

(2) Except as expressly limited in the governing instrument, the powers of a fiduciary under this section are in addition to those derived from common law, statute, or the governing instrument.

(3) The powers listed in this section may be extended or limited by the appropriate court, and the court may also eliminate any limitation imposed by a court on a fiduciary.

(AA) ~~(H)~~ A FIDUCIARY MAY DONATE A CONSERVATION EASEMENT ON ANY REAL PROPERTY, OR CONSENT TO THE DONATION OF A CONSERVATION EASEMENT ON ANY REAL PROPERTY BY A PERSONAL REPRESENTATIVE OF AN ESTATE OF WHICH THE FIDUCIARY IS A ~~GUARDIAN FOR A MINOR OR DISABLED PERSON LEGATEE~~, IN ORDER TO OBTAIN THE BENEFIT OF THE ESTATE TAX EXCLUSION ALLOWED UNDER § 2031(C) OF THE UNITED STATES INTERNAL REVENUE CODE OF 1986, AS AMENDED, IF:

~~(H)~~ (1) THE GOVERNING INSTRUMENT DIRECTS THE DONATION OF A CONSERVATION EASEMENT ON THE REAL PROPERTY; OR

~~(H)~~ (2) EACH ~~PERSON IN BEING~~ BENEFICIARY WHO HAS AN INTEREST IN THE REAL PROPERTY THAT WOULD BE AFFECTED BY THE CONSERVATION EASEMENT CONSENTS IN WRITING TO THE DONATION.

~~(2) A FIDUCIARY THAT ACTS IN GOOD FAITH MAY NOT BE HELD LIABLE CIVILLY FOR A DECREASE IN THE VALUE OF THE REAL PROPERTY AS A RESULT OF A DONATION OF A CONSERVATION EASEMENT UNDER THIS SUBSECTION.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed ~~only prospectively and may not be applied or interpreted to have any effect on or application~~ retroactively and shall be applied and interpreted to apply to the donation of a conservation easement from an estate of a decedent who died ~~before~~ on or after January 1, 1998.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2000.

Approved May 18, 2000.

CHAPTER 604

(House Bill 457)

AN ACT concerning

Environment - Maryland Oil Disaster Containment, Clean-Up and Contingency Fund and Oil Contaminated Site Environmental Cleanup Fund

FOR the purpose of altering the per barrel fee for oil transferred in the State and credited to the Maryland Oil Disaster Containment, Clean-Up and Contingency Fund; designating a certain per barrel fee to be credited to the Oil Contaminated