
By: Senator Colburn

Introduced and read first time: February 2, 1996
Assigned to: Economic and Environmental Affairs

Committee Report: Favorable
Senate action: Adopted
Read second time: March 18, 1996

CHAPTER ____

1 AN ACT concerning

2 **Trees or Timber - Unlawful Cutting, Burning, Injuring, or Destroying - Penalties**

3 FOR the purpose of including certain additional costs within the damages for which
4 certain persons are liable for entering upon the land or premises of another without
5 written permission in order to cut, burn, or otherwise injure or destroy
6 merchantable trees or timber on the land; and generally relating to the cutting,
7 burning, injuring, or destroying of trees or timber of another.

8 BY repealing and reenacting, with amendments,
9 Article - Natural Resources
10 Section 5-409
11 Annotated Code of Maryland
12 (1989 Replacement Volume and 1995 Supplement)

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

15 **Article - Natural Resources**

16 5-409.

17 (a) Any person, his aiders, abettors, and counsellors, who willfully, negligently,
18 recklessly, wrongfully, or maliciously enters upon lands or premises of another without
19 written permission of the owner of the lands or premises, in order to cut, burn, or
20 otherwise injure or destroy, or cause to be cut, burned, or otherwise injured, or destroyed,
21 any merchantable trees or timber on the land is liable to the party injured or aggrieved in
22 an amount triple the value of the trees or timber cut, burned, or otherwise injured or
23 destroyed, PLUS THE COSTS OF ANY SURVEYS, APPRAISALS, ATTORNEY FEES, OR

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1 COURT FEES IN CONNECTION WITH THE CASE. The damages are recoverable in a civil
2 action, as in any other case.

3 (b) At the request of a law enforcement officer, a person on the lands and
4 premises of another engaged in any act specified in subsection (a) of this section shall
5 display the written permission of the owner.

6 (c) Notwithstanding the provisions of this section, the following shall obtain the
7 permission of an owner before engaging in any act specified in subsection (a) of this
8 section, but are not required to obtain the permission in writing or to display the written
9 permission as provided in subsection (b) of this section:

10 (1) A public service company, as defined in Article 78, § 2(o) of the Code;
11 and

12 (2) An employee of the Department of Public Works or roads board of any
13 county or municipality, or the State Highway Administration, performing roadside
14 maintenance.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 1996.