

CHAPTER 290

(House Bill 538)

AN ACT to repeal and re-enact, with amendments, Section 359, 360, and 361 of Article 66C, OF THE Annotated Code of Maryland (1970 Replacement Volume) title "Natural Resources," subtitle "Forests and Parks," subheading "Roadside Trees," to clarify the definition of the term "roadside trees" and the procedures for planting, caring for, and protecting roadside trees.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Sections 359, 360, and 361 of Article 66C of the Annotated Code of Maryland (1970 Replacement Volume), title "Natural Resources," subtitle "Forests and Parks," subheading "Roadside Trees," be and they are hereby repealed and re-enacted, with amendments, to read as follows:

359.

Roadside trees as designated in this subheading shall mean all [trees planted by the Forest Wardens; or existing trees three inches or more in diameter measured two feet from the ground that may be] *trees or shrubs* growing within the right-of-way of any public road or between the curb lines and property lines of any street in an incorporated town [in this State].

360.

When the county ~~commissioners~~ GOVERNMENT or the road supervisors of any county of this State, the [State Roads Commission] *Department of Transportation*, the [town] council of any city or incorporated town, or any organization or person shall apply to the [Director] *Department* for the planting, [of trees or for the] care, [and] or protection of [existing] *roadside trees* [along a public road or street, and the Director deems an examination necessary, he shall instruct the local forest warden to examine the situation where planting, care, or protection of trees is desired and to report the conditions with his recommendations to the Director. If, in the judgment of the ~~Director~~ DIRECTOR, the planting of trees or the care or protection of existing trees is advisable, he shall submit a plan covering the required operations with his recommendations and an estimate of the cost of the work to the organization or person from which the application originated.] *the Department shall evaluate the application and inform the applicant concerning the advisability of the requested planting, care, or protection. If, in the judgment of the Department, the requested planting, care, or protection is advisable, the Department shall prepare and submit to the applicant a plan for the same, including an estimate of the cost.*

361.

No plan of planting [or], care, or protection of roadside trees shall become operative [under this section] until such plan has been approved by the organization or person making the application and [not until the] said organization or person [shall guarantee] *has guaran-*