

HOUSE BILL 1240

M2

11r2738

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

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Right to Harvest Seafood and Engage in the Seafood**
3 **Industry**

4 FOR the purpose of expanding the application of certain provisions to authorize
5 counties to adopt a certain ordinance, resolution, or regulation relating to the
6 right to engage in the seafood industry and to harvest seafood in accordance
7 with certain requirements; providing that in the event of a conflict, federal law,
8 State law, or a certain written program guidance preempts any other action
9 taken by a governing body under this Act; and generally relating to the
10 authority of the governing body of a county to authorize a person to engage in
11 certain activities related to the seafood industry and to harvest seafood.

12 BY repealing and reenacting, with amendments,
13 Article 25 – County Commissioners
14 Section 232
15 Annotated Code of Maryland
16 (2005 Replacement Volume and 2010 Supplement)

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

19 **Article 25 – County Commissioners**

20 232.

21 (a) Subject to subsection (b) of this section, the governing body of [Calvert
22 County, Dorchester County, Queen Anne’s County, or Somerset County] A COUNTY
23 may adopt an ordinance, resolution, or regulation or take any other action that the
24 governing body considers necessary to authorize a person to:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



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

3 (2) Buy or sell seafood;

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

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

7 (5) Harvest seafood.

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

11 (i) Hold a public hearing and provide reasonable notice of the
12 hearing; and

13 (ii) Obtain the written consent of the Secretary of Natural
14 Resources.

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

17 (c) In the event of a conflict, federal law, State law, or written program
18 guidance issued by a federal or State agency shall preempt any ordinance, resolution,
19 or regulation adopted or any **OTHER** action taken by the governing body of [Calvert
20 County, Dorchester County, Queen Anne's County, or Somerset County] **A COUNTY**
21 under this section.

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