

(v) Or within fifty (50) yards of any commercially productive oyster area as may from time to time be established by survey or resurvey of the Commission of Tidewater Fisheries and/or the Department of Research and Education.

(vi) It shall be lawful to take or catch, or attempt to take or catch, soft shell clams in the shoal waters of the Chesapeake Bay bordering or adjacent to Talbot County; provided that the taking of said soft shell clams in such waters shall be governed by the regulations set forth elsewhere in this sub-title.

(vii) If, in the discretion of the Department of Research and Education, valid and sufficient cause shall exist, the Commission of Tidewater Fisheries and the Department of Research and Education shall conduct a quantitative shell fish population survey upon the petition of ten (10) licensed clam dredgers or licensed oyster tongers, which said petition shall be in writing, contain notarized signatures, and designate with reasonable certainty the area or bottom to be re-surveyed. All submerged bottom determined, after such survey, to contain commercially productive quantities of oysters shall be allocated for the production of oysters, and all such areas containing commercially productive quantities of clams shall be allocated for the production of soft shell clams.

(viii) The Commission of Tidewater Fisheries shall thereafter amend its charts or prepare new charts and shall cause to be marked or defined as accurately as possible thereon the correct location and bounds of such commercially productive oyster areas and commercially productive clam areas then existing in the area surveyed. Within sixty (60) days after such survey, a copy of such amended charts or new charts shall be deposited in the Commission of Tidewater Fisheries and another copy sent to the Clerk of the Circuit Court in which, or nearest to which, the area surveyed is located. No existing lease shall be invalidated either in whole or in part by facts determined in any such survey or re-survey unless the lessee forfeit his lease voluntarily, or by non-payment of rental or other fees.

(2) In the waters of, or adjacent to, Anne Arundel County it shall also be unlawful to take or catch, or attempt to take or catch, soft shell clams by hydraulic or mechanical dredge, or by any other means:

(i) During the period from May through September of each year within five hundred (500) feet in front of any sea nettle net and/or any public bathing beach at any time; provided that the beach is in fact resorted to by the public for bathing; and provided that the extent of the beach along the shore is marked as may be required by any rule or regulation of the Commission of Tidewater Fisheries.

(ii) Anywhere in Anne Arundel County within three hundred (300) feet of the shoreline measured from mean tide.

(1) Inspection tax.—(1) An inspection tax of ten cents (10¢) per bushel is hereby levied upon all soft shell clams caught within the limits of this State, unloaded from boats or rigs at the place in Maryland where said soft shell clams are to be no further shipped in bulk in vessel, and said inspection tax shall be paid weekly to the Comptroller of the Treasury, or his agent, by the buyer thereof. The Commission of Tidewater Fisheries shall MAY require reports of clamming operations from all licensees. Said reports shall be available to