

SENATE BILL 671

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L2

2004 Regular Session
(4r1371)

ENROLLED BILL

-- Education, Health, and Environmental Affairs/Environmental Matters --

Introduced by **Senator Colburn**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Dorchester County - Right Authorization to Harvest Seafood and Engage in**
3 **the Seafood Industry**

4 FOR the purpose of authorizing the County Council of Dorchester County to adopt an
5 ordinance, resolution, or regulation or take other action to ~~protect a person's~~
6 ~~right~~ authorize a person to engage in certain activities related to the seafood
7 industry and to harvest seafood; requiring the County Council to hold a public
8 hearing *and obtain the written consent of the Secretary of Natural Resources*
9 before adopting a certain ordinance, resolution, or regulation; *providing that an*
10 *ordinance, resolution, or regulation adopted without certain consent is void and*
11 *without legal effect; providing that in the event of a certain conflict, federal law,*
12 *State law, or a certain written program guidance preempts a certain ordinance,*
13 *resolution, or regulation;* and generally relating to the authority of the County
14 Council of Dorchester County to ~~protect a person's right~~ authorize a person to
15 engage in certain activities related to the seafood industry and to harvest
16 seafood.

17 BY adding to

1 Article 25 - County Commissioners
2 Section 232
3 Annotated Code of Maryland
4 (2001 Replacement Volume and 2003 Supplement)

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

7 **Article 25 - County Commissioners**

8 232.

9 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE COUNTY COUNCIL OF
10 DORCHESTER COUNTY MAY ADOPT AN ORDINANCE, RESOLUTION, OR REGULATION
11 OR TAKE ANY OTHER ACTION THAT THE COUNTY COUNCIL CONSIDERS NECESSARY
12 TO ~~PROTECT A PERSON'S RIGHT~~ AUTHORIZE A PERSON TO:

13 (1) USE THE PERSON'S PERSONAL PROPERTY OR REAL ESTATE TO
14 OPERATE A SEAFOOD BUSINESS;

15 (2) BUY OR SELL SEAFOOD;

16 (3) STORE EQUIPMENT USED IN THE PERSON'S SEAFOOD BUSINESS;

17 (4) ENJOY THE QUIET CONDUCT OF THE PERSON'S SEAFOOD BUSINESS
18 IN CONFORMANCE WITH COUNTY AND STATE REQUIREMENTS; AND

19 (5) HARVEST SEAFOOD.

20 (B) (1) BEFORE ADOPTING AN ORDINANCE, RESOLUTION, OR REGULATION
21 UNDER SUBSECTION (A) OF THIS SECTION, THE COUNTY COUNCIL SHALL:

22 (I) HOLD A PUBLIC HEARING AND PROVIDE REASONABLE NOTICE
23 OF THE HEARING; AND

24 (II) OBTAIN THE WRITTEN CONSENT OF THE SECRETARY OF
25 NATURAL RESOURCES.

26 (2) AN ORDINANCE, RESOLUTION, OR REGULATION ADOPTED WITHOUT
27 THE WRITTEN CONSENT OF THE SECRETARY OF NATURAL RESOURCES IS VOID AND
28 WITHOUT LEGAL EFFECT.

29 (C) IN THE EVENT OF A CONFLICT, FEDERAL LAW, STATE LAW, OR WRITTEN
30 PROGRAM GUIDANCE ISSUED BY A FEDERAL OR STATE AGENCY SHALL PREEMPT
31 ANY ORDINANCE, RESOLUTION, OR REGULATION ADOPTED OR ANY ACTION TAKEN
32 BY THE COUNTY COUNCIL UNDER THIS SECTION.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2004.

