

HOUSE BILL 1470

M1, L5

5lr1093

By: **Montgomery County Delegation and Prince George's County Delegation**
Introduced and read first time: February 7, 2025
Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Chesapeake and Atlantic Coastal Bays Critical Area**
3 **Protection Program – Cutting or Clearing Trees**

4 **MC/PG 113–25**

5 FOR the purpose of providing that, in Prince George's County, a certain person may not be
6 held liable for the cutting or clearing of trees in the Chesapeake and Atlantic Coastal
7 Bays Critical Area under certain circumstances; requiring the Critical Area
8 Commission for the Chesapeake and Atlantic Coastal Bays to adopt regulations
9 authorizing a certain person to appeal a certain action; and generally relating to the
10 cutting or clearing of trees in the Chesapeake and Atlantic Coastal Bays Critical
11 Area in Prince George's County.

12 BY repealing and reenacting, with amendments,
13 Article – Natural Resources
14 Section 8–1815.1
15 Annotated Code of Maryland
16 (2023 Replacement Volume and 2024 Supplement)

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

19 **Article – Natural Resources**

20 8–1815.1.

21 (a) (1) The provisions of this section are in addition to any other sanction,
22 remedy, or penalty provided by law.

23 (2) This section does not apply to any cutting or clearing of trees that is
24 allowed under regulations adopted by the Commission under this subtitle.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) **[If SUBJECT TO SUBSECTION (F) OF THIS SECTION, IF** a person cuts or
2 clears or plans to cut or clear trees within the Chesapeake Bay Critical Area or Atlantic
3 Coastal Bays Critical Area in violation of an approved local critical area program or of
4 regulations adopted by the Commission, the chair may bring an action, or the local
5 jurisdiction may bring an action or request that the chair of the Commission refer the
6 matter to the Attorney General to bring an action:

7 (1) To require the person to replant trees where the cutting or clearing
8 occurred in accordance with a plan prepared by the State Forester, a registered professional
9 forester, or a registered landscape architect;

10 (2) To restrain the planned violation; or

11 (3) For damages:

12 (i) To be assessed by a circuit court in an amount equal to the
13 estimated cost of replanting trees; and

14 (ii) To be paid to the Department by the person found to have
15 violated the provisions of this subsection.

16 (c) If the chair of the Commission has reason to believe that the local jurisdiction
17 is failing to enforce the requirements of subsection (b) of this section, the chair shall refer
18 the matter to the Attorney General as provided under § 8–1815(b) of this subtitle.

19 (d) On the chair of the Commission's referral of an alleged violation under
20 subsection (c) of this section to the Attorney General, the Attorney General may invoke the
21 remedies available to the local jurisdiction under subsection (b) of this section in any court
22 of competent jurisdiction in which the local jurisdiction would be authorized to prosecute
23 or sue.

24 (e) On the request of a local jurisdiction or the chair of the Commission, the State
25 Forester, a registered professional forester, or a registered landscape architect may
26 prepare, oversee, and approve the final implementation of a plan to:

27 (1) Replant trees in any part of the Chesapeake Bay Critical Area where
28 trees in the Chesapeake Bay Critical Area are cut or cleared in violation of subsection (b)
29 of this section; and

30 (2) Replant trees in any part of the Atlantic Coastal Bays Critical Area
31 where trees in the Atlantic Coastal Bays Critical Area are cut or cleared in violation of
32 subsection (b) of this section.

33 **(F) (1) THIS SUBSECTION APPLIES ONLY IN PRINCE GEORGE'S COUNTY.**

1 **(2) A PERSON WHO IN GOOD FAITH PURCHASES PROPERTY IN THE**
2 **CRITICAL AREA MAY NOT BE HELD LIABLE FOR THE CUTTING OR CLEARING OF**
3 **TREES BY PREVIOUS OWNERS OR USERS OF THE PROPERTY IN VIOLATION OF**
4 **SUBSECTION (B) OF THIS SECTION.**

5 **(G) THE COMMISSION SHALL ADOPT REGULATIONS AUTHORIZING A**
6 **PERSON TO APPEAL AN ACTION BROUGHT UNDER THIS SECTION.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2025.