

employee of an agricultural employer or agricultural association". However, the intended impact of the State law definition is unclear. Unlike the State law, the federal law licenses both farm labor contractors and employees of farm labor contractors. Former Art. 100, §§ 80A through 80F provided a single licensing scheme.

Under this title, the regulated business is performing farm labor contracting services for consideration — *i.e.*, being a "farm labor contractor". Former Art. 100, § 80A(a)(7) defined "[f]arm labor contractor" to mean "any person, other than an agricultural employer, an agricultural association," — now referred to jointly as an agricultural operation — "or an employee of an agricultural employer or agricultural association, who, for any money or other valuable consideration paid or promised to be paid, performs any farm labor contracting activity".

The Labor and Employment Article Review Committee noted several conceptual problems in application of former Art. 100, § 80A(a)(7).

First, former § 80A(a)(7) referred to a "farm labor contractor" as a "person", and former § 80A(a)(9) defined "person" to mean "any individual, partnership, association, joint stock company, trust, cooperative, or corporation." Former Art. 100, § 80B(b)(6) contained a fundamental inconsistency since it required an applicant for a license to submit to the Commissioner two passport sized, color, photographs of the "farm labor contractor". Although the application form that the Commissioner currently provides includes a space to be checked if the applicant is a "corporation", the Commissioner has granted licenses only to individuals. Therefore, the revision defines a licensed farm labor contractor to be an "individual" and limits licensure to individuals.

The Committee suggests that, if the General Assembly intended to allow a business entity to perform farm labor contracting services for consideration, the General Assembly may wish to provide a permit process, as provided elsewhere in the Code. *See, e.g.*, Title 2, Subtitle 4 and Title 9, Subtitle 4 of the Business Occupations and Professions Article.

The Committee found that the more difficult problem was the proper construction of the former exclusion "other than an agricultural employer, an agricultural association, or an employee of an agricultural employer or agricultural association". One construction of the former exclusion allows agricultural operations and their employees to perform farm labor contracting services for consideration without being subject to regulation under former §§ 80A through 80F, as farm labor contractors. This construction essentially creates a licensing exception. The alternative construction of the former exclusion is to read the exclusion into the statute each time that the words "farm labor contractor" appear. The Committee found neither construction to be entirely satisfactory.

The first construction — *i.e.*, the creation of a licensing exception for agricultural operations and their employees — would render other parts of former Art. 100, §§ 80A through 80F surplusage, contrary to the rules of statutory construction. For example, former § 80A(b)(1) — now § 7-102(a)(5) — excluded from this title entirely a family business, which is one type of "agricultural operation". Thus, a licensing exception for agricultural operations results in overlapping exclusions for a family business. Similarly,