

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Section 715A (b) of Article 66C of the Annotated Code of Maryland (1964 Supplement), title "Natural Resources", sub-title "Oysters and Clams", be and it is hereby repealed and re-enacted, with amendments, to read as follows:

715A.

(b) In order to further and promote the soft shell clam industry to the greatest advantage and benefit of the peoples of the State of Maryland; to properly regulate the processes of that industry so as to insure its continuance and healthy growth; to provide for a hydrographic survey of the clamming areas in order to bring about the peaceful noninterference on the part of the clam industry with other industries of the tidal waters; and to prevent any trespass or violation by that industry of the rights and privileges of owners of properties contiguous to possible areas of operation of the soft shell clam industry; the ~~Commission of Tidewater Fisheries~~ *Department of Tidewater Fisheries* DEPARTMENT OF CHESAPEAKE BAY AFFAIRS is hereby authorized and directed to adopt and publish, immediately upon the effective date of this section, or as soon as possible thereafter, and from time to time to add to, change, alter or completely revise or repeal as it may deem necessary and advisable, all rules and regulations which, pursuant to this section, shall govern the boat and gear, as well as the nature and size thereof, which lawfully may be used in taking or catching soft shell clams with hydraulic, mechanical or other dredge; the issuance, suspension and revocation of all licenses; the collection of license fees and of an inspection tax; the areas of operation, or the entire area, which may be opened and closed, and reopened and reclosed as the ~~Commission~~ *Department* may deem necessary and expedient; the methods of taking or catching soft shell clams; the circumstances of their possession and their marketing, as the ~~Commission~~ *Department* may judge to be necessary in the best interests of the State; provided that it shall be unlawful to take or catch or attempt to take or catch soft shell clams with a hydraulic or mechanical dredge or with any other type gear upon any natural oyster bar as defined in the first paragraph of Section 696 (i) of this article and further in the waters of Kent 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:

(1) Within 50 yards of any commercially productive oyster tonging area defined on the charts of the ~~Commission of Tidewater Fisheries~~ *Department of Chesapeake Bay Affairs*, or as defined under Section 696 (i) of this article, or

(2) Within 150 feet of any bulkhead, wharf or pier, constructed or erected in, out in, over or under any of the waters of this State, or

(3) Within 1000 feet of any public bathing beach during the months of May, June, July, August and September of any year, or

(4) Within 100 yards of any private bathing beaches, during the months of May, June, July, August and September; provided that the private bathing beaches shall be staked and marked by the owners thereof upon which shall be lettered "Bathing beach" and the owner's name, of a readily discernible size, or as may be required