

HOUSE BILL 54

L2
HB 94/06 – ENV

71r1135

By: **Delegate Elmore and Queen Anne's County Delegation**
Introduced and read first time: January 19, 2007
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

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

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

19 BY repealing and reenacting, with amendments,
20 Article 25 – County Commissioners
21 Section 232
22 Annotated Code of Maryland
23 (2005 Replacement Volume and 2006 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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**

4 232.

5 (a) Subject to subsection (b) of this section, the [County Council]
6 **GOVERNING BODY** of Dorchester County, **QUEEN ANNE’S COUNTY, OR SOMERSET**
7 **COUNTY** may adopt an ordinance, resolution, or regulation or take any other action
8 that the [County Council] **GOVERNING BODY** considers necessary to authorize a
9 person to:

10 (1) Use the person’s personal property or real estate to operate a
11 seafood business;

12 (2) Buy or sell seafood;

13 (3) Store equipment used in the person’s seafood business;

14 (4) Enjoy the quiet conduct of the person’s seafood business in
15 conformance with county and State requirements; and

16 (5) Harvest seafood.

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

21 (i) Hold a public hearing and provide reasonable notice of the
22 hearing; and

23 (ii) Obtain the written consent of the Secretary of Natural
24 Resources.

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

27 (c) In the event of a conflict, federal law, State law, or written program
28 guidance issued by a federal or State agency shall preempt any ordinance, resolution,
29 or regulation adopted or any action taken by the [County Council] **GOVERNING BODY**

1 **OF DORCHESTER COUNTY, QUEEN ANNE'S COUNTY, OR SOMERSET COUNTY**
2 under this section.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2007.