

(b) (1) The action of the State Department of Health and Mental Hygiene to restrict an area of water becomes effective immediately upon giving formal notice of the action to the Department. Notice also shall be given the appropriate governing body and the committee of oystermen of any county affected by the restriction.

(2) The natural resources police force shall patrol the area to warn watermen until public notice is given in newspapers of general circulation in each of the counties whose watermen work the restricted area normally. No arrests may be made until the next work day following the day the notice appeared unless the watermen fail to heed a warning of the officers.

(3) (I) IF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE CLOSES ANY AREA TO THE CATCHING OF SHELLFISH UNDER THIS SECTION, IN ADDITION TO THE NOTICE REQUIRED IN SUBSECTION (B)(1), THE DEPARTMENT OF NATURAL RESOURCES SHALL MARK THE AREA SO THAT THE AREA CAN BE SEEN FROM THE WATER.

(II) THE DEPARTMENT OF NATURAL RESOURCES SHALL ADOPT RULES AND REGULATIONS TO PROVIDE FOR THE MARKING IN A PLAIN AND VISIBLY OBVIOUS FASHION OF ANY AREA THAT IS CLOSED TO THE CATCHING OF SHELLFISH BECAUSE OF POLLUTION. EVEN IN THE ABSENCE OF SUCH MARKING DEVICES, A PERSON MAY NOT CATCH SHELLFISH IN A RESTRICTED AREA AS DESIGNATED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE IF NOTICE HAS BEEN GIVEN TO THE APPROPRIATE GOVERNING BODY AND THE COMMITTEE OF WATERMEN OF ANY COUNTY AFFECTED BY THE RESTRICTION.

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(b) (1) A person may not catch oysters or clams on any area closed by the Department of Health and Mental Hygiene due to pollution.

(2) However, oysters may be transplanted from areas deemed polluted during the closed season in accordance with the provisions of § 4-1009 and § 4-1106.

(3) (I) IF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE CLOSES ANY AREA TO THE CATCHING OF OYSTERS OR CLAMS UNDER THIS SUBSECTION, IN ADDITION TO THE NOTICE REQUIRED IN SUBSECTION (B)(1), THE DEPARTMENT OF NATURAL RESOURCES SHALL MARK THE AREA SO THAT THE AREA CAN BE SEEN FROM THE WATER.

(II) THE DEPARTMENT OF NATURAL RESOURCES SHALL ADOPT RULES AND REGULATIONS TO PROVIDE FOR THE MARKING IN A PLAIN AND VISIBLY OBVIOUS FASHION OF ANY AREA THAT IS CLOSED TO THE CATCHING OF OYSTERS OR CLAMS BECAUSE OF POLLUTION. EVEN IN THE ABSENCE OF SUCH MARKING DEVICES, A PERSON MAY NOT CATCH OYSTERS OR CLAMS IN A RESTRICTED AREA AS DESIGNATED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE IF NOTICE HAS BEEN GIVEN TO THE