

REQUIREMENTS OF THIS SUBTITLE DO NOT APPLY TO BREEDER AND FOUNDATION GENERATIONS OF TURF-GRASS VARIETY AT THE MARYLAND AGRICULTURE EXPERIMENT STATION.

REVISOR'S NOTE: This section is new language derived from Art. 66C, §64E(a)(2) of the Code and set forth here for organizational purposes. The present provision refers to turf grass "developed and released by the Maryland Agriculture Experiment Station". This reference is omitted because the Department believes that their exemption only applies to the grass at the Station. All grass distributed by the Station is subject to this subtitle.

SEC. 9-109. PROSECUTION OF VIOLATIONS.

IF THE SECRETARY HAS REASON TO BELIEVE THAT ANY PERSON HAS VIOLATED ANY PROVISION OF THIS SUBTITLE, HE MAY INSTITUTE JUDICIAL PROCEEDINGS IN THE COUNTY IN WHICH THE VIOLATION OCCURRED. THE SECRETARY MAY FILE INFORMATION WITH THE ATTORNEY GENERAL FOR PROSECUTION. HOWEVER, NO PROSECUTION UNDER THIS SUBTITLE MAY BE INSTITUTED WITHOUT FIRST AFFORDING THE PERSON AGAINST WHOM PROCEEDINGS ARE CONTEMPLATED AN OPPORTUNITY TO APPEAR PERSONALLY OR BY COUNSEL BEFORE THE SECRETARY TO INTRODUCE EVIDENCE.

REVISOR'S NOTE: This section presently appears as Art. 66C, §64F of the Code. The first sentence is proposed for deletion because it is superseded by the uniform penalty provision of this Article. The present reference to a "court of competent jurisdiction" is proposed for deletion as unnecessary. The present reference to "defendant" is proposed for deletion and "person against whom proceedings are contemplated" is substituted because there is no defendant until proceedings are instituted. The reference to the hearing officer of the Board of Agriculture is proposed for deletion because it is obsolete. The only other changes made are in style.

SEC. 9-110. SHORT TITLE.

THIS SUBTITLE SHALL BE CITED AS THE MARYLAND TURF GRASS LAW.