

WEEKS IN A NEWSPAPER OF GENERAL CIRCULATION IN EVERY COUNTY.

(C) RECLASSIFICATION OF NATURAL OYSTER BEDS; PUBLIC HEARINGS. - BEFORE THE DEPARTMENT RECLASSIFIES ANY SUBMERGED AREA OF THE STATE FROM NATURAL OYSTER BAR, EXCLUDED FROM LEASING, TO BARREN BOTTOM PERMITTED TO BE LEASED UNDER THE PROVISIONS OF THIS SUBTITLE, IT SHALL ADVERTISE THE TIME, PLACE, AND PURPOSE FOR REEXAMINATION, ONCE A WEEK FOR THREE SUCCESSIVE WEEKS, IN A NEWSPAPER OF GENERAL CIRCULATION IN EVERY COUNTY. THE PUBLIC MAY BE PRESENT AT THE REEXAMINATION. IF ANY PERSON PRESENT THEN OFFERS TO MAKE FURTHER TESTS IN THE PRESENCE OF EMPLOYEES DESIGNATED BY THE DEPARTMENT, THE EMPLOYEES SHALL WITNESS AND MAKE NOTE OF THE FINDINGS. IF UPON REEXAMINATION THE DEPARTMENT PROPOSES TO RECLASSIFY THE AREA FROM NATURAL BAR TO BARREN BOTTOM, IT FIRST SHALL HOLD A PUBLIC HEARING, AND THE TIME, PLACE, AND PURPOSE SHALL BE ADVERTISED PURSUANT TO THE PROVISIONS OF THIS SUBSECTION. ANY PERSON MAY APPEAL THE DECISION OF THE DEPARTMENT BY FILING A PETITION IN THE CIRCUIT COURT OF THE COUNTY AT ANY TIME UNTIL 30 DAYS FROM THE DATE OF FILING HAVE EXPIRED. PROCEEDINGS ON APPEAL SHALL BE PURSUANT TO THOSE PROCEDURES SET FORTH IN §4-1109(C) WITH THE SAME RIGHTS OF APPEAL FROM THE DECISION OF THE CIRCUIT COURT. A LEASE OF THE RECLASSIFIED AREA, IN WHOLE OR PART, MAY NOT BE GRANTED UNTIL THE AMENDED CHART HAS BEEN FILED IN THE CIRCUIT COURT OF THE COUNTY AND UNTIL 30 DAYS SHALL HAVE EXPIRED FROM DATE OF FILING.

(D) LEASE NOT INVALIDATED. - NOTWITHSTANDING ANY PROVISIONS OF THIS SECTION, A LEASE MAY NOT BE INVALIDATED IN ANY WAY BY FACTS DETERMINED IN ANY RESURVEY UNLESS THE LESSEE FORFEITS HIS LEASE VOLUNTARILY OR FAILS TO PAY RENTAL OR OTHER FEES.

REVISOR'S NOTE: Subsections (a) and (b) presently appear as Article 66C, section 708(c) of the Code. The word "clam bar" in subsection (a) is used instead of "clam bed" to maintain consistency with the definition of "natural clam bar" appearing in this subtitle. The reference to "crab beds" is proposed for deletion; because it is a misnomer. Crabs are not sedentary, as clams and oysters are, and, therefore, never congregate in a particular area so as to create a bed. The definition of natural oyster bar and natural clam bar in the present subsection also are proposed for