

SENATE BILL 89

M4

9lr0018

(PRE-FILED)

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Agriculture)**

Requested: October 22, 2008

Introduced and read first time: January 14, 2009

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Agricultural Land Preservation Foundation – Imposition of Civil**
3 **Penalties – Authorization**

4 FOR the purpose of authorizing the Maryland Agricultural Land Preservation
5 Foundation to impose certain penalties for certain violations under certain
6 circumstances; establishing that each day a violation occurs is a separate
7 violation; establishing certain notice and hearing requirements; establishing
8 certain maximum penalties for certain violations; requiring the imposition of
9 penalties to be assessed in accordance with certain considerations; requiring
10 certain penalties to be deposited into the Maryland Agricultural Land
11 Preservation Fund; requiring the Foundation to adopt certain regulations; and
12 generally relating to the authority of the Maryland Agricultural Land
13 Preservation Foundation.

14 BY adding to
15 Article – Agriculture
16 Section 2–519
17 Annotated Code of Maryland
18 (2007 Replacement Volume and 2008 Supplement)

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

21 **Article – Agriculture**

22 **2–519.**

23 **(A) (1) IN ADDITION TO ANY OTHER REMEDIES AVAILABLE AT LAW OR**
24 **IN EQUITY AND AFTER AN OPPORTUNITY FOR A HEARING, THE FOUNDATION**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 MAY IMPOSE A PENALTY FOR A VIOLATION OF ANY PROVISION OF THIS
2 SUBTITLE, ANY REGULATION ADOPTED IN ACCORDANCE WITH § 2-504 OF THIS
3 SUBTITLE, OR AN EASEMENT ACQUIRED BY THE FOUNDATION.

4 (2) EACH DAY A VIOLATION OCCURS IS A SEPARATE VIOLATION
5 OF THIS SECTION.

6 (B) BEFORE TAKING ANY ACTION UNDER THIS SECTION, THE
7 FOUNDATION SHALL PROVIDE THE ALLEGED VIOLATOR WITH WRITTEN NOTICE
8 OF THE PROPOSED ACTION AND AN OPPORTUNITY FOR AN INFORMAL MEETING.

9 (C) THE PENALTY IMPOSED ON A PERSON UNDER THIS SECTION SHALL
10 BE:

11 (1) UP TO \$2,500 FOR EACH VIOLATION;

12 (2) NOT MORE THAN \$50,000 TOTAL FOR ANY SINGLE
13 ADMINISTRATIVE HEARING; AND

14 (3) ASSESSED WITH CONSIDERATION GIVEN TO THE
15 WILLFULNESS OF THE VIOLATION AND THE EXTENT TO WHICH THE EXISTENCE
16 OF THE VIOLATION WAS KNOWN TO THE VIOLATOR BUT UNCORRECTED BY THE
17 VIOLATOR.

18 (D) PENALTIES COLLECTED BY THE FOUNDATION UNDER THIS SECTION
19 SHALL BE PAID INTO THE MARYLAND AGRICULTURAL LAND PRESERVATION
20 FUND ESTABLISHED UNDER § 2-505 OF THIS SUBTITLE.

21 (E) THE FOUNDATION SHALL ADOPT REGULATIONS TO CARRY OUT THE
22 PROVISIONS OF THIS SECTION.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2009.