

GOVERNMENT.

[[SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1973.]] SECTION 2. AND BE IT FURTHER ENACTED, That this Act is hereby declared to be an emergency measure and necessary for the immediate preservation of the public health and safety and having been passed by a ye and nay vote supported by three-fifths of all members elected to each of the two Houses of the General Assembly, the same shall take effect from the date of its passage.

Approved May 24, 1973.

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CHAPTER 775

(House Bill 428)

AN ACT to repeal and re-enact, with amendments, Sections 720 and 723 of Article 66C of the Annotated Code of Maryland (1970 Replacement Volume and 1972 Supplement), title "Natural Resources," subtitle "Wetlands," subheadings "State Wetlands," and "Private Wetlands," respectively; to allow reclamation of fast land lost by erosion or avulsion to a certain extent, providing for the burden of proof as to loss of fast land, and correcting the language therein.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Sections 720 and 723 of Article 66C of the Annotated Code of Maryland (1970 Replacement Volume and 1972 Supplement), title "Natural Resources," subtitle "Wetlands," subheadings "State Wetlands," and "Private Wetlands," respectively, be and they are hereby repealed and re-enacted, with amendments, and to read as follows:

720.

[[The]] A NATURAL PERSON WHO IS THE owner of land bounding on navigable waters [shall be] IS entitled to all natural accretions to [said] HIS land, TO RECLAIM FAST LAND LOST BY EROSION OR AVULSION DURING HIS [[LIFETIME]] OWNERSHIP OF THE LAND TO THE EXTENT OF PROVABLE PREEXISTING BOUNDARIES, and to make improvements into the waters in front of [said] HIS land for the purposes of preserving his access to navigable water or [for] protecting his shore against erosion. After an improvement has been constructed, it [shall become] IS the property of the owner of the land to which it is attached. None of the rights covered under this subheading shall exclude the owner from developing other uses [as] approved by the Board of Public Works. THE RIGHT TO RECLAIM LOST FAST LAND RELATES ONLY TO FAST LAND LOST AFTER JANUARY 1, 1972, AND THE BURDEN OF PROOF THAT THE LOSS OCCURRED AFTER THIS DATE IS ON THE OWNER OF THE LAND.

723.

Notwithstanding any rule or regulation promulgated by the Secretary of Natural Resources for the protection of private wetlands, the following uses [shall be] ARE lawful on those lands which are private wetlands: