

Defined terms: "Director" § 5-401
"Secretary" § 1-101

5-445. ARCHAEOLOGICAL HISTORIC PROPERTY ON PRIVATELY OWNED LAND.

(A) OPTIONAL STATE PROTECTION.

THE PROVISIONS OF THIS SUBTITLE THAT PROTECT PROPERTY ON LAND UNDER STATE CONTROL IF IT IS SUBMERGED ARCHAEOLOGICAL HISTORIC PROPERTY, TERRESTRIAL ARCHAEOLOGICAL HISTORIC PROPERTY, OR ARCHAEOLOGICAL HISTORIC PROPERTY IN A CAVE MAY APPLY TO SIMILAR HISTORIC PROPERTY ON PRIVATELY OWNED LAND IF:

(1) THE OWNER ASKS THE TRUST IN WRITING TO APPLY THE PROVISIONS TO THE PROPERTY; AND

(2) THE TRUST DETERMINES THAT THE PROPERTY IS ELIGIBLE FOR THE MARYLAND REGISTER OF HISTORIC PROPERTIES AND DESERVES PROTECTION.

(B) USE OF PRIVATELY OWNED LAND.

UNLESS THE STATE CONTROLS PRIVATELY OWNED LAND BY RIGHTS UNDER A LEASE, OPTION CONTRACT, OR PURCHASE CONTRACT, THIS SUBTITLE DOES NOT:

(1) LIMIT THE USE OF THE LAND BY THE OWNER OR THE OWNER'S GUEST; OR

(2) REQUIRE THE OWNER OR GUEST TO HOLD A PERMIT BEFORE CONDUCTING ANY ACTIVITY ON THE LAND.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 83B, §§ 5-601(f) and 5-621(a) and (b).

In subsection (b)(1) of this section, the former reference to "prohibit" is deleted as included in the reference to "limit".

In subsection (b)(2) of this section, the former reference to "excavation" is deleted as included in the reference to "any activity".

Defined terms: "Submerged archaeological historic property" § 5-433
"Terrestrial" § 5-401
"Trust" § 5-401

5-446. PROHIBITED ACTS; PENALTIES.

(A) IN GENERAL.

(1) A PERSON WHO VIOLATES § 5-439, § 5-441, § 5-442, OR § 5-443 OF THIS SUBTITLE, OR A REGULATION ADOPTED UNDER ANY OF THOSE SECTIONS IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 30 DAYS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

(2) IF A PERSON IS FOUND GUILTY OF A VIOLATION UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COURT: