

This section is revised so that item (1) applies to a violation of a regulation, even though the first sentence of former Art. 100, § 80F(a) only referred to violations of former Art. 100, §§ 80A through 80F. This revision is supported by the reference to a "subsequent violation" of a "regulation" in the second sentence of former Art. 100, § 80F(a).

In the introductory language of this section, the reference to a "misdemeanor" is added for clarity. Since a violation was not a felony at common law and has not been declared a felony by statute, it is considered to be a misdemeanor. See State v. Canova, 278 Md. 483, 490 (1976), and Dutton v. State, 123 Md. 373, 378 (1914).

Defined term: "Farm labor contractor" § 7-101

GENERAL REVISOR'S NOTE TO TITLE :

Throughout this title, the term "license" is substituted for the former term "certificate of registration" to denote an authorization to engage in business as a farm labor contractor. This substitution conforms to the Model Guide for Drafting Governmental Units and Licensing Provisions, which was developed in conjunction with the revision of the Health Occupations and Business Occupations and Professions Articles, which the General Assembly enacted in 1981 and 1989, respectively. The Model calls for use of the terms "license" and "licensed" to denote an authorization to practice a particular occupation that a person who is not licensed in that occupation may not practice. The terms have no legal significance in themselves, and the Labor and Employment Article Review Committee easily could have decided to use different terms. The real significance lies in the substantive provisions in which these terms appear. However, if the terms consistently are used as indicated, the substantive provisions become more easily understandable.

When the General Assembly first enacted former Art. 100, §§ 80A through 80F, in 1982, the federal Farm Labor Contractor Registration Act, former 7 U.S.C. §§ 2041 through 2055 (1976), was in effect. The former federal law presented major problems in determining who was a "farm labor contractor". These problems resulted in the mandatory registration of fixed situs employers. They also resulted in a significant volume of litigation. (H.R. Rep. No. 885, 97th Cong., 2d Sess. 2 (1982)). The structure of the current federal statute, the Migrant and Seasonal Agricultural Worker Protection Act, Pub. L. No. 97-570, 96 Stat. 2583 (1983), 29 U.S.C. §§ 1801 through 1872 (1988), makes clear that only farm labor contractors who are not agricultural employers or agricultural associations must register. Agricultural employers and agricultural associations, however, are subject to the remaining provisions of the Act. (H.R. Rep. 97-885 at 12; see also 29 U.S.C. § 1803(b)).

Due to similarities in the current federal definitions and former Art. 100, § 80A(a), it seems that the drafters of the former State statute relied, in part, on a prefiled version of the bill resulting in the current federal enactment. However, certain differences in the State law have resulted in significant gaps and inconsistencies. Similar to the current federal statute, former Art. 100, § 80A(a)(7) defined "farm labor contractor", in part, as "any person, other than an agricultural employer, an agricultural association, or an