

association” also may be an employer. However, the former terms usually appeared in contexts that clearly indicated that neither the “[a]gricultural association” nor the “[a]gricultural employer” need be the employer of migrant agricultural workers but, rather, may be performing a farm labor contracting service or using the services of a farm labor contractor. See also the General Revisor’s Note to this title.

In the introductory language of item (2) of this subsection, the more precise words “not-for-profit” are substituted for the former word “nonprofit”, for clarity.

In item (2)(iii) of this subsection, the word “or” is substituted for the former word “and”. Under the Corporations and Associations Article, Maryland corporations are incorporated under the laws of the State, while foreign corporations qualify to do business in the State. Therefore, a corporation would not be both “incorporated and qualified”.

Defined terms: “Farm” § 7-101

“Person” § 1-101

“Perform a farm labor contracting service” § 7-101

(C) AGRICULTURAL WORK.

“AGRICULTURAL WORK” MEANS EMPLOYMENT:

(1) ON A FARM, IN ANY ACTIVITY THAT RELATES TO THE MAINTENANCE, MANAGEMENT, OR OPERATION OF THE FARM OR ITS TOOLS OR OTHER EQUIPMENT, INCLUDING CULTIVATION OF SOIL, RAISING OF BEES, OR THE GROWING, HARVESTING, OR PRODUCING OF AN AGRICULTURAL OR HORTICULTURAL COMMODITY; OR

(2) BY THE OWNER OR OPERATOR OF A FARM, TO DRY, TO FREEZE, TO GRADE, TO PACK, TO PACKAGE, TO PLANT, TO PROCESS, OR OTHERWISE TO HANDLE AN AGRICULTURAL OR HORTICULTURAL COMMODITY IN ITS UNMANUFACTURED STATE BEFORE DELIVERY FOR STORAGE.

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 100, § 80A(a)(3).

The term “agricultural work” is substituted, as the defined term, for the former term “[a]gricultural employment”, for brevity and consistency in terminology throughout this article. See, e.g., § 3-403(b)(1) of this article. This substitution also avoids potential confusion with references to “agricultural employment” as defined under federal law. See, e.g., subsection (i)(2)(iv) of this section.

In item (1) of this subsection, the word “or” is substituted for the former word “and” as the connector between “farm” and “equipment”, since there seemed to be no intent to exclude employment on a farm if the employment involved one but not both the farm and equipment.