

virtue of his position; the premiums of which shall be borne by the said county, and to be filed and recorded in the office of the clerk of the Circuit Court of said county.

SECTION 67. *And be it further enacted, That Sections 43, 50 and 102 of article 89B, Annotated Code of Maryland (1969 Replacement Volume) title "State Roads," subtitles, respectively, "Distribution and Use of Special Funds," "Grade Crossings," and "Road Signs," be and they are hereby repealed and re-enacted, with amendments, to read as follows:*

§ 43. Permit for digging up highways; obstructions; manner of performing work; conformity to grades in cities or towns.

No opening shall be made in any such highway, nor shall any structure be placed thereon, nor shall any structure which has been placed thereon be changed or renewed except in accordance with a permit from the Commission, which shall exercise complete control over such highways, except as herein otherwise provided. No State highway shall be dug up for laying or placing pipes, sewers, poles or wires or railways, or for other purposes, and no trees shall be planted or removed or obstructions placed thereon without the written permit of the State Roads Commission, or its duly authorized agent, and then only in accordance with the regulations of said Commission; and the work shall be done under the supervision and to the satisfaction of said Commission; and the entire expense of replacing the highway in as good condition as before shall be paid by the person to whom the permit was given or by whom the work was done; provided, however, that any municipal corporation not now by law required to obtain a permit as herein provided shall not be required to obtain a permit under the provisions of this section; provided, however, that no electric railway company in operation upon any public or private road or existing or abandoned turnpike, when acquired hereunder shall be disturbed in its operation or in the maintenance of its roadbed and overhead construction, and all necessary repairs, together with the maintenance of the space between its tracks and two feet on each side thereof shall be performed by such railroad company under the supervision and to the satisfaction of said Commission. And provided further, that whenever any State highway shall be constructed over or through any portion of any street or highway or any incorporated city or town of this State, such construction shall be in conformity with the grade or grades of such street or highway, as shall be approved by the municipal authorities of said city or town. Any violation of any provision of this section shall be a misdemeanor, and the person or corporation violating the same shall be liable to prosecution at the instance of said Commission, or at the instance of any taxpayer, and upon conviction [before any justice of the peace exercising jurisdiction in the county where the offense shall have been committed], shall be fined an amount of not less than twenty-five dollars (\$25) and no more than one hundred dollars (\$100) for each offense. [Any person arrested under this section shall have the right to appeal to the circuit court of such county for trial, and all fines collected under this section] *Any fine imposed under this section shall be collected pursuant to the provisions of Article 26, § 155; however, if the fine is imposed by the circuit court of any county or the Criminal Court of Baltimore, as the case may be, the fine when collected shall be paid to the State Roads Commission and by it applied to the maintenance fund of said Commission.*