

repeal the prohibition. International Ladies' Garment Workers' Union, et al. v. Raymond J. Donovan, Secretary of Labor, et al., ___ F.Supp. ___, Civ. Act. No. 81-2606 (D.D.C., opinion filed July 23, 1982). However, the District Court ruled in favor of the government. Id. That case is now on appeal to the U.S. Court of Appeals for the District of Columbia. ILGWU v. Donovan, appeal docketed as No. 82-2133. It is our understanding that only the APA issues are being pressed on appeal.

4/ We stop short of declaring these provisions in irreconcilable conflict with federal law because the exemptions in Senate Bill 199, despite their obvious purpose, might be read only as a limitation on the State's enforcement authority in this area. Moreover, certain provisions of Senate Bill 199 clearly do not violate federal law, such as the prohibitory features of the legislation and the bill's application to the knitted outerwear industry -- an area where the industrial homework ban has been lifted by the federal government.

5/ They could also be authorized to assist in the administration of the federal scheme pursuant to 29 U.S.C. § 211(b).

Senate Bill No. 199

AN ACT concerning

Garment Manufacturing - Industrial Homework

FOR the purpose of prohibiting a garment manufacturer from employing persons to do industrial homework unless the person has a permit; defining a "garment manufacturing employer"; prohibiting the Commissioner of Labor and Industry from issuing permits to do industrial homework except on a showing of undue hardship; providing consideration to determine undue hardship; prohibiting a person from doing industrial homework unless the person doing garment manufacturing industrial homework has a permit; providing an application procedure for permits and requiring an annual fees fee; requiring maintenance of a certain register; requiring a garment manufacturer to submit certain reports; providing enforcement and penalties; repealing an obsolete and inactive provision concerning the licensing of places where industrial homework is done; defining terms; clarifying language; and generally relating to limitation and supervision of industrial homework in the garment manufacturing industry.

BY adding to

Article 27 - Crimes and Punishments
Section 327A and 328A
Annotated Code of Maryland