section. However, the Committee suggests that, if the General Assembly intends to grant a right of entry, a specific provision be added to do so. See, e.g., §§ 3–204(l) and 3–425(a) of this title. If not, the General Assembly may wish to repeal subsection (a)(3) of this section and the cross–reference to it in subsection (d) of this section.

The Committee also notes that the prohibition in subsection (b)(4) of this section would more accurately be stated as a prohibition against testifying "untruthfully" rather than "in bad faith".

On the constitutional issues involved in entry, see the General Revisor's Note to this article.

Defined terms: "Commissioner" § 3–101
"Employer" § 3–301 "Person" § 1–101

GENERAL REVISOR'S NOTE TO SUBTITLE :

Chapter 568, Acts of 1966, enacted Art. 100, §§ 55A through 55H, which was similar to the federal Equal Pay Act, a part of the Fair Labor Standards Act. See 29 U.S.C. § 206(d). At that time, Art. 100, § 55B(d) specifically excluded "any employer covered by the federal Equal Pay Act of 1963". Thus, the General Assembly seemingly intended to protect employees for whom the protection of the federal Act was not available. The federal Fair Labor Standards Act did not apply to the United States or any state or political subdivision of a state and also conditioned application on a minimum gross volume of sales or business. Effective February 1, 1969, that minimum amount became $250,000. See 29 U.S.C. § 203(s).

In 1974, the federal Fair Labor Standards Act was extended to the states and their political subdivisions. See 29 U.S.C. § 203(d) and (x). That extended scope, coupled with the exclusion in Art. 100, § 55B(d) of the Code, significantly narrowed the application of §§ 55A through 55H to very small businesses.

In 1979, the Administration, on behalf of the Division of Labor and Industry of the Department of Licensing and Regulation, introduced Senate Bill 246 to delete the exclusion in Art. 100, § 55B(d). In support of the bill, the Department testified that the State had handled very few equal pay claims and that most of those claims concerned State employees. The Department believed that, if the law gave the State and the federal government concurrent jurisdiction, the State could be involved in 30 or more claims per year. In addition, Maryland employees would have the opportunity to redress their grievances on the local level and would benefit from speedier resolution of complaints. Furthermore, as of July 1, 1979, federal enforcement would be moved from the U.S. Department of Labor to the Equal Employment Opportunity Commission, which already had a huge backload of cases. The Department was concerned that Maryland citizens might lose equal pay protection during the transition period. The General Assembly passed Senate Bill 246, which became Ch. 237, Acts of 1979.

The intended effects of Ch. 237 have not been achieved because few, if any, complaints are filed under the Maryland law. However, the Committee suggests that the General Assembly amend the State statute to parallel the federal statute so that all