

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE
Revised

House Bill 562 (Delegate Eckardt, *et al.*)

Commerce and Government Matters

Referred to Judicial Proceedings

Dorchester County - Right to Farm Law

This enrolled bill authorizes the Dorchester County Commissioners to adopt an ordinance to protect a person's right to farm or engage in agricultural or forestry operations. The county may prohibit a private action against such operations if (1) the agricultural or forestry operation has been underway for at least one year and the operation did not constitute a nuisance from its existence; and (2) the agricultural or forestry operation is conducted substantially in accordance with generally accepted industry practices. The county must also establish a grievance process to handle claims of nuisances. The county may require a person claiming a nuisance as a result of agricultural or forestry operations to arbitrate the claim before the grievance committee before maintaining a private action in court. If the grievance committee finds in favor of the person against whom the complaint was made, the person claiming a nuisance must pay the costs of the arbitration proceeding and the reasonable expenses, including attorney fees, incurred by the other person.

Fiscal Summary

State Effect: None.

Local Effect: Minimal effect on expenditures. Dorchester County expenditures could increase by a minimal amount due to the costs of establishing a grievance committee and holding grievance hearings.

Small Business Effect: Meaningful effect on small businesses as discussed below.

Fiscal Analysis

Small Business Effect: This bill allows Dorchester County to adopt an ordinance or regulation protecting a person's right to farm. The impact on farmers depends on the details of any ordinance or regulation adopted, but it could be meaningful.

There are 347 farms in operation in Dorchester County, with the average size farm totaling 357 acres. Approximately one-third of the county's land area is devoted to farming. However, over a ten-year period (1982-1992), the number of farms in operation has decreased by over 20% and the amount of land devoted to farming has declined by around 11%. Agricultural related businesses, including both farming and food processing, serve as the major employers in the county. Cash receipts from agricultural commodities in Dorchester County totaled \$64.1 million in 1992, the latest year in which data is available. In addition, based on 1995 employment data, food processing facilities provided around 1,500 jobs.

Information Source(s): Dorchester County, Department of Fiscal Services

Fiscal Note History: First Reader - February 13, 1997
ncs Revised - House Third Reader - March 27, 1997
Revised - Enrolled Bill - April 24, 1997

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