

marketable oysters may be retained if the small oyster adhering to the marketable oyster is less than [one] 1 inch in length from hinge to mouth and cannot be removed without destroying the small oyster. Oyster culling shall be completed before any oyster is thrown or deposited in the hold or bottom of any boat.

(b) A person may not possess more than [five] 5 percent shells of any size and oysters less than [three] 3 inches from hinge to mouth. In ascertaining this percentage the Department shall select an amount of oysters from any pile, hold, bin, house, or place as deemed proper and require it to be culled and disposed of, as provided by this section.

(c) A person may not transport or attempt to transport outside the State oysters measuring less than [three] 3 inches in length from hinge to mouth regardless of whether they are caught on the natural bars of the State or from private beds and lots in the State.

(d) The provisions of this subtitle relating to the inspection and culling of oysters and the imposition of penalties for any violation of the cull law apply to oysters in the shell found anywhere within the State, whether afloat or ashore, and whether said oysters have been caught within the waters of the State or shipped or brought into the State. However, oysters containing more than [five] 5 percent shells or small oysters legally taken from privately owned beds outside the State may be admitted if

(1) Inspected by the Department prior to storage in a shucking house, and

(2) Accompanied by a bill of sale or bill of lading issued by the private planters selling the cargo or an appropriate certificate from the authorities of the State of origin, certifying that the cargo was caught from privately owned oyster beds in the state of origin and that the oysters were caught in full compliance with the laws of that state.

4-1018.

(a) Every oyster in the shell and every oyster shell sold in the State shall be measured either in a half bushel tub, a bushel tub, a bushel and half tub, or a [three] 3 bushel tub. A person shall measure oysters in the shell or oyster shells only with an iron circular tub having straight sides and a straight solid bottom, with holes in the bottom for draining which are no larger than [one] 1 inch in diameter. The Department may set standards and allow other bulk containers it deems