
By: **Delegate Elmore and Queen Anne's County Delegation**

Introduced and read first time: January 12, 2006

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2006

CHAPTER _____

1 AN ACT concerning

2 **Queen Anne's and Somerset County Counties - Authorization to Harvest**
3 **Seafood and Engage in the Seafood Industry**

4 FOR the purpose of authorizing the ~~Board of County Commissioners of Somerset~~
5 ~~County~~ governing bodies of Queen Anne's County and Somerset County to adopt
6 an ordinance, resolution, or regulation or take other action to authorize a person
7 to engage in certain activities related to the seafood industry and to harvest
8 seafood; ~~requiring the County Commissioners clarifying that the governing body~~
9 ~~of the county in which the ordinance, resolution, or regulation will apply is~~
10 ~~required~~ to hold a public hearing and obtain the written consent of the Secretary
11 of Natural Resources before adopting a certain ordinance, resolution, or
12 regulation; providing that an ordinance, resolution, or regulation, adopted by a
13 governing body under this Act without written consent of the Secretary, is void;
14 providing that in the event of a certain conflict, federal law, State law, or a
15 certain written program guidance preempts a certain ordinance, resolution, or
16 regulation adopted by a governing body under this Act; making conforming
17 changes; and generally relating to the authority of the ~~Board of County~~
18 ~~Commissioners of Somerset County~~ governing bodies of counties to authorize a
19 person to engage in certain activities related to the seafood industry and to
20 harvest seafood.

21 BY ~~adding to~~ repealing and reenacting, with amendments,
22 Article 25 - County Commissioners
23 Section ~~232A~~ 232
24 Annotated Code of Maryland
25 (2005 Replacement Volume)

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

3 **Article 25 - County Commissioners**

4 ~~232A.~~

5 ~~(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD OF COUNTY~~
6 ~~COMMISSIONERS OF SOMERSET COUNTY MAY ADOPT AN ORDINANCE, RESOLUTION,~~
7 ~~OR REGULATION OR TAKE ANY OTHER ACTION THAT THE BOARD OF COUNTY~~
8 ~~COMMISSIONERS CONSIDERS NECESSARY TO AUTHORIZE A PERSON TO:~~

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

11 ~~(2) BUY OR SELL SEAFOOD;~~

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

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

15 ~~(5) HARVEST SEAFOOD.~~

16 ~~(B) (1) BEFORE ADOPTING AN ORDINANCE, RESOLUTION, OR REGULATION~~
17 ~~UNDER SUBSECTION (A) OF THIS SECTION, THE BOARD OF COUNTY COMMISSIONERS~~
18 ~~SHALL:~~

19 ~~(I) HOLD A PUBLIC HEARING AND PROVIDE REASONABLE NOTICE~~
20 ~~OF THE HEARING; AND~~

21 ~~(II) OBTAIN THE WRITTEN CONSENT OF THE SECRETARY OF~~
22 ~~NATURAL RESOURCES.~~

23 ~~(2) AN ORDINANCE, RESOLUTION, OR REGULATION ADOPTED WITHOUT~~
24 ~~THE WRITTEN CONSENT OF THE SECRETARY OF NATURAL RESOURCES IS VOID AND~~
25 ~~WITHOUT LEGAL EFFECT.~~

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

30 232.

31 (a) Subject to subsection (b) of this section, the [County Council] GOVERNING
32 BODY of Dorchester County, QUEEN ANNE'S COUNTY, OR SOMERSET COUNTY may
33 adopt an ordinance, resolution, or regulation or take any other action that the
34 [County Council] GOVERNING BODY considers necessary to authorize a person to:

1 (1) Use the person's personal property or real estate to operate a seafood
2 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 in
6 conformance with county and State requirements; and

7 (5) Harvest seafood.

8 (b) (1) Before adopting an ordinance, resolution, or regulation under
9 subsection (a) of this section, the [County Council] GOVERNING BODY OF THE
10 COUNTY IN WHICH THE ORDINANCE, RESOLUTION, OR REGULATION WILL APPLY
11 shall:

12 (i) Hold a public hearing and provide reasonable notice of the
13 hearing; and

14 (ii) Obtain the written consent of the Secretary of Natural
15 Resources.

16 (2) An ordinance, resolution, or regulation adopted without the written
17 consent of the Secretary of Natural Resources is void and without legal effect.

18 (c) In the event of a conflict, federal law, State law, or written program
19 guidance issued by a federal or State agency shall preempt any ordinance, resolution,
20 or regulation adopted or any action taken by the [County Council] GOVERNING BODY
21 OF DORCHESTER COUNTY, QUEEN ANNE'S COUNTY, OR SOMERSET COUNTY under
22 this section.

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