

replacing stakes, buoys, or monuments shall be accompanied by a \$5 fee for each stake, buoy, or monument. However, the total fee for any resurvey may not exceed \$20. The lessee shall exercise reasonable diligence in maintaining buoys, stakes, or monuments but the temporary loss or destruction of any buoys, stakes, or monuments shall not operate to permit any unauthorized person to trespass on or remove, destroy, or disturb oysters on any areas. HOWEVER, IN ANY ACTION AT LAW INVOLVING AN ALLEGED TRESPASSER ON A LEASED OYSTER BOTTOM WHERE STAKES, BUOYS, OR MONUMENTS HAVE BEEN REMOVED, LOST, OR DESTROYED, THE COURT MAY NOT IMPOSE A PENALTY UPON THE VIOLATOR IF THE COURT DETERMINES AS A FACT THAT THE TRESPASS WAS UNINTENTIONAL AND WITHOUT KNOWLEDGE.

4-1118.

(k) A person, other than a lessee, may not remove, alter, [or] transfer, OR DESTROY any stake, buoy, or monument on any leased oyster bottom. ~~However, in any action at law [where a trespasser on a leased oyster bottom is charged with losing or destroying buoys, stakes, or monuments] INVOLVING AN ALLEGED TRESPASSER ON A LEASED OYSTER BOTTOM WHERE STAKES, BUOYS, OR MONUMENTS HAVE BEEN LOST OR DESTROYED, the court may not impose a penalty upon the violator if the court determines as a fact that the trespass was unintentional and without knowledge. ANY PERSON WHO VIOLATES THE PROVISIONS, OF THIS SUBSECTION IS GUILTY OF A MISDEMEANOR, AND, UPON CONVICTION, IS SUBJECT TO A FINE NOT EXCEEDING \$250.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1978.

Approved May 2, 1978.

CHAPTER 367

(House Bill 1092)

AN ACT concerning

Montgomery County - Finance Director - Disposition
of Surplus or Unexpended Moneys
MC 268-78

FOR the purpose of authorizing the Director of Finance of Montgomery County to make certain utilization of surplus or unexpended moneys.

BY adding to

Article 95 - Treasurer
Section 22B
Annotated Code of Maryland