

1. TO OTHER OFFICERS OR EMPLOYEES RESPONSIBLE FOR CARRYING OUT THIS SUBTITLE; OR

2. IF RELEVANT IN A PROCEEDING UNDER THIS SUBTITLE.

(3) IN A PROCEEDING UNDER THIS SUBTITLE, THE STATE FIRE MARSHAL, DESIGNEE OF THE STATE FIRE MARSHAL, OR A COURT OF COMPETENT JURISDICTION, AS APPLICABLE, SHALL ISSUE APPROPRIATE ORDERS TO PROTECT THE CONFIDENTIALITY OF A TRADE SECRET.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 38A, § 8(d) and (e).

In subsection (a)(2) of this section, the reference to the "individual in charge of the institution or other place that was inspected" is substituted for the former reference to the "proper administrative head[s]" for clarity and to conform to current practice.

In subsection (b)(2) of this section, the reference to this "subtitle" is substituted for the former reference to this "article" for clarity and accuracy. Provisions that relate to inspections by the State Fire Marshal are revised in this subtitle.

The Public Safety Article Review Committee notes, for consideration by the General Assembly, that the General Assembly may wish to consider substituting a more widely used definition of the term "trade secret" for the definition used in subsection (e)(1) of this section. This definition was originally enacted in 1972 and predates the Uniform Trade Secrets Act, which was approved by the National Conference of Commissioners on Uniform State Laws in 1979 and amended in 1985. The uniform act has been adopted by 42 states. It was enacted in Maryland in 1989 and is codified in Title 11, Subtitle 12 of the Commercial Law Article.

"Trade secret" is defined in the Maryland Uniform Trade Secrets Act (CL § 11-1201(e)) as follows:

"Trade secret" means information, including a formula, pattern, compilation, program, device, method, technique, or process, that:

(1) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and

(2) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

Defined terms: "County" § 1-101

"State" § 1-101

6-308. FEES.

(A) FOR INSPECTIONS.