
By: **Chairman, Environmental Matters Committee (Departmental - Natural Resources)**

Introduced and read first time: February 6, 1998

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources - Forest Fires**

3 FOR the purpose of altering certain prohibitions against setting certain fires;
4 prohibiting a person from setting fire to a marsh; establishing an evidentiary
5 presumption regarding the setting of certain fires; and generally relating to the
6 setting of certain fires.

7 BY repealing and reenacting, with amendments,
8 Article - Natural Resources
9 Section 5-704(a) and (b)
10 Annotated Code of Maryland
11 (1997 Replacement Volume and 1997 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Natural Resources**

15 5-704.

16 (a) Any individual or corporation that willfully, maliciously, or with intent,
17 sets on fire, or causes to be set on fire, any woods, brush, grass, grain, [or] stubble,
18 OR MARSH [on land not his own] is guilty of a misdemeanor and upon conviction is
19 subject to a fine not less than \$25 nor exceeding \$2,000, or imprisonment for not less
20 than 30 days nor exceeding five years, or both with costs imposed in the discretion of
21 the court. SETTING A FIRE CONTRARY TO THE PROVISIONS OF THIS SUBSECTION IS
22 PRIMA FACIE PROOF OF MALICE WITHIN THE MEANING OF THIS SUBSECTION.

23 (b) An individual or corporation may not carelessly or negligently set on fire,
24 or cause to be set on fire any woods, brush, grass, grain, [or] stubble, OR MARSH
25 [resulting in damage to the property of another]. Setting a fire contrary to the
26 provisions of this subsection, or allowing it to escape to the injury of adjoining lands,
27 is prima facie proof of carelessness or neglect within the meaning of this subsection.
28 The landowner from whose land the fire originated also is liable in a civil action for

1 damages for injury resulting from the fire, and for the cost of fighting and
2 extinguishing the fire, unless [he] THE LANDOWNER can prove to the satisfaction of
3 the court before which the case is tried that the injury complained of was suffered
4 without any negligence on the part of the owner or [his] THE agents OF THE OWNER.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
6 effect October 1, 1998.