

NEWS FROM.....SENATOR RICHARD F. COLBURN

FOR IMMEDIATE RELEASE  
March 5, 2010

CONTACT: RICH COLBURN  
410-841-3590 or  
800-492-7122 ext. 3590

Senator Colburn Reports from Annapolis (This Week)

ANNAPOLIS - Senator Richard F. Colburn (R. Eastern Shore) reported on events that took place this week. Senator Colburn stated, “Attorney General Doug Gansler issued an opinion saying that Maryland should recognize same-sex marriages performed in other states. The immediate effect of the opinion is to put Maryland state agencies on notice that they should extend to same-sex couples all the benefits and rights afforded to married heterosexual couples in the state. Governor O’Malley said in a statement, “I expect all state agencies to work with the Attorney General’s office to ensure compliance with the law.” This was a long awaited announcement from gay-rights supporters as well as igniting a highly controversial issue during an election year. I don’t understand why it took nine months for the Attorney General to give his personal opinion, exactly halfway through the 2010 Session. It is a left wing opinion from a liberal attorney general which is telling all gay couples that they can legally circumvent Maryland law by running over to Washington D.C. to get married. I am not a lawyer, but I can say with certainty that the last time I read the Maryland law concerning

this issue, it clearly says that **marriage is between a man and a woman.**

Delegate Donald Dwyer (R. Anne Arundel Co.) stated, “It is not up to the attorney general, and that’s the reason I brought charges of impeachment against the Attorney General. The opinion doesn’t change the law. It in effect usurps law.” This clearly is a misuse of power and violates the Maryland State Constitution. The legislative branch of the government makes the law, not the Judicial Branch or Executive Branch.

On Tuesday, March 2, the Senate Education, Health, and Environmental Affairs Committee heard Senate Bill 420 (Environment – Stormwater Management – New Development and Redevelopment Projects). This bill would delay the implementation of stormwater management regulations that apply to new developments and redevelopment projects by 10 years or a number yet to be determined. The regulations in the bill passed last year will have a negative impact on county and municipal smart growth. Many constituents, businesses, and specifically the Salisbury Chamber of Commerce believe that, “Without legislative action, the new stormwater management regulations will further damage the already ailing construction industry, add to the high unemployment rate, delay any economic recovery, unnecessarily add to the cost of construction and development, require more land to be used for development and negatively

impact the generation of governmental revenues. The new regulations are unfair when applied to previously approved projects where there has been a great investment in time and expense to have infrastructure plans approved, and in many cases built, under the current stormwater regulations.”

The new rules require developers to mimic natural water filtration into the ground whenever possible. This can be done by using rain gardens, swales, and porous pavement. These methods are preferred over ponds, but at the same time are very expensive to create. I certainly applaud the state’s approach to improving water quality in our local streams, aquifers, rivers and the Chesapeake Bay. However, I am concerned that the implementation of these new regulations will adversely impact existing developments that already meet existing regulations and stall the creation of new developments in Smart Growth areas. Other groups have found these rules detrimental to the economic health of the state and are also strongly advocating in favor of curative legislative action

According to an Op-Ed article written by Baltimore County Executive Jim Smith entitled, “A Threat to Smart Growth” in the Baltimore Sun, February 2, 2010, “These regulations will undermine Smart Growth policies and encourage the open space land rush.”

According to the Maryland Municipal League, “In comparing the legislation passed by the General Assembly in 2007 with the regulations adopted in May of 2009, it is safe to say that the newly adopted regulations will result in unfunded mandates and significantly increased redevelopment costs for our cities and towns. Unless the Department adopts new regulations or amends existing regulations to address phased projects that have already received preliminary plan approvals to provide relief from the new regulations, it is likely many of these projects will become too expensive to complete and economic development activities in many municipalities will be negatively impacted. This in turn will lead to unnecessary sprawl.”

Senate Bill 362 (Natural Resources – Suspension of Hunting Licenses and Privileges) was given an unfavorable report by the Senate Education, Health, and Environmental Affairs Committee. This bill would have authorized the Department of Natural Resources (DNR) to suspend for up to 5 years the hunting license or privileges of a person who is convicted of a state or federal hunting violation. It would also require DNR to suspend for between 1 to 5 years the hunting license or privileges of a person who receives in any 12-month period a second conviction for a hunting violation. Senator Roy Dyson (D. - St. Mary’s Co.) and I led the effort to kill this bill

which we believe would have unduly taken away hunting rights from Maryland citizens.”

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Senator Colburn Reports from Annapolis (Next Week)

ANNAPOLIS – Senator Richard F. Colburn (R. Eastern Shore) reported on events that will take place next week. Senator Colburn stated, “On Tuesday, March 9, the Senate Education, Health, and Environmental Affairs Committee will hear Senate Bill 222 (Natural Oyster Bars – Authority to Designate). This bill prohibits the Department of Natural Resources from designating the location of oyster sanctuaries in State waters by regulation. Furthermore, it would require Maryland General Assembly approval for any oyster sanctuaries designated by the Department. Under current law, oyster sanctuaries have been established via statute and regulation. Provisions designate several oyster sanctuaries which are protected oyster restoration areas in State waters. They are located throughout the Chesapeake Bay, including areas of the Corsica, Choptank, Nanticoke, and Patuxent Rivers.

In December 2009, Governor O'Malley proposed a new management and restoration plan for oysters. The problem is that those people who make a living harvesting oysters were not included in the decision making of the location of these sanctuaries. The main purpose of the bill would be to require General Assembly approval of future oyster sanctuaries.

On Tuesday, March 9, the Senate Education, Health, and Environmental Affairs Committee will hear Senate Bill 808 (County Oyster Committees – Public Shellfish Fishery Area – Power Dredging). This is a bill sponsored by Senator E.J. Pipkin (R. Caroline, Cecil, Kent and Q.A. Co.) and myself. This bill would specify that county oyster committees authorize the use of power dredges to catch oysters in public shellfish fishery areas.

The Senate Education, Health, and Environmental Affairs Committee will also hear Senate Bill 809 (Natural Resources – Designation of Oyster Sanctuaries – Prohibition) on Wednesday, March 9 at 1:00. This bill would prohibit the Department of Natural Resources from designating a new oyster sanctuary in State waters before October 1, 2011. The bill would make the Act an emergency measure and provide for the termination of the Act.

On Wednesday, March 10, the Senate Finance Committee will hear Senate Bill 744 (Criminal Law Unfair or Deceptive Trade Practices). This

bill would require a vehicle dealer by law to make a disclosure to consumers regarding the prior use of a vehicle and to make a reasonable inquiry about whether the vehicle formerly was used other than primarily for personal, household, or family purposes. Presently, the law is totally silent as to what lengths a dealer must go to in order to accurately ascertain the actual prior use of a vehicle up for sale as a 'used car'. A dealer may disclose to the customer that the prior use of the vehicle is "unknown". It is not possible in many instances to declare definitely what the prior use of a vehicle actually was. Most of the disclosures currently are based on assumptions which may or may not be accurate."