

(a) Immediately upon entering into a lease, every lessee shall designate leased oyster bottoms by plainly marking them ~~with stakes, buoys, or monuments, under the supervision of~~ AS SPECIFIED BY REGULATIONS ISSUED BY the Department IN CONSULTATION WITH THE TIDAL FISHERIES ADVISORY COMMITTEE AND AQUACULTURE ADVISORY COMMITTEE. The initials of the lessee shall be marked on at least four ~~stakes, buoys, or monuments~~ MARKERS. The lessee shall exercise reasonable diligence in maintaining ~~buoys, stakes, or monuments~~ MARKERS but the temporary loss or destruction of any ~~buoys, stakes, or monuments~~ MARKERS shall not operate to permit any unauthorized person to trespass on or remove, destroy, or disturb oysters on any areas.

(b) If any leased oyster bed does not have ~~stakes, buoys, or monuments~~ MARKERS at the 4 corners of the bed, a person, including the lessee, may not catch oysters from the bed. If the ~~stakes, buoys, or~~ markers are not in order on any leased oyster bed, the Natural Resources Police have a duty not to allow a person to operate or catch oysters in the bed until the corner markers are replaced.

[4-1114.] 4-11A-11.

(a) The lessee of any leased oyster bottom shall have exclusive ownership of and title to all the ~~-{oysters}-~~ SHELLFISH 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}-~~ SHELLFISH;

(2) Residents of the State may fish on all leased oyster bottoms, if they do not remove or destroy ~~-{oysters}-~~ SHELLFISH on the areas; and

(3) A person may not redeem or purchase any leased oyster bottom.

(b) A lessee may catch ~~-{oysters}-~~ SHELLFISH at any time from his leased oyster bottom for private use, planting or cultivating, or for sale for planting by other lessees.

(c) (1) In Wicomico and Somerset counties, any State resident holding a current tonging license may catch oysters on any leased oyster bottom if the State resident first obtains the written permission of the lessee of the leased oyster bottom.