

**A015-0708**

10      **An Act Concerning**

20      CHESAPEAKE AND ATLANTIC COASTAL BAYS CRITICAL AREA PROTECTION  
30      PROGRAM JUDICIAL REFORM

40      FOR the purposes of reforming access to judicial intervention under the Chesapeake and Atlantic  
50      Coastal Bays Critical Area Protection Program

60      BY repealing, and reenacting, with amendments,  
70      Article – Natural Resources  
80      §8-1815

90      SECTION 1. BE IT ENACTED BY THE MARYLAND STUDENT  
100     LEGISLATURE, That the Laws of Maryland read as follows:

110     **§ 8-1815. Enforcement.**

120             (a) Violators subject to prosecution or suit.-

130                             (1) Violators of the provisions of programs approved or adopted by the  
140                             Commission shall be subject to prosecution or suit by local authorities, who may  
150                             invoke the sanctions and remedies afforded by State or local law.

160                             (2) A local authority may request: ASSISTANCE FROM THE COMMISSION  
170                             IN AN ENFORCEMENT ACTION.

180   ~~(i) Assistance from the Commission in an enforcement action; or~~

190   ~~(ii) That the chairman refer an enforcement action to the Attorney~~  
200   ~~General.~~

210                             (3) A LOCAL AUTHORITY OR MEMBER OF THE LOCAL COMMUNITY  
220                             MAY REQUEST THAT THE CHAIRMAN REFER AN ENFORCEMENT  
230                             ACTION TO THE ATTORNEY GENERAL.

240                             (b) Referral to Attorney General.- Whenever the chairman OR MEMBER OF THE  
250                             LOCAL COMMUNITY has reason to believe that a local jurisdiction is failing to enforce  
260                             the requirements of a program applicable to a particular development, the chairman OR  
270                             MEMBER OF THE LOCAL COMMUNITY shall serve notice upon the local  
280                             enforcement authorities. If within 30 days after service of the notice, the local authorities  
290                             have failed to initiate an action to remedy or punish the violation, the chairman OR  
300                             MEMBER OF THE LOCAL COMMUNITY may refer the matter to the Attorney  
310                             General.

320                             (c) Sanctions - Remedies available to local jurisdiction.- Upon referral of an alleged  
330                             violation under subsection (a) or (b) of this section, the Attorney General may invoke any  
340                             sanction or remedy available to local authorities, in any court of competent jurisdiction in  
350                             which the local authorities would be authorized to prosecute or sue the violator.

400                             (d) Sanctions - Equitable remedies.- In addition to any other sanction or remedy  
410                             available, the Attorney General may bring an action in equity to compel compliance or  
420                             restrain noncompliance with the requirements of approved project plans, and to compel  
430                             restoration of lands or structures to their condition prior to any modification which was  
440                             done in violation of approved project plans.

450 (e) Action to restrain violation.- Notwithstanding any other provision of this section,  
460 whenever a development in the Critical Area is proceeding in violation of approved  
470 project plans and threatens to immediately and irreparably degrade the quality of tidal  
480 waters or fish, wildlife, or plant habitat, the Attorney General, upon request of the  
490 chairman OR A MEMBER OF THE LOCAL COMMUNITY, may bring an action to  
500 restrain the violation and, as appropriate, to compel restoration of any land or water areas  
510 affected by the development.

520 **MANDATES:**

530 Martin O'Malley, Governor of Maryland  
540 Anthony G. Brown, Lieutenant Governor of Maryland  
550 Thomas V. "Mike" Miller, Jr., President of the Maryland Senate  
560 Michael E. Busch, Speaker of the Maryland House of Delegates  
570 Edward J. Kasemeyer, Senate Majority Leader  
580 David R. Brinkley, Senate Minority Leader  
590 Kumar P. Barve, House Majority Leader  
600 Anthony J. O'Donnell, House Minority Leader

**Sponsor:**

Scott T. Besore,  
Tory Caucus Leader  
Co-Delegation Chair Person  
University of Maryland, Baltimore County