

~~(2) THE DEPARTMENT SHALL CHARGE A PERSON FOUND TO BE IN VIOLATION OF THIS SUBSECTION CAUSE THE OFFICE OF THE LOCAL STATE'S ATTORNEY TO BRING A CRIMINAL ACTION UNDER ARTICLE 27, § 342 OF THE CODE AGAINST A PERSON FOUND TO BE IN VIOLATION OF THIS SUBSECTION.~~

(3) (1) ON CONVICTION OF A PERSON FOR A VIOLATION OF THIS SUBSECTION, THE DEPARTMENT ~~SHALL--REVOKE--IMMEDIATELY~~ MAY SUSPEND ALL EXISTING LICENSES TO TAKE OR CATCH ~~FINFISH--OR SHELLFISH~~ OYSTERS ISSUED TO THAT PERSON FOR A PERIOD NOT TO EXCEED:

1. 1 YEAR FOR A FIRST CONVICTION; OR

2. 2 YEARS FOR A SECOND OR SUBSEQUENT CONVICTION.

~~(II)--THE--DEPARTMENT--MAY--NOT--REISSUE--A--LICENSE--REVOKED--UNDER--THIS--SUBSECTION--BEFORE--1--MONTH--AFTER--A--CONVICTION--AND--MAY,--IN--ITS--DISCRETION,--WITHHOLD--THE--REISSUANCE--OF--A--LICENSE--FOR--UP--TO--2--YEARS--AFTER--THE--CONVICTION.~~

(II) BEFORE SUSPENDING ANY LICENSE TO TAKE OR CATCH OYSTERS UNDER THIS SECTION, THE DEPARTMENT SHALL GIVE THE LICENSEE WRITTEN NOTICE OF THE RIGHT TO REQUEST A HEARING.

(III) A LICENSEE MAY REQUEST A HEARING WITHIN 15 DAYS FROM THE DATE THAT THE NOTICE REQUIRED BY THIS SECTION IS MAILED.

(IV) THE DEPARTMENT SHALL HOLD A HEARING WITHIN 30 DAYS OF THE DATE OF THE REQUEST AND RENDER A DECISION WITHIN 30 DAYS OF THE HEARING.

(b) A person, other than a lessee, may not remove, alter, transfer, or destroy any ~~stake, buoy, or monument~~ MARKER 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, ~~EXCEPT--IN--AQUACULTURE--ENTERPRISE--ZONES,~~ 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.

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(a) An owner or other lawful occupant shall have exclusive right to use any creek, cove, or inlet for preserving or depositing oysters or other shellfish if the water surface at the mouth of the creek, cove, or inlet is 300 feet or less in width at mean low water. However, this cove, creek, or inlet may not be