

Article 66C, section 708(e) is proposed for deletion because its substance appears in proposed section 4-1108(a).

The only other changes made are in style.

4-1109. APPLICATION FOR LEASE FOR SUBMERGED LANDS; FEES; PROTEST AGAINST LEASE; FEES; SURVEY.

(A) APPLICATION. - ANY PERSON WISHING TO LEASE SUBMERGED LANDS OF THE STATE SHALL APPLY TO THE DEPARTMENT FOR A BLANK APPLICATION FORM. THE APPLICANT SHALL INDICATE ON THE APPLICATION HIS PLACE OF RESIDENCE, THE ESTIMATED AREA OF THE SUBMERGED LAND FOR WHICH A LEASE IS SOUGHT, AND A DETAILED DESCRIPTION OF THE LOCATION OF THE LAND. THE APPLICANT PRIOR TO FILING THE APPLICATION WITH THE DEPARTMENT SHALL MARK THE AREA APPLIED FOR WITH AT LEAST ONE STAKE BEARING HIS NAME.

(B) FEES; ADVERTISEMENT. - UPON RECEIVING THE APPLICATION AND A \$25 APPLICATION FEE TO COVER ADVERTISING COSTS, THE DEPARTMENT SHALL ADVERTISE THE APPLICATION ONCE A WEEK FOR FOUR SUCCESSIVE WEEKS IN A NEWSPAPER PUBLISHED IN EVERY COUNTY. THE ADVERTISEMENT SHALL DESCRIBE THE LOCATION OF THE AREA APPLIED FOR, THE LOCATION OF THE STAKE MARKER, AND GIVE THE NAME AND RESIDENCE OF THE APPLICANT. THE DEPARTMENT MAY NOT ISSUE ANY LEASE UNLESS IT ADVERTISES IN THIS MANNER. THE APPLICATION FEE SHALL REMAIN WITH THE DEPARTMENT UNTIL FINAL DISPOSITION OF THE APPLICATION. IF AN APPLICANT IS NOT GRANTED A LEASE FOR ANY REASON THE APPLICATION FEE SHALL BE RETURNED TO THE APPLICANT.

(C) PROTEST AGAINST LEASE. - WITHIN 30 DAYS OF THE PUBLICATION OF THE LAST ADVERTISEMENT, ANY THREE OR MORE RESIDENTS OF THE STATE MAY FILE A WRITTEN PROTEST AGAINST AN APPLICANT IN THE CIRCUIT COURT OF THE COUNTY IN WHICH THE AREA APPLIED FOR IS LOCATED, OR IN THE COUNTY NEAREST TO THIS AREA, IF THE AREA TO BE LEASED LIES IN MORE THAN ONE COUNTY. THE CLERK OF THE COURT SHALL DOCKET A SUIT AT LAW NAMING THE PROTESTERS AS PLAINTIFFS AND THE APPLICANT AS DEFENDANT. THE COURT SHALL PASS AN ORDER DIRECTING A SUMMONS TO BE ISSUED FOR THE DEFENDANT, TO BE SERVED IN THE SAME MANNER AS A SUMMONS IN AN ACTION AT LAW AND RETURNED BY A DAY NAMED IN THE ORDER. THE COURT SHALL PROCEED PROMPTLY TO HEAR ALL EVIDENCE ADDUCED BY THE PARTIES AND SHALL DECIDE WHETHER THE AREA DESCRIBED IN THE PETITION IS WITHIN ANY OF THE