

(2) THE DEPARTMENT SHALL NOTIFY EVERY LICENSED OYSTER DEALER NOT LATER THAN SEPTEMBER 1 OF EACH YEAR WHETHER THE OYSTER SHELL PURCHASE PROGRAM WILL BE CARRIED OUT DURING THE ENSUING LICENSE YEAR.

(3) IF THE DEPARTMENT DOES NOT NOTIFY LICENSED OYSTER DEALERS THAT THE OYSTER SHELL PURCHASE PROGRAM WILL BE CARRIED OUT DURING THE ENSUING LICENSE YEAR, A LICENSED OYSTER DEALER MAY SELL OR DISPOSE OF FRESH OYSTER SHELL AT ANY TIME TO ANY PERSON FOR ANY LAWFUL PURPOSE.

~~(i) -- MAKE THE SHELLS AVAILABLE TO THE DEPARTMENT OR ITS AGENTS, OR~~

~~(ii) -- PAY -- A -- NATURAL RESOURCES DEPLETION TAX OF \$1.50 PER BUSHEL.~~

(4) THE DEPARTMENT SHALL:

(I) ESTABLISH PROCEDURES FOR THE EXPEDITIOUS NOTICE, PAYMENT, AND REMOVAL OF SHELLS PURCHASED; AND

(II) PROVIDE FOR THE TRANSPORTATION, STORAGE, AND PLACEMENT ON PUBLIC OYSTER BARS IN STATE WATERS.

(D) ALL EXISTING CONTRACTS EXECUTED PRIOR TO JULY 1, 1988 CONCERNING THE PURCHASE OF OYSTER SHELL SHALL BE VALID AND EXEMPT FROM THE PROVISIONS OF THIS SECTION FOR THE LENGTH OF TIME FOR WHICH THE CONTRACT COVERS.

(E) UNLESS PERMISSION HAS BEEN OBTAINED FROM THE DEPARTMENT, IT SHALL BE UNLAWFUL FOR ANY PERSON TO TAKE OR CATCH OYSTERS OR SHELL IN ANY OF THE WATERS OF THE STATE FOR THE PURPOSE OF CONVERTING THE OYSTERS OR SHELL INTO LIME, CHICKENMEAL, OR ROAD CONSTRUCTION MATERIALS.

(F) (1) IN CONSULTATION WITH THE MARYLAND OYSTER PACKERS, THE DEPARTMENT SHALL DETERMINE ANNUALLY THE FAIR MARKET VALUE THAT THE DEPARTMENT PAYS FOR FRESH OYSTER SHELLS.

(2) HOWEVER, THE DEPARTMENT SHALL PAY NOT MORE THAN 25 CENTS PER BUSHEL OF OYSTER SHELLS TO THE HOLDER OF THE SHELLS AT THE SITE WHERE THE SHELLS ARE KEPT.

~~(3) -- IN LIEU OF PAYMENT UNDER PARAGRAPH -- (2) -- OF -- THIS SUBSECTION, -- THE DEPARTMENT MAY GRANT TAX CREDITS OR INCENTIVES TO OYSTER -- PACKERS -- WHO -- RETURN OYSTER SHELLS TO THE TIDAL WATERS OF THE STATE.~~

~~(6) -- A PERSON MAY NOT SELL FRESH OYSTER -- SHELLS -- TO -- ANOTHER PERSON FOR ANY PURPOSE THAT IS CONTRARY TO THE PROVISIONS OF THIS SECTION.~~