

CHAPTER 76
(Senate Bill 164)

AN ACT to add new Section 228A to Article 43 of the Annotated Code of Maryland (1957 Edition), title "Health", to follow immediately after Section 228 thereof and to be under the new sub-title "Waters Restricted for Taking and Storing of Shellfish", to authorize the State Board of Health and Mental Hygiene or its delegated agent, the Commissioner of Health, to restrict the taking or storage of shellfish in polluted water or waters adjacent to sewage treatment plants or sewage overflows, and to remove restrictions imposed, requiring notification of such action, providing for hearings for aggrieved persons and relating to limitations on the taking or storage of shellfish in waters in the State.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That new Section 228A be and it is hereby added to Article 43 of the Annotated Code of Maryland (1957 Edition), title "Health" to follow immediately after Section 228 thereof and to be under the new sub-title "Waters Restricted for Taking and Storing of Shellfish", to read as follows:

228A.

(a) *Whenever the State Board of Health and Mental Hygiene shall determine by appropriate investigation that any area of waters of the State devoted to the production or storage of shellfish is polluted so that shellfish produced or stored in such area is a hazard to the public health, it shall restrict such area for the taking or storing of shellfish.* AFTER ESTABLISHING A RESTRICTION AS PROVIDED IN THIS SECTION, THE STATE DEPARTMENT OF HEALTH SHALL BE RESPONSIBLE FOR TESTING THE WATER IN THE RESTRICTED AREA, OR INSPECTING THE SOURCE OF POLLUTION OF THAT WATER, AT LEAST TWICE MONTHLY; OR MORE FREQUENTLY IF REQUESTED BY ANY BOARD OF COUNTY COMMISSIONERS OR COUNTY COUNCIL. A COPY OF THE REPORT OF ANALYSIS OF ALL SUCH TESTS AND INSPECTIONS SHALL BE FILED PROMPTLY WITH THE BOARD OF COUNTY COMMISSIONERS, OR THE COUNTY COUNCIL. *Whenever the area, through sampling of the water and shellfish, indicates the shellfish and waters again comply with standards for the harvesting of shellfish, the restrictions shall be promptly lifted.*

(b) *Whenever the State Board of Health and Mental Hygiene shall find it necessary to restrict an area of waters for the taking or storing of shellfish because of the proximity of such area to the point of discharge of a sewage treatment plant or a point of overflow of a sewage pumping station, the Board is authorized to increase or decrease the size of such a restricted area in relation to the operational effectiveness of the sewage treatment plant or the sewage pumping station.*

(c) *The action of the State Board of Health and Mental Hygiene in restricting an area of waters of the State for the taking and storing of shellfish shall become effective immediately upon the giving of formal notification of such action to the Department of*