

# SENATE BILL 285

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7lr0741  
CF HB 217

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By: **Senators Ready, Eckardt, Edwards, and Salling**

Introduced and read first time: January 20, 2017

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Agricultural Land Preservation Easements – Overlay Easements,**  
3 **Rights-of-Way, or Servitudes**

4 FOR the purpose of prohibiting a landowner whose land is subject to an agricultural land  
5 preservation easement from granting, or allowing a person to establish, an overlay  
6 easement, a right-of-way, or any other servitude on the land without certain written  
7 permission of the Maryland Agricultural Land Preservation Foundation; authorizing  
8 the Foundation to approve an overlay easement, a right-of-way, or any other  
9 servitude on land subject to an agricultural land preservation easement under  
10 certain circumstances; and generally relating to agricultural land preservation  
11 easements.

12 BY adding to  
13 Article – Agriculture  
14 Section 2–513(d)  
15 Annotated Code of Maryland  
16 (2016 Replacement Volume)

17 BY repealing and reenacting, with amendments,  
18 Article – Agriculture  
19 Section 2–513(d)  
20 Annotated Code of Maryland  
21 (2016 Replacement Volume)

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

24 **Article – Agriculture**

25 2–513.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A**  
2 **LANDOWNER WHOSE LAND IS SUBJECT TO AN AGRICULTURAL LAND PRESERVATION**  
3 **EASEMENT MAY NOT GRANT, OR ALLOW A PERSON TO ESTABLISH, AN OVERLAY**  
4 **EASEMENT, A RIGHT-OF-WAY, OR ANY OTHER SERVITUDE ON THE LAND WITHOUT**  
5 **THE PRIOR WRITTEN PERMISSION OF THE FOUNDATION.**

6           **(2) THE FOUNDATION MAY APPROVE AN OVERLAY EASEMENT, A**  
7 **RIGHT-OF-WAY, OR ANY OTHER SERVITUDE ON LAND SUBJECT TO AN**  
8 **AGRICULTURAL LAND PRESERVATION EASEMENT IF THE FOUNDATION**  
9 **DETERMINES THAT THE OVERLAY EASEMENT, RIGHT-OF-WAY, OR SERVITUDE WILL**  
10 **NOT HAVE A PERMANENT HARMFUL EFFECT ON THE CONSERVATION ATTRIBUTES**  
11 **OR AGRICULTURAL USE OF THE LAND.**

12           **[(d)] (E)** Purchase of an easement by the Foundation does not grant the public  
13 any right of access or right of use of the subject property.

14           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2017.