



# Maryland Department of Agriculture

*Office of the Secretary*

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Agriculture | Maryland's Leading  
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## MARYLAND DEPARTMENT OF AGRICULTURE

### LEGISLATIVE COMMENT

**DATE:** January 21, 2025

**BILL NUMBER:** SB 189

**SHORT TITLE:** Eminent Domain – Agricultural and Conservation Easements – Prohibited  
Taking

**MDA POSITION:** INFORMATION

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The Maryland Agricultural Land Preservation Foundation (MALPF) program purchases agricultural easements on properties to preserve productive farmland and woodland for the continued production of food and fiber for all of Maryland's citizens. As of the end of 2024, MALPF holds easements on 2,804 properties, covering more than 376,000 acres.

Senate Bill 189 would eliminate the ability for the State, or any of its instrumentalities or political subdivisions, to take by eminent domain any property subject to an agricultural or conservation easement (which includes MALPF easements).

The result of this bill passing would also prohibit the State, or any of its instrumentalities or political subdivisions, to take any fee simple interest or rights-of-way (i.e., overlay easements) over any MALPF easement property, even where the owner was willing to grant the interest, because condemnation authority is a requirement under COMAR 15.15.16.

If you have additional questions, please contact Rachel Jones, Director of Government Relations, at [rachel.jones2@maryland.gov](mailto:rachel.jones2@maryland.gov) or 410-841-5886.