

The Sun - 3/8/74
Peter A. Jay

State Bill Aims at Rescuing Farmland

Annapolis.

Bill James and Jim Clark are two of the Maryland Senate's quiet men.

They have a lot in common. Both are Democrats, from rural counties just at the suburban front lines. Both have the thorough respect of their colleagues; Mr. James has been the Senate president for 11 years, and Mr. Clark is a likely candidate to succeed him. Mr. James is a Harford county lawyer and Mr. Clark a Howard county dairy farmer, but both are countrymen and landowners.

The two are thoughtful, rather introspective men, not given to rhetoric; hard workers, at home and in the Legislature, who read and think and consider the future of a state they know well and care about deeply. When they join to sponsor a bill, as they have this year, it is worth noticing.

The bill in question, which has slipped easily into the Annapolis millpond without anything like the splash made by Mr. James's proposal for state land-use controls, could do as much as any piece of legislation yet proposed to slow Maryland's reckless implacable destruction of the farmlands that are its richest patrimony.

Under the auspices of the Maryland Department of Agriculture, the bill would create a state foundation for the preservation of agricultural land and establish legal procedures for its operation. It would work this way:

A farmer, if he chose to do so, could convey to the state foundation the development rights to his land, just as mountain landowners in the Appalachians once sold the

oil and coal rights to theirs. The state, however, would not be able to develop the land; what it would be buying would be, in effect, an easement.

The farmer would keep title to the land, and be able to farm it, bequeath it or sell it as he wished, but it could never, under his or any subsequent ownership, be used for residential, commercial or industrial development.

The advantage to the farmer would be several fold. He would be guaranteed a reasonable local property tax assessment. He would reduce the market value of the land sufficiently so that federal inheritance taxes would not force his heirs to liquidate the family property in order to pay for them. And he would have a better chance at staying in business.

The benefits to the state and its people are clear. We need farms near us, for spiritual as well as economic reasons. And as Mr. James notes, "You can't buy all the open space in Maryland, and the farming scene is as much a part of open space as parks and public land."

The Clark-James proposal is innovative for Maryland but not precedent-setting nationally. Virginia has an open space foundation much like that proposed in the bill, and New Jersey recently began a program to preserve in perpetuity a million acres of farmland through state purchase of development rights.

Moreover, Maryland has at hand the vehicle to carry the Clark-James plan one logical step farther. Program Open Space, a Department of Natural Resources project cre-

ated in 1969, is absolutely rolling in money; every time a piece of land in Maryland changes hands, one-half of one per cent of the price goes into the program—some \$51 million paid in so far for the purchase of Maryland open space.

If the Clark-James bill is enacted—and there is no rational reason why it should not be, and promptly, though that has not always saved good legislation in the past—it could eventually be amended to allow Program Open Space funds to be used to buy the development rights to threatened farmland. Leaving the land itself in private ownership in that manner would avoid the needless disruption of condemnation and eviction proceedings and spare the state the double expense of having to acquire the property outright and then maintain it.

The land-use bill, if it becomes law, may protect mountain ridges and Eastern Shore creeks, but will not keep shopping centers and townhouses out of our best arable land. The Clark-James measure can.

Senator James was asked recently by a group of high school teachers what he thought about politicians who speculate in land.

"Well," he said, "I've only owned one piece of real estate in my life, and frankly, it's been quite a burden."

The reason his farm on the upper Chesapeake Bay is a burden, he might have added, is because he chose to keep it and take care of it. The bill that bears his and Mr. Clark's name would make it more possible for others who wish to do the same to do so.