

applicability of those provisions formerly appearing in Article 43 and, second, to avoid the former repetition of substantively identical provisions. Thus, while new terms are introduced and defined -- e.g., "recipient of services" -- and considerable verbiage eliminated, the substance and effect of the law is retained fully.

NOTES ON ABANDONED PROPERTY: As to §§ 16-303 and 16-407 of this title, the Commission notes, for consideration by the General Assembly, that several problems require resolution. Most importantly, the statutes do not contain any notice provisions and, consequently, are constitutionally suspect. The statutes also fail to provide for the conversion of tangible personal property into liquid assets -- as would necessarily be required by subsection (b)(2) of each section -- or the protection of the debtor's interests in any sale of property. Finally, the 3-year statute of limitations is inconsistent with the statement that the assets "become the property of this State".

In one respect, the statutes seem to be unique 1-year "abandoned" property provisions that might be incorporated in Title 17 of the Commercial Law Article: see CL § 17-111. On the other hand, given the application of the assets to the amounts owed, these statutes appear to create a statutory lien not unlike those appearing in Title 16 of the Commercial Law Article.

It is noted that a similar statute exists as to escaped prisoners in Article 27, § 678A of the Code.

It also is noted that a statute for hospitals provides for treatment of the property of their patients as abandoned property. See § 19-346 of this article.

Former Article 44, § 14, which provided for abandoned property at State mental hospitals and training schools, is deleted in light of the similar provisions of § 16-303 of this title, as to mental hygiene facilities.

Former Article 44, § 14, which was enacted by Ch. 291, Acts of 1949, was never codified apparently because an earlier enactment, Ch. 275, Acts of 1949, had repealed all other sections of Article 44, except Article 44, § 9A. That section, which was enacted by Ch. 376, Acts of 1947 and also was not codified, was repealed by Ch. 541, Acts of 1981.

## TITLE 17. LABORATORIES.

### SUBTITLE 1. PUBLIC HEALTH AND CLINICAL LABORATORIES.

#### 17-101. PUBLIC LABORATORIES ESTABLISHED.

##### (A) REQUIRED LABORATORIES.