

corporation or any member, officer, agent or employee thereof" is deleted as unnecessary in light of the definition of "person" as well as the provisions of §§ 14-703 and 14-704 which refer to "his agent, or employee."

The alternate minimum penalty of a \$100 fine, presently contained in Art. 27, §228, is deleted to conform to the statement of legislative policy contained in Art. 27, §643, as repealed and re-enacted by Ch. 181, Acts of 1972. That section sets forth the general rule that, notwithstanding a prescribed minimum penalty, the Court may nevertheless impose a lesser penalty of the same character. Although there are exceptions to the general rule, they would not appear to be at all controlling in this instance. See, e.g., Art. 27, §36B(e); State v. Shearin, Md. (The Daily Record, Oct. 21, 1974). The deletion of minimum penalties follows the revision standard previously adopted by the General Assembly; See, e.g., NR §4-1201.

The Commission notes that the specific, defined prohibitions of this subtitle are subject to lesser penalties than the general provisions of Art. 27, §195(b-2), which permit imposition of a \$1000 fine and a one year prison term for persons who offer for sale secondhand merchandise without identifying them as such. The General Assembly may wish to conform these provisions and penalties.

SUBTITLE 8. USED RADIO AND TELEVISION SETS.

14-801. DEFINITIONS.

(A) IN GENERAL.

IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: This subsection is new language used as the standard introductory language to a definition section.

(B) PERSON.

"PERSON" INCLUDES AN INDIVIDUAL, CORPORATION, BUSINESS TRUST, ESTATE, TRUST, PARTNERSHIP, ASSOCIATION, TWO OR MORE PERSONS HAVING A JOINT OR COMMON INTEREST, OR ANY OTHER LEGAL OR COMMERCIAL ENTITY.