

CHAPTER 453

(House Bill 820)

AN ACT concerning

Natural Resources - Corrections

FOR the purpose of correcting a cross-reference to protests of applications for leases of certain submerged areas for oyster cultivation; and inserting current terminology in references to flammable materials near railroads.

BY repealing and reenacting, with amendments,

Article - Natural Resources
Section 4-1109(c), 5-707(a) and (c), 5-710, and 5-714
Annotated Code of Maryland
(1974 Volume and 1982 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Natural Resources

4-1109.

(c) 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 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 Special Appeals may be taken by either party from the judgment of the circuit court and the Court of Special 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 Special Appeals shall file a similar bond fixed by the lower court to pay