

§143. Judicial actions

1. Fee owners; qualified holders. An action affecting an option to purchase at agricultural value may be brought or intervened in by:

A. A fee owner of an interest in the real property burdened by the option to purchase at agricultural value; [PL 2025, c. 471, Pt. B, §1 (NEW).]

B. A qualified holder of the benefit of the option to purchase at agricultural value; [PL 2025, c. 471, Pt. B, §1 (NEW).]

C. The municipality in which the real property burdened by the option to purchase at agricultural value is located; or [PL 2025, c. 471, Pt. B, §1 (NEW).]

D. The Attorney General. [PL 2025, c. 471, Pt. B, §1 (NEW).]
[PL 2025, c. 471, Pt. B, §1 (NEW).]

2. Power of court. The court has the following powers.

A. The court may enforce an option to purchase at agricultural value by injunction or other proceeding at law or in equity. [PL 2025, c. 471, Pt. B, §1 (NEW).]

B. Acting in accordance with charitable trust principles, the court may modify, terminate or deny equitable enforcement of an option to purchase at agricultural value in an action brought by a party under subsection 1. In taking such an action, the court must find that, due to a change in circumstance, the option to purchase at agricultural value no longer serves the public interest in protecting or enhancing the protection of working farmland or related businesses of the State. The Attorney General must be made a party to any action under this paragraph, and written notice must be provided to the Commissioner of Agriculture, Conservation and Forestry. [PL 2025, c. 471, Pt. B, §1 (NEW).]

C. If the court modifies, terminates or denies equitable enforcement of an option to purchase at agricultural value, the court may order payment by the fee owner of money or other damages to the holder or the State. The holder or the State shall apply the same in a manner consistent with the purposes of this law as approved by the court. [PL 2025, c. 471, Pt. B, §1 (NEW).]
[PL 2025, c. 471, Pt. B, §1 (NEW).]

The fact that a working farmland property might be used for more valuable economic purposes may not be considered when determining whether an option to purchase at agricultural value is no longer in the public interest. [PL 2025, c. 471, Pt. B, §1 (NEW).]

SECTION HISTORY

PL 2025, c. 471, Pt. B, §1 (NEW).

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