

FOR the purpose of permitting agents and employees of the St. Mary's County Metropolitan Commission to enter private land under certain circumstances to make test borings and soil tests and to collect information for certain purposes related to public water supply and sewerage systems; permitting the Commission to seek a court order to permit entry onto private land under certain circumstances; creating a cause of action for damage done to private property by persons entering private land under the authority of this Act; permitting punishment for contempt of court in certain circumstances; and generally relating to agents and employees of the St. Mary's County Metropolitan Commission entering private land.

BY adding to

The Public Local Laws of St. Mary's County  
Section 113-5 D.  
Article 19 - Public Local Laws of Maryland  
(1978 Edition and October 1982 Supplement, as amended)

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

Article 19 - St. Mary's County

113-5.

D. (1) FOR THE PURPOSES OF CARRYING OUT THE PROVISIONS OF SUBSECTION A. OF THIS SECTION, AFTER BONA FIDE EFFORTS TO NOTIFY THE OWNER AND OCCUPANT, AN AGENT OR EMPLOYEE OF THE COMMISSION MAY ENTER ON ANY PRIVATE LAND TO MAKE TEST BORINGS AND SOIL TESTS AND OBTAIN INFORMATION RELATED TO THE TESTS FOR THE PURPOSE OF DETERMINING SOIL CHARACTERISTICS AND SUITABILITY OF THE SURFACE AND SUBSURFACE OF THE LAND FOR THE INSTALLATION OF PUBLIC WATER SUPPLY OR SEWERAGE SYSTEMS.

(2) IF AN AGENT OR EMPLOYEE IS REFUSED PERMISSION TO ENTER OR REMAIN ON PRIVATE LAND FOR THE PURPOSES AUTHORIZED BY PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSION MAY APPLY TO THE ST. MARY'S COUNTY CIRCUIT COURT FOR AN ORDER DIRECTING THAT ITS AGENT OR EMPLOYEE, BE PERMITTED TO ENTER AND REMAIN ON THE LAND TO THE EXTENT NECESSARY TO CARRY OUT THE PURPOSES AUTHORIZED BY THIS SUBSECTION. THE COURT MAY REQUIRE THAT THE COMMISSION POST A BOND IN AN AMOUNT SUFFICIENT TO REIMBURSE ANY PERSON FOR DAMAGES REASONABLY ESTIMATED TO BE CAUSED BY TEST BORINGS, SOIL TESTS, AND RELATED ACTIVITIES.

(3) IF ANY PERSON ENTERS ON ANY PRIVATE LAND UNDER THE AUTHORITY OF THIS SUBSECTION OR OF ANY COURT ORDER PASSED PURSUANT TO IT AND DAMAGES OR DESTROYS ANY LAND OR PERSONAL PROPERTY ON IT, THE OWNER OF THE PROPERTY HAS A CAUSE OF ACTION FOR DAMAGES AGAINST THE COMMISSION.