

# SENATE BILL 554

L2

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CF HB 54

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By: **Senators Pipkin and Stoltzfus**

Introduced and read first time: February 2, 2007

Assigned to: Education, Health, and Environmental Affairs

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## 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)

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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.