

**§476. Definitions**

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1985, c. 395, §3 (NEW).]

**1. Conservation easement.** "Conservation easement" means a nonpossessory interest of a holder in real property imposing limitations or affirmative obligations the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining or enhancing air or water quality of real property. [PL 1985, c. 395, §3 (NEW).]

**2. Holder.** "Holder" means:

A. A governmental body empowered to hold an interest in real property under the laws of this State or the United States; or [PL 1985, c. 395, §3 (NEW).]

B. A nonprofit corporation or charitable trust, the purposes or powers of which include retaining or protecting the natural, scenic or open space values of real property; assuring the availability of real property for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining or enhancing air or water quality or preserving the historical, architectural, archaeological or cultural aspects of real property. [PL 1985, c. 395, §3 (NEW).]

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**3. Real property.** "Real property" includes without limitation surface waters. [PL 2007, c. 412, §1 (AMD).]

**4. Third-party right of enforcement.** "Third-party right of enforcement" means a right provided in a conservation easement to enforce any of its terms granted to a governmental body, nonprofit corporation or charitable trust, which, although eligible to be a holder, is not a holder. [PL 1985, c. 395, §3 (NEW).]

**SECTION HISTORY**

PL 1985, c. 395, §3 (NEW). PL 2007, c. 412, §1 (AMD).

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