

Chapter 385

(House Bill 1240)

AN ACT concerning

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

FOR the purpose of expanding the application of certain provisions to authorize ~~counties~~ the governing body of a county to adopt a certain ordinance, resolution, or regulation ~~relating to the right to~~ or take certain other action to authorize a person to harvest seafood and engage in the seafood industry and to harvest seafood in accordance with certain requirements; providing that in the event of a conflict, federal law, State law, or a certain written program guidance 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 authority of the governing body of a county to authorize a person to harvest seafood and 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 2010 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 governing body of [Calvert 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:

- (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 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 **OTHER** action taken by the governing body of [Calvert County, Dorchester County, Queen Anne's County, or Somerset County] **A COUNTY** under this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

Approved by the Governor, May 10, 2011.