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By: **Delegate Elmore**

Introduced and read first time: January 12, 2006

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of authorizing the Board of County Commissioners of Somerset  
5 County to adopt an ordinance, resolution, or regulation or take other action to  
6 authorize a person to engage in certain activities related to the seafood industry  
7 and to harvest seafood; requiring the County Commissioners 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 written consent of the  
11 Secretary, is void; 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 Board of  
14 County Commissioners of Somerset County to authorize a person to engage in  
15 certain activities related to the seafood industry and to harvest seafood.

16 BY adding to  
17 Article 25 - County Commissioners  
18 Section 232A  
19 Annotated Code of Maryland  
20 (2005 Replacement Volume)

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

23 **Article 25 - County Commissioners**

24 232A.

25 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD OF COUNTY  
26 COMMISSIONERS OF SOMERSET COUNTY MAY ADOPT AN ORDINANCE, RESOLUTION,  
27 OR REGULATION OR TAKE ANY OTHER ACTION THAT THE BOARD OF COUNTY  
28 COMMISSIONERS CONSIDERS NECESSARY TO AUTHORIZE A PERSON TO:

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

3 (2) BUY OR SELL SEAFOOD;

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

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

7 (5) HARVEST SEAFOOD.

8 (B) (1) BEFORE ADOPTING AN ORDINANCE, RESOLUTION, OR REGULATION  
9 UNDER SUBSECTION (A) OF THIS SECTION, THE BOARD OF COUNTY COMMISSIONERS  
10 SHALL:

11 (I) HOLD A PUBLIC HEARING AND PROVIDE REASONABLE NOTICE  
12 OF THE HEARING; AND

13 (II) OBTAIN THE WRITTEN CONSENT OF THE SECRETARY OF  
14 NATURAL RESOURCES.

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

18 (C) IN THE EVENT OF A CONFLICT, FEDERAL LAW, STATE LAW, OR WRITTEN  
19 PROGRAM GUIDANCE ISSUED BY A FEDERAL OR STATE AGENCY SHALL PREEMPT  
20 ANY ORDINANCE, RESOLUTION, OR REGULATION ADOPTED OR ANY ACTION TAKEN  
21 BY THE COUNTY COMMISSIONERS OF SOMERSET COUNTY UNDER THIS SECTION.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2006.