

title wherever possible. "Remove" is proposed for deletion because it connotes the same act as "transfer" which is used in the subsequent provision of this subtitle. The last provision of present section 708(s) is proposed for deletion since its substance is set forth in proposed subsection (b).

Subsection (b) is new language derived from the last provision of section 708(s) and the last paragraph of section 708(f).

Subsection (c) presently appears as Article 66C, section 708(t) of the Code. The reference to "section", meaning section 708, is proposed for deletion and "subtitle" substituted therefor due to the fact that section 708 has been revised into sections within this subtitle. The provision stipulating that a person uses these submerged areas "at his own risk" is proposed for deletion as superfluous. Nowhere does the State guarantee the safety of persons using areas subject to lease.

The only other changes made are in style.

#### 4-1119. EXCLUSIVE RIGHT OF RIPARIAN OR WHARF OWNER TO CULTIVATE OYSTERS.

(A) EXCLUSIVE RIGHT OF RIPARIAN OWNER TO CULTIVATE OYSTERS. - AN OWNER OR OTHER LAWFUL OCCUPANT SHALL HAVE EXCLUSIVE RIGHT TO USE ANY CREEK, COVE, OR INLET FOR PRESERVING OR DEPOSITING OYSTERS OR OTHER SHELLFISH IF THE WATER SURFACE AT THE MOUTH OF THE CREEK, COVE, OR INLET IS 300 FEET OR LESS IN WIDTH AT MEAN LOW WATER. HOWEVER, THIS COVE, CREEK OR INLET MAY NOT BE INCLUDED IN THE LINES OF ANY PATENT AND ALL RIGHTS OF THE RIPARIAN PROPRIETOR SHALL EXTEND ONLY TO THE MIDDLE OF THE CREEK, COVE, OR INLET. THIS SUBSECTION IS NOT APPLICABLE WITHIN THE LIMITS OF SOMERSET COUNTY. IN THE WATERS OF ST. MARY'S COUNTY, THE RIPARIAN GROUNDS OF ANY CREEK, COVE, OR INLET MEETING THE QUALIFICATIONS ENUMERATED ABOVE SHALL BE CONSIDERED AND TREATED AS LEASED GROUNDS FOR ALL OF THE PURPOSES OF SECTION 4-1116 OF THIS ARTICLE. HOWEVER, ANY DREDGING LICENSE ISSUED UNDER SECTION 4-1116 SHALL BE ISSUED ONLY TO THE RIPARIAN OWNER FOR THE PURPOSE OF DREDGING SHELLFISH ON HIS RIPARIAN GROUNDS. IN THE WATERS OF DORCHESTER COUNTY,