

of the work done", particularly as contrasted with "profits or fixed fees"? If all of the latter are to be refunded, how can the former be paid and retained? Is item (2) intended to require refunding of all profits and fixed fees, as presently worded, or only those that exceed the "earned value of the work done"? Should not the terms "profits" and "fixed fees" be listed in the conjunctive rather than the disjunctive? Clarifying legislation might be appropriate.

231DD. PENALTIES.

ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$20,000 OR IMPRISONMENT NOT EXCEEDING 10 YEARS OR BOTH.

REVISOR'S NOTE: This section is new language derived from Art. 41, §231W(c).

This section is revised to reflect the apparent scope of the present law, but it appears to be unduly broad in its application. Certainly, it was designed to cover violations of §231AA on contingent fees. However, as worded, it literally would cover all the provisions of this subtitle, including those for which it obviously was never intended (cf., e.g., §231R). Clarifying legislation would be appropriate.

231EE. SHORT TITLES.

(A) THIS SUBTITLE MAY BE CITED AS THE MARYLAND PROCUREMENT OF ARCHITECTURAL AND ENGINEERING SERVICES ACT—GENERAL USING AUTHORITIES.

(B) THIS SUBTITLE AND THE MARYLAND PROCUREMENT OF ARCHITECTURAL AND ENGINEERING SERVICES ACT—TRANSPORTATION AGENCIES MAY BE CITED JOINTLY AS THE MARYLAND ARCHITECTURAL AND ENGINEERING SERVICES ACT.

REVISOR'S NOTE: Subsection (a) of this section is new language designed to facilitate citations to this subtitle alone, as distinguished from the provisions in Title 2, Subtitle 3 of the Transportation Article on transportation agencies. Subsection (b) is new language designed to permit a simple citation to both subtitles, jointly.

As to the division of the present Act, see General Revisor's note to this subtitle.

GENERAL REVISOR'S NOTE: