

WHEREAS, A recent decision of the Court of Appeals, Hirsch v. Maryland Department of Natural Resources, 288 Md. 95 (1980), has left unclear whether the provisions of Natural Resources Article, § 9-301, et seq., and regulations adopted thereunder, are enforceable against persons who may have acquired title to properties at a time when wetlands maps and regulations pertaining to such properties were not properly filed among the land records;

WHEREAS, It is the intent of the General Assembly that wetlands maps and regulations, properly filed at the time any person dredges or fills wetlands, are enforceable as to those wetlands, even if the property containing the wetlands may have changed ownership during a time when the applicable maps and regulations were not properly filed or maintained among the land records, provided that subsequent corrections of any filing errors have been made before the person dredges or fills wetlands;

WHEREAS, It is also the intent of the General Assembly that wetlands maps and regulations are enforceable against any person who had actual notice of the regulatory requirements before dredging or filling wetlands, regardless of previous filing errors; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland be repealed, amended, or enacted to read as follows:

Article - Natural Resources

9-301.

(c) After considering the testimony at the hearing and any other pertinent fact, considering the rights of every affected property owner, and the purposes of this subtitle, the Secretary shall establish by order the landward bounds of each wetland and the rules and regulations applicable to it. A copy of the order, together with a copy of the map depicting the boundary lines, shall be filed among the land records IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION in every county affected after final appeal has been completed. The Secretary shall give notice of the order to each owner of record of any land designated as wetlands by mailing a copy of the order to the owner by registered or certified mail. The Secretary shall also publish the order in a newspaper published within and having a general circulation in every county where the wetlands are located.

(D) FILING AMONG THE LAND RECORDS MEANS THAT THE CLERK OF THE CIRCUIT COURT FOR EACH AFFECTED COUNTY SHALL MAINTAIN ALL WETLANDS MAPS AND REGULATIONS SO AS TO BE ACCESSIBLE TO THE PUBLIC AND SHALL DISPLAY PROMINENTLY TO THE PUBLIC AN INDEX MAP PREPARED BY THE DEPARTMENT, WHICH SHALL INDICATE THE LOCATION OF EACH WETLANDS MAP WITHIN THE COUNTY,