

# SENATE BILL 89

M4

9lr0018

(PRE-FILED)

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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

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Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: February 19, 2009

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

4 FOR the purpose of authorizing the board of trustees of the Maryland Agricultural  
5 Land Preservation Foundation to impose certain penalties on owners of certain  
6 property for certain violations under certain circumstances; establishing that  
7 each day a violation occurs is a separate violation; establishing certain notice  
8 and hearing requirements; requiring the Foundation to provide an alleged  
9 violation a reasonable time to correct the alleged violation; establishing certain  
10 maximum penalties for certain violations; requiring the imposition of penalties  
11 to be assessed in accordance with certain considerations; requiring certain  
12 penalties to be deposited into the Maryland Agricultural Land Preservation  
13 Fund; requiring the Foundation to adopt certain regulations; providing for the  
14 application of this Act; and generally relating to the authority of the board of  
15 trustees of the Maryland Agricultural Land Preservation Foundation.

16 BY adding to

17 Article – Agriculture

18 Section 2–519

19 Annotated Code of Maryland

20 (2007 Replacement Volume and 2008 Supplement)

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

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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.



1 **Article - Agriculture**2 **2-519.**

3 (A) (1) IN ADDITION TO ANY OTHER REMEDIES AVAILABLE AT LAW OR  
4 IN EQUITY AND AFTER AN OPPORTUNITY FOR A HEARING, THE BOARD OF  
5 TRUSTEES OF THE FOUNDATION MAY IMPOSE A PENALTY ON AN OWNER OF  
6 PROPERTY THAT IS SUBJECT TO AN EASEMENT GRANTED UNDER THIS SUBTITLE  
7 FOR A VIOLATION OF ANY PROVISION OF THIS SUBTITLE, ANY REGULATION  
8 ADOPTED IN ACCORDANCE WITH § 2-504 OF THIS SUBTITLE, OR AN EASEMENT  
9 ACQUIRED BY THE FOUNDATION.

10 (2) EACH DAY A VIOLATION OCCURS IS A SEPARATE VIOLATION  
11 FOR PURPOSES OF THIS SECTION.

12 (B) BEFORE TAKING ANY ACTION UNDER THIS SECTION, THE  
13 FOUNDATION SHALL PROVIDE THE ALLEGED VIOLATOR WITH WRITTEN NOTICE  
14 OF THE PROPOSED ACTION ~~AND~~, AN OPPORTUNITY FOR AN INFORMAL MEETING,  
15 AND A REASONABLE TIME TO CORRECT THE ALLEGED VIOLATION.

16 (C) THE PENALTY IMPOSED ON A PERSON UNDER THIS SECTION SHALL  
17 BE:

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

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

21 (3) ASSESSED WITH CONSIDERATION GIVEN TO THE  
22 WILLFULNESS OF THE VIOLATION AND THE EXTENT TO WHICH THE EXISTENCE  
23 OF THE VIOLATION WAS KNOWN TO THE VIOLATOR BUT UNCORRECTED BY THE  
24 VIOLATOR.

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

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

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
31 construed to apply only prospectively and may not be applied or interpreted to have  
32 any effect on or application to any violation occurring before the effective date of this  
33 Act.

1           SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take  
2 effect October 1, 2009.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.