HOUSE BILL 1240

M2 1lr2738 CF 1lr3141

By: Delegates Jacobs, Cluster, Eckardt, Frank, Haddaway-Riccio, Hershey, McDermott, Norman, Otto, Smigiel, Summers, and Weir

Introduced and read first time: February 21, 2011 Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, March 7, 2011

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2011

CHAPTER

1 AN ACT concerning

Counties - Natural Resources - Right Authorization to Harvest Seafood and Engage in the Seafood Industry

- 4 FOR the purpose of expanding the application of certain provisions to authorize 5 counties the governing body of a county to adopt a certain ordinance, resolution, 6 or regulation relating to the right to or take certain other action to authorize a 7 person to harvest seafood and engage in the seafood industry and to harvest 8 seafood in accordance with certain requirements; providing that in the event of 9 a conflict, federal law, State law, or a certain written program guidance 10 preempts any ordinance, resolution, or regulation or any other action taken by a the governing body of a county under this Act; and generally relating to the 11 authority of the governing body of a county to authorize a person to harvest 12 seafood and engage in certain activities related to the seafood industry and to 13 harvest seafood. 14
- 15 BY repealing and reenacting, with amendments,
- 16 Article 25 County Commissioners
- 17 Section 232
- 18 Annotated Code of Maryland
- 19 (2005 Replacement Volume and 2010 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 21 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

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



Article 25 – County Commissioners

1	Article 25 - County Commissioners
2	232.
3 4 5 6	(a) Subject to subsection (b) of this section, the governing body of [Calver County, Dorchester County, Queen Anne's County, or Somerset County] A COUNTY may adopt an ordinance, resolution, or regulation or take any other action that the governing body considers necessary to authorize a person to:
7 8	(1) Use the person's personal property or real estate to operate a seafood business;
9	(2) Buy or sell seafood;
10	(3) Store equipment used in the person's seafood business;
11 12	(4) Enjoy the quiet conduct of the person's seafood business in conformance with county and State requirements; and
13	(5) Harvest seafood.
14 15 16	(b) (1) Before adopting an ordinance, resolution, or regulation under subsection (a) of this section, the governing body of the county in which the ordinance resolution, or regulation will apply shall:
17 18	(i) Hold a public hearing and provide reasonable notice of the hearing; and
19 20	(ii) Obtain the written consent of the Secretary of Natura Resources.
21 22	(2) An ordinance, resolution, or regulation adopted without the written consent of the Secretary of Natural Resources is void and without legal effect.
23 24 25 26 27	(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 OTHER action taken by the governing body of [Calver County, Dorchester County, Queen Anne's County, or Somerset County] A COUNTY under this section.
28 29	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.