

deletion since this definition appears in the definition section of this subtitle.

In subsection (b) the provision stating that the survey supersedes the oyster survey is new language derived from Article 66C, section 696(i) and set forth here for organizational purposes. The last sentence in proposed subsection (b) is new language derived from Article 66C, section 708(d), as amended by Chapter 317, Acts of 1972.

Subsection (c) presently appears as Article 66C, section 708(d), as amended by Chapter 317, Acts of 1972. The requirement that notice be published in a newspaper in the county where the affected waters are located is proposed for deletion. According to Bruce v. Director, every State resident is affected by the department's action and, therefore, notice must be published in every county newspaper. This is the present practice of the department. The last sentence of present section 708(d) is also proposed for deletion because this language appears in proposed subsection (b).

Subsection (d) is new language derived from the last sentence of present section 708(c).

Article 66C, section 707(i) of the Code is proposed for deletion because the substance of this section duplicates proposed subsection (a). The only other changes made are in style.

4-1103. STATE OYSTER CULTURE.

(A) DEPARTMENT REQUIRED TO RESTORE OYSTER BARS. — THE DEPARTMENT SHALL TAKE MEASURES WHICH IN ITS JUDGMENT SEEM BEST CALCULATED TO INCREASE THE PRODUCTIVITY OR UTILITY OF ANY PART OF THE NATURAL OYSTER BARS OF THE STATE.

(B) DEPARTMENT AUTHORIZED TO CLOSE NATURAL BARS; NOTICE OF INTENT TO CLOSE; PUBLIC HEARING. — THE DEPARTMENT MAY CLOSE IN ANY YEAR NO MORE THAN 30 PERCENT OF THE NATURAL OYSTER BARS IN THE WATERS OF THE STATE. THE DEPARTMENT MAY PROHIBIT OR RESTRICT