

(5) TO AN INDIVIDUAL WHO PERFORMS FARM LABOR CONTRACTING SERVICES ONLY FOR A FARM OR A CANNERY, PACKING SHED, SEED CONDITIONING ESTABLISHMENT, OR OTHER PROCESSING ESTABLISHMENT, IF:

(I) THE INDIVIDUAL OR AN IMMEDIATE FAMILY MEMBER OF THE INDIVIDUAL EXCLUSIVELY OWNS AND OPERATES THE FARM OR ESTABLISHMENT; AND

(II) ONLY THE INDIVIDUAL AND IMMEDIATE FAMILY MEMBERS OF THE INDIVIDUAL PERFORM FARM LABOR CONTRACTING SERVICES FOR THE FARM OR ESTABLISHMENT.

(B) LIMITED EXCLUSIONS.

THIS TITLE DOES NOT APPLY:

(1) TO ANY PERSON OTHER THAN A FARM LABOR CONTRACTOR TO WHOM NO MORE THAN 10 MIGRANT AGRICULTURAL WORKERS ARE PROVIDED AT ANY TIME DURING THE CURRENT AND PRECEDING CALENDAR YEARS;

(2) TO AN INDIVIDUAL WHILE ACTING AS AN EMPLOYEE OF AN AGRICULTURAL OPERATION THAT IS EXCLUDED UNDER ITEM (1) OF THIS SUBSECTION; OR

(3) TO A CUSTOM OPERATION FOR POULTRY HARVESTING, BREEDING, DEBEAKING, SEXING, OR HEALTH SERVICE OR TO AN EMPLOYEE OF THE OPERATION WHILE THE EMPLOYEE IS PERFORMING A FARM LABOR CONTRACTING SERVICE ONLY FOR THE OPERATION, UNLESS THE OPERATION REGULARLY REQUIRES AN EMPLOYEE TO BE ABSENT DURING NONWORKING HOURS FROM THE DOMICILE OF THE EMPLOYEE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 100, § 80A(b).

As to subsection (a)(1) of this section, the former limitation for an employee "when performing farm labor contracting activities exclusively for such person" is omitted as potentially misleading, since the exemption for a common carrier is limited to transporting migrant agricultural workers. Therefore, it did not seem to be the intent of the General Assembly to exempt an employee of a carrier while performing a farm labor contracting service other than transportation. Compare subsections (a)(2) and (3) and (b)(3) of this section.

In subsection (a)(3) and (5) of this section, the word "individual" is substituted for the former word "perso[n]", since the references to a "permanent place of residence" and an "immediate family member" seemed to limit these exclusions to a human being.