

WCODEN HANDLE.

REVISOR'S NOTE: This subsection is new language set forth here to distinguish a shinnecock rake from other devices used to catch oysters and clams.

(L) "TONG" MEANS ANY PINNERS, NIPPERS, TONGS, OR SIMILAR DEVICE OPERATED ENTIRELY BY HAND AND CONSISTING OF TWO SHAFTS OR HANDLES AND A METAL BODY COMPOSED OF TWO OPPOSABLE AND COMPLEMENTARY BASKETS USED IN CATCHING OYSTERS AND CLAMS.

REVISOR'S NOTE: This subsection presently appears as Article 66C, section 696(a) of the Code. New language is added to make this definition applicable to clams since clams are caught with tongs. The only other changes made are in style.

4-1102. DEPARTMENT AUTHORIZED TO SURVEY AND CLASSIFY NATURAL OYSTER AND CLAM BARS.

(A) SURVEY OF STATE WATERS. — THE DEPARTMENT MAY RESURVEY ANY OF THE SUBMERGED AREAS OF THE STATE TO DETERMINE THE POSITION AND EXTENT OF ANY NATURAL OYSTER OR CLAM BAR. IF THE DEPARTMENT FINDS, UPON RESURVEY, THAT NATURAL OYSTER OR CLAM BARS ARE INCORRECTLY LOCATED ON EXISTING CHARTS, OR THAT THE EXISTING CHARTS DO NOT REFLECT THE ACTUAL CONDITION OF SUBMERGED LANDS, THE DEPARTMENT SHALL AMEND EXISTING CHARTS OR PREPARE NEW CHARTS. IN ADDITION, THE DEPARTMENT SHALL MARK AS ACCURATELY AS POSSIBLE THE CORRECT LOCATION AND BOUNDS OF ALL NATURAL OYSTER OR CLAM BARS, THEN EXISTING IN THE AREA BEING SURVEYED, ON ANY AMENDED OR NEW CHARTS.

(B) FILING OF AMENDED CHARTS; EFFECTIVE DATE. — WITHIN 90 DAYS AFTER THE RESURVEY, A COPY OF THE AMENDED OR NEW CHARTS SHALL BE DEPOSITED WITH THE DEPARTMENT AND ANOTHER COPY SENT TO THE CLERK OF THE CIRCUIT COURT WHERE THE RESURVEYED AREA IS LOCATED OR THE COUNTY NEAREST THIS AREA. THIS RESURVEY SHALL SUPERSEDE THE OYSTER SURVEY OF 1906 TO 1912, AND ITS AMENDMENTS, AND ANY DECISION OF ANY CIRCUIT COURT RENDERED PRIOR TO THE COMPLETED RESURVEY.

A RESURVEY MAY NOT BE EFFECTIVE UNTIL 30 DAYS HAVE LAPSED AFTER THE FILING DATE. DURING THIS 30 DAY PERIOD, PUBLIC NOTICE OF THE FILING OF THE AMENDED CHART SHALL BE GIVEN ONCE A WEEK FOR THREE SUCCESSIVE