

## 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 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 court costs incurred if the appeal is dismissed and costs are imposed on the appellant.]

(C) (1) WITHIN 30 DAYS OF PUBLICATION OF THE LAST ADVERTISEMENT UNDER SUBSECTION (B) OF THIS SECTION, ANY PERSON WHOSE RIGHTS, STATUTORY ENTITLEMENTS, OR PRIVILEGES MAY BE AFFECTED ADVERSELY BY THE ISSUANCE OF A PROPOSED LEASE MAY FILE A PETITION WITH THE DEPARTMENT PROTESTING THE ISSUANCE OF THE LEASE.

(2) THE PROTEST SHALL BE HEARD IN ACCORDANCE WITH THE CONTESTED CASE PROVISIONS OF THE ADMINISTRATIVE PROCEDURE ACT UNDER §§ 10-201 THROUGH 10-217 OF THE STATE GOVERNMENT ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1986.

Approved May 27, 1986.

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