

CHAPTER 588

(House Bill 54)

AN ACT concerning

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

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

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

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

Article 25 – County Commissioners

232.

(a) Subject to subsection (b) of this section, the [County Council] **GOVERNING BODY** of Dorchester County, **QUEEN ANNE'S COUNTY, OR SOMERSET COUNTY** may adopt an ordinance, resolution, or regulation or take any other action

that the [County Council] **GOVERNING BODY** considers necessary to authorize a person to:

- (1) Use the person's personal property or real estate to operate a seafood business;
- (2) Buy or sell seafood;
- (3) Store equipment used in the person's seafood business;
- (4) Enjoy the quiet conduct of the person's seafood business in conformance with county and State requirements; and
- (5) Harvest seafood.

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

- (i) Hold a public hearing and provide reasonable notice of the hearing; and
- (ii) Obtain the written consent of the Secretary of Natural Resources.

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

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

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

Approved by the Governor, May 17, 2007.