

REVISOR'S NOTE: Subsection (a) of this section is new language added to state expressly that which only was implied by the list, in former Art. 100, § 80E(d), of powers conferred on the Commissioner "[t]o administer and enforce" former §§ 80A through 80F.

Subsections (b), (c), and (d) of this section are new language derived without substantive change from former Art. 100, § 80E(d)(1) and (2), and, except as it related to certifying acts, (3).

In subsection (d)(2) of this section, the reference to a "circuit court" for a "county" is substituted for the former reference to a "court of competent jurisdiction" in a "political subdivision", for accuracy. The District Court, with certain exceptions, does not have jurisdiction in proceedings for equitable relief. See CJ § 4-402(a).

Also in subsection (d)(2) of this section, the power to "pass an order" is substituted for the former power to "compel obedience by proceedings for contempt", to clarify that the court passes its own order. Thus, proceedings for contempt would result from a failure to comply with the court order.

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that former Art. 100, § 80E(d)(2) referred broadly to a "place of employment" and, thus, was not limited to places where migrant agricultural workers are employed. See subsection (b)(2)(ii) of this section.

The Committee also notes that subsection (b)(2)(iii) may limit the Commissioner's right of entry in situations where an agricultural operation provides housing by agreement with the farm labor contractor. See §§ 7-302(b)(7) and 7-401(b) of this title. See also the General Revisor's Note to this title.

The Committee also notes that former Art. 100, § 80E(d)(3) allowed issuance of subpoenas only for the production of "papers, books, documents [and] records". Comparable provisions elsewhere in the Code use the broader word "evidence", instead of a list of specific types of evidence. Indeed, the provisions of former Art. 100, § 80E(d)(3) on proceedings to enforce a subpoena referred to a "refusal ... to produce evidence". The General Assembly may wish to expand subsection (d)(1) of this section.

The Committee also notes that former Art. 100, § 80E(d)(3) provided venue where the "person ... resides or is then present". The General Assembly may wish to clarify subsection (d)(2) of this section, by stating the period of time to which "then" refers and the place where persons other than individuals "resid[e]".

Defined terms: "Commissioner" § 7-101

"County" § 1-101 "Farm labor contractor" § 7-101

"Migrant agricultural worker" § 7-101

"Person" § 1-101