

(D) PENALTIES.

AN EMPLOYER WHO VIOLATES ANY PROVISION OF SUBSECTION (A)(2) OR (3) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$300.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 100, § 55G.

In subsection (a)(2) of this section, the former phrases "in the performance of his [the Commissioner's] duties" are deleted as surplusage.

In subsection (a)(4)(ii) and (iii) of this section, the references to an action "under this subtitle" and to a proceeding "that relates to the subject of this subtitle" are substituted for the former references to "any proceeding under or related to this subject" and "any such proceedings", since the only proceedings for which this subtitle provides are actions under this section or § 3-307 of this subtitle. However, the former reference to "this subject" may have been intended as a reference to proceedings under comparable statutes of other states or the federal law. Accordingly, in subsection (b)(2), (3), and (4) of this section, the references to an action "under this subtitle" and to a proceeding "that relates to the subject of this subtitle" are substituted for the former reference to "any proceeding under or relating to this subtitle".

In subsection (b)(1) of this section, the former word "unfounded" is deleted as surplusage in light of the word "groundless".

In subsection (c) of this section, the cross-reference omits any reference to subsection (b)(2) of this section, although former Art. 100, § 55G(a) also made the institution of a bad-faith action under this subtitle subject to an action for injunctive relief and damages. This omission reflects that Md. Rule 1-341 provides for consideration of the bad faith of a party as part of the original action and, thus, seemingly precludes a separate action on this issue.

In subsection (d) of this section, the former minimum penalty of \$50 is deleted, to conform to the statement of legislative policy in Art. 27, § 643 of the Code, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court nevertheless may impose a lesser penalty of the same character. The District Court has exclusive original jurisdiction over criminal offenses for which the penalty is less than \$2,500. In 1972, the power conferred under Art. 27, § 643 was extended to the District Court with respect to crimes that existed at that time, including former Art. 100, § 55G, which was enacted by Ch. 568, Acts of 1966.

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that former Art. 100, § 55G(b) made it a criminal offense to refuse entry to a place of employment that the Commissioner "is authorized by this subtitle [former Art. 100, §§ 55A through 55H] to inspect." Former §§ 55A through 55H did not provide a specific right of entry. The prohibition is retained in subsections (a)(3) and (d) of this