

## CHAPTER 24

(Senate Bill 89)

AN ACT concerning

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

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

BY adding to

Article – Agriculture

Section 2-519

Annotated Code of Maryland

(2007 Replacement Volume and 2008 Supplement)

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

#### **Article – Agriculture**

#### **2-519.**

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

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

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

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

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

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

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

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

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

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

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

**Approved by the Governor, April 14, 2009.**