
By: **Queen Anne's County Delegation**
Introduced and read first time: January 26, 2006
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of authorizing the County Commissioners of Queen Anne's County
5 to adopt an ordinance, resolution, or regulation or take other action to authorize
6 a person to engage in certain activities related to the seafood industry and to
7 harvest seafood; requiring the County Commissioners to hold a public hearing
8 and obtain the written consent of the Secretary of Natural Resources before
9 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 Commissioners of Queen Anne's 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 236F
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 236F.

25 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE COUNTY
26 COMMISSIONERS OF QUEEN ANNE'S COUNTY MAY ADOPT AN ORDINANCE,
27 RESOLUTION, OR REGULATION OR TAKE ANY OTHER ACTION THAT THE COUNTY
28 COMMISSIONERS CONSIDER 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 COUNTY COMMISSIONERS SHALL:

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

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

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

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

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