

HOUSE BILL 217

M4

7lr0740
CF 7lr0741

By: **Delegates Krebs, Rose, and Shoemaker**

Introduced and read first time: January 20, 2017

Assigned to: Environment and Transportation

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.

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.