

WATERS ARE LOCATED. IF THE AFFECTED WATERS ARE LOCATED IN MORE THAN ONE COUNTY, THE HEARING SHALL BE HELD IN THAT COUNTY SEAT CLOSEST TO THE AFFECTED WATERS, BUT IF THE AREA AFFECTED IS TOTALLY WITHIN STATE WATERS, THE HEARING SHALL BE HELD IN ANNAPOLIS.

(E) SALE OF SEED OYSTERS. - THE STATE MAY SELL NO MORE THAN 50 PERCENT OF SEED OYSTERS IN EXCESS OF ONE MILLION BUSHELS PRODUCED ANNUALLY IN SEED AREAS TO CITIZENS WHO HOLD VALID LEASES UNDER THE PROVISIONS OF THIS SUBTITLE FOR NO LESS THAN THE PREVAILING PRICE OF SEED OYSTERS OF SIMILAR QUALITY IN NEARBY STATES. CONDITIONS OF SALE MAY BE PRESCRIBED BY RULE OR REGULATION OF THE DEPARTMENT. THE PROCEEDS FROM THESE SALES SHALL BE CREDITED BY THE COMPTROLLER TO THE FISHERIES RESEARCH AND DEVELOPMENT FUND.

REVISOR'S NOTE: Subsection (a) presently appears as Article 66C, section 707(a) of the Code.

In subsection (b), which presently appears as Article 66C, section 707(b), the present provision permitting the department to close areas in county waters is proposed for deletion because the Bruce decision abolished the necessity for distinguishing between State and county waters in this section. In addition, the provision that requires the department to publish notice in a newspaper in the county where the area is located is proposed for deletion because under the Bruce decision all State residents would be affected by a reservation not merely those of one county.

Subsection (c) presently appears as Article 66C, section 707(c) of the Code.

In subsection (d) which presently appears as Article 66C, section 707(d), the first provision has been revised to indicate that this is the definition of "seed area". The provision relating to the sale of seed oysters is proposed for deletion because it is separately set forth in subsection (e). In addition, the provision requiring 50 percent of all seed oysters to be planted in the county where the seed area is located has been retained. The department, however, feels that rationale underlying this provision has been negated by the