

In subsection (a)(1) of this section, the word "maintenance" is substituted for the present phrase "keeping in repair", for brevity.

Also in subsection (a)(1) of this section, the phrase "of any kind", which modifies the present word "work", is omitted as surplusage.

In subsection (b)(1) of this section, the present reference to a contract as "binding" the State is omitted as misleading, since a contract made in violation of subsection (b)(1) of this section does not bind the State.

Subsection (b)(2) and (3) of this section is revised to apply to any officer or agent enumerated in subsection (a) of this section, rather than to the "trustees, managers, directors, or superintendent of any of the public institutions of the State" to which former Art. 31, § 4 previously limited the provisions revised in subsection (b)(2) and (3) of this section. This revision reflects that, since the criminal penalties in former Art. 31, § 5, for "creating a deficiency ... or expending a greater sum than is appropriated" applied to any officer enumerated in that former section, the prohibition also must apply.

In light of this revision, the reference to "the applicable appropriation" is substituted for the former reference to an appropriation "by the General Assembly ... for any public institution or department of the State."

Subsection (b)(3) of this section also is revised to clarify that the phrase "in excess of the applicable appropriation" modifies the reference to incurring a liability, as well as the reference to spending money.

In subsection (d)(1) of this section, the phrase "to the State" is added to distinguish the liability under subsections (c) and (d)(1) of this section.

In subsection (d)(2) of this section, the specific references to the State Penitentiary are retained. Although, under Art. 27, § 690(b) of the Code, prisoners now are sentenced to the jurisdiction of the Division of Correction, that section did not abrogate the concept of "penitentiary misdemeanors". For penitentiary misdemeanors, or felonies, there is no statute of limitations, while, generally, for misdemeanors "not made punishable by confinement in the penitentiary by statute", there is a 1-year limitation. See CJ § 5-106 and Mullins v. State, 12 Md. App. 222 (1978).