

HOUSE BILL 1493

L2

8lr3360

By: **Delegate Kullen**

Introduced and read first time: February 19, 2008

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, February 29, 2008

Committee Report: Favorable

House action: Adopted

Read second time: March 20, 2008

CHAPTER _____

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)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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 governing body of **CALVERT**
6 **COUNTY**, Dorchester County, Queen Anne’s County, or Somerset County may adopt
7 an ordinance, resolution, or regulation or take any other action that the governing
8 body considers necessary to authorize a person to:

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

11 (2) Buy or sell seafood;

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

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

15 (5) Harvest seafood.

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

19 (i) Hold a public hearing and provide reasonable notice of the
20 hearing; and

21 (ii) Obtain the written consent of the Secretary of Natural
22 Resources.

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

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

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