

PROHIBITED AREAS SET FORTH IN §4-1108(B) OF THIS ARTICLE AND JUDGMENT SHALL BE ENTERED ACCORDINGLY. THIS HEARING SHALL BE BEFORE A JURY UNLESS WAIVED BY ALL PARTIES. AN APPEAL TO THE COURT OF APPEALS MAY BE TAKEN BY EITHER PARTY FROM THE JUDGMENT OF THE CIRCUIT COURT AND THE COURT OF APPEALS MAY REVIEW ALL QUESTIONS OF FACT OR LAW. IF THE FINAL DECISION DECLARES THE AREA IN QUESTION A NATURAL OYSTER BAR, THE CHARTS OF THE OYSTER SURVEY OF 1906 TO 1912, AND ITS AMENDMENTS, SHALL BE AMENDED ACCORDINGLY. THE PARTIES FILING PETITION IN THE CIRCUIT COURT FIRST SHALL FILE A \$25 BOND, WITH SUFFICIENT SURETY, TO PAY COURT COSTS INCURRED IF THE PETITION IS DISMISSED, AND COSTS ARE IMPOSED ON THE PETITIONERS. ANY PARTY TAKING AN APPEAL TO THE COURT OF APPEALS SHALL FILE A SIMILAR BOND FIXED BY THE LOWER COURT TO PAY COURT COSTS INCURRED IF THE APPEAL IS DISMISSED AND COSTS ARE IMPOSED ON THE APPELLANT.

(D) OTHER FEES; SURVEY OF AREA INTENDED TO BE LEASED. - IMMEDIATELY AFTER THE TERMINATION OF THE RESPECTIVE PERIODS PRESCRIBED FOR THE FILING OF PETITIONS OR APPEALS, OR IMMEDIATELY AFTER THE FINAL DECISION UPON ANY PROTEST OR APPEAL THE DEPARTMENT SHALL NOTIFY THE APPLICANT BY LETTER THAT IT IS READY TO ISSUE THE LEASE. UPON PAYMENT OF A RECORDING FEE OF \$5 AND A FEE OF \$20 TO COVER SURVEYING COSTS, THE DEPARTMENT SHALL ACCURATELY SURVEY THE AREA, EXECUTE A LEASE, ENTER THE LEASE UPON A BOOK TO BE KNOWN AS THE "REGISTER OF TITLES TO OYSTER LANDS," AND MAIL THE LEASE TO THE APPLICANT FOR HIS SIGNATURE.

(E) COMPLETION OF LEASE. - IF THE APPLICANT ACCEPTS THE LEASE, HE SHALL SIGN AND RETURN IT TOGETHER WITH THE FIRST ANNUAL RENTAL. IF THE APPLICANT FAILS TO ACCEPT THE LEASE AND PAY WITHIN 60 DAYS ALL REQUIRED FEES, THE APPLICATION AND THE LEASE ARE NULL AND VOID, AND ALL PAYMENTS PREVIOUSLY MADE BY THE APPLICANT TO THE DEPARTMENT ARE FORFEITED. THE DEPARTMENT MAY EXTEND THE TIME FOR ACCEPTANCE OF THE LEASE FOR AN ADDITIONAL PERIOD OF 60 DAYS FOR GOOD CAUSE.

REVISOR'S NOTE: subsection (a) presently appears as Article 66C, section 708(i) of the Code. Subsection (b) presently appears as Article 66C, section 708(j) of the Code. The present provision requiring the department to publish notice in the newspaper of the county in which the affected waters are located is proposed for deletion. New