

# HOUSE BILL 1493

L2

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By: **Delegate Kullen**

Introduced and read first time: February 19, 2008

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Calvert County – Authorization to Harvest Seafood and Engage in the**  
3 **Seafood Industry**

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

18 BY repealing and reenacting, with amendments,  
19 Article 25 – County Commissioners  
20 Section 232  
21 Annotated Code of Maryland  
22 (2005 Replacement Volume and 2007 Supplement)

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

25 **Article 25 – County Commissioners**

26 232.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) Subject to subsection (b) of this section, the governing body of **CALVERT**  
2 **COUNTY**, Dorchester County, Queen Anne's County, or Somerset County may adopt  
3 an ordinance, resolution, or regulation or take any other action that the governing  
4 body considers necessary to authorize a person to:

5 (1) Use the person's personal property or real estate to operate a  
6 seafood business;

7 (2) Buy or sell seafood;

8 (3) Store equipment used in the person's seafood business;

9 (4) Enjoy the quiet conduct of the person's seafood business in  
10 conformance with county and State requirements; and

11 (5) Harvest seafood.

12 (b) (1) Before adopting an ordinance, resolution, or regulation under  
13 subsection (a) of this section, the governing body of the county in which the ordinance,  
14 resolution, or regulation will apply shall:

15 (i) Hold a public hearing and provide reasonable notice of the  
16 hearing; and

17 (ii) Obtain the written consent of the Secretary of Natural  
18 Resources.

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

21 (c) In the event of a conflict, federal law, State law, or written program  
22 guidance issued by a federal or State agency shall preempt any ordinance, resolution,  
23 or regulation adopted or any action taken by the governing body of **CALVERT**  
24 **COUNTY**, Dorchester County, Queen Anne's County, or Somerset County under this  
25 section.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2008.