

# SENATE BILL 36

M3

(0lr0852)

## *ENROLLED BILL*

— *Education, Health, and Environmental Affairs and Judicial  
Proceedings/Environmental Matters* —

Introduced by **Senator Colburn**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Dorchester County – Bay Restoration Fee – Lien Against Property**

3 FOR the purpose of establishing in Dorchester County that an unpaid Bay Restoration  
4 Fee is a lien against the property ~~on which~~ serviced by the wastewater facility,  
5 onsite sewage disposal system, or holding tank ~~is located~~; requiring a notice of  
6 lien to be recorded in the land records of Dorchester County; and generally  
7 relating to the Bay Restoration Fee.

8 BY repealing and reenacting, with amendments,  
9 Article – Environment  
10 Section 9–1605.2(d)  
11 Annotated Code of Maryland  
12 (2007 Replacement Volume and 2009 Supplement)

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### 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.

*Italics* indicate opposite chamber/conference committee amendments.



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

3 **Article – Environment**

4 9–1605.2.

5 (d) (1) Subject to the approval of the Administration, a local government  
6 or a billing authority for a water or wastewater facility may establish a program to  
7 exempt from the requirements of this section a residential dwelling able to  
8 demonstrate substantial financial hardship as a result of the restoration fee.

9 (2) (i) Except as provided in subparagraph (ii) of this paragraph,  
10 the Bay Restoration Fee shall be collected by the local government or the billing  
11 authority for the water or wastewater facility, as appropriate, on behalf of the State.

12 (ii) For a wastewater facility without a billing authority, the  
13 Comptroller may collect the restoration fee from the facility owner.

14 (3) A local government, billing authority for a water or wastewater  
15 facility, or any other authorized collecting agency:

16 (i) May use all of its existing procedures and authority for  
17 collecting a water or sewer bill, an onsite sewage disposal system bill, or a holding  
18 tank bill in order to enforce the collection of the Bay Restoration Fee; and

19 (ii) Shall establish a segregated account for the deposit of funds  
20 collected under this section.

21 **(4) (I) IN DORCHESTER COUNTY, AN UNPAID BAY**  
22 **RESTORATION FEE SHALL BE A LIEN AGAINST THE PROPERTY ~~ON WHICH THE~~**  
23 **SERVED BY A WASTEWATER FACILITY, ONSITE SEWAGE DISPOSAL SYSTEM, OR**  
24 **HOLDING TANK ~~IS LOCATED~~.**

25 **(II) A NOTICE OF LIEN SHALL BE RECORDED IN THE LAND**  
26 **RECORDS OF DORCHESTER COUNTY.**

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 October 1, 2010.