.

(B) ANY PERSON WHO VIOLATES--ANY--PROVISION DESTROYS, DAMAGES, OR INJURES ANY OYSTER, OYSTER BAR, REEF, ROCK, OR OTHER AREA REFERRED TO IN SUBSECTION (A) OF THIS SECTION IS LIABLE FOR ANY DAMAGES THAT THE PERSON--CAUSES TO THE STATE IN A CIVIL ACTION, AS THE DEPARTMENT CONSIDERS APPROPRIATE, FOR THE RESTORATION OF, MITIGATION OF, OR MONETARY DAMAGES FOR ANY DESTRUCTION, DAMAGE, OR INJURY THAT THE PERSON CAUSES TO RESOURCES ON THE NATURAL OYSTER BAR.

(C)--THE--ATTORNEY--GENERAL--OF--MARYLAND--OR--THE--STATE'S ATTORNEY--OF--ANY--COUNTY--OF--THIS--STATE--THAT--BORDERS--ON--A--PORTION--OF--THE--CHESAPEAKE--BAY--OR--ON--A--TIDEWATER--PORTION--OF--ANY--OF--ITS TRIBUTARIES--MAY--SEEK--AN--INJUNCTION--AGAINST--ANY--PERSON--VIOLATING OR--THREATENING--TO--VIOLATE--ANY--PROVISION--OF--THIS--SECTION.

4-1201.

(a) Any person who violates any provision of this title is guilty of a misdemeanor. Unless another penalty is specifically