

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section 12-112(a), (b), (c), and (d) of Article 21 of the Annotated Code of Maryland (1966 Replacement Volume and 1972 Interim Supplement), title "Title XII. Eminent Domain," subtitle "Subtitle 1. General Rules," be and they are hereby repealed and re-enacted, with amendments, to read as follows:

12-112.

(a) Civil engineers, land surveyors, REAL ESTATE APPRAISERS and their assistants acting on behalf of the State or of any of its instrumentalities or of any body politic or corporate having the power of eminent domain AFTER EVERY REAL AND BONA FIDE EFFORT TO NOTIFY THE OWNER WITH RESPECT TO THE PROPOSED ENTRY SHALL have the right:

(1) To enter upon any private land to make surveys, to run lines or levels, or to obtain information relating to the acquisition or future public use of the property or for any governmental report, undertaking, or improvement I, and I;

(2) To set stakes, markers, monuments, or other suitable landmarks or reference points where necessary; AND

(3) TO ENTER UPON ANY PRIVATE LAND AND PERFORM ANY FUNCTIONS NECESSARY TO APPRAISE THE PROPERTY.

(b) If any civil engineer, surveyor, REAL ESTATE APPRAISERS or assistant to a civil engineer [or], surveyor OR REAL ESTATE APPRAISER is refused permission to enter or remain upon any private land for the purposes set out in subsection (a) hereof, any such person, or the State or its instrumentality, or the body politic or corporate upon whose behalf such person is acting may apply to a law court of the county in which the property or any part thereof is located for an order directing that such person be permitted to enter upon and remain upon such land to the extent necessary to carry out the purposes authorized by this section. Any person having knowledge of such order who obstructs any civil engineer, surveyor, REAL ESTATE APPRAISER or assistant to a civil engineer [or], surveyor OR REAL ESTATE APPRAISER who is acting under authority of such order may be punished as for contempt of the court.

(c) If any civil engineer, surveyor, REAL ESTATE APPRAISER or assistant to a civil engineer [or], surveyor OR REAL ESTATE APPRAISER who has entered upon any private land under the authority of this section or of any court order passed pursuant thereto, damages or destroys any real or personal property thereon, the owner of such property shall have a cause of action for such damages against such civil engineer, surveyor, REAL ESTATE APPRAISER or assistant and against the State, its instrumentality, or the body politic or corporate upon whose behalf the person inflicting such damage was acting.

(d) Any landowner or other person who wilfully obliterates, damages, or removes any stake, marker, monument, or other landmark set by any such civil engineer [or], surveyor OR REAL ESTATE APPRAISER acting pursuant to this section, except where such stake, marker, monument or other landmark interferes with the proper use of the property, shall be guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars (\$500.00).

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1973.