

former § 80A(b)(8) — now § 7-102(a)(4) — which provided an exclusion for an agricultural operation “while engaging a farm labor contractor through the Department of Economic and Employment Development”, would create overlapping licensing exemptions.

Furthermore, the definitions of “[a]gricultural association” and “agricultural employer”, in former Art. 100, § 80A(a)(1) and (2), specifically refer to a person who “recruits, solicits, hires, employs, furnishes, transports, or houses migrant agricultural workers”. The absence of any reference to “consideration” — such as an express statement “with or without consideration” — leaves the negative suggestion that the General Assembly intended to regulate agricultural operations if they receive consideration. This suggestion is consistent with the construction of the federal statute in effect when former Art. 100, §§ 80A through 80F first were enacted. See Salazar-Calderon v. Presidio Valley Farmers Ass'n, 765 F.2d 1334 (5th Cir. 1985) cert. denied, — U.S. — 16 5.ct.1245 (1986); De La Fuente v. Stokely-Van Camp, Inc., 713 F.2d 225 (7th Cir. 1983); Jenkins v. S. & A. Chaissan & Sons, Inc., 449 F. Supp. 216 (S.D.N.Y. 1978).

Since either construction of the exclusion in former § 80A(a)(7) would require some changes in the statute that might be considered substantive, the Committee decided against making any change in the definition of “farm labor contractor”.

The only duty this title imposes on an agricultural operation, which is not otherwise exempt from the application of this title, is verification of a farm labor contractor’s license. See §§ 7-102 and 7-503 of this title. Unlike the federal law, provisions intended to protect the migrant agricultural worker, e.g., disclosure requirements and transportation requirements, do not apply to an agricultural association or an agricultural employer — now an agricultural operation. The General Assembly may wish to consider whether the application of provisions intended to protect the migrant agricultural worker need clarification.

TITLE 8. UNEMPLOYMENT INSURANCE.

SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.

8-101. DEFINITIONS.

(A) IN GENERAL.

IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR’S NOTE: This subsection is new language derived without substantive change from the introductory language of former Art. 95A, § 20.

The former disclaimer “unless the context clearly requires otherwise” is deleted as surplusage, since it merely repeated the normal rule of statutory construction. However, similar clauses are added in definitions of terms that occasionally appear in a context that requires a less limited meaning.

(B) BASE PERIOD.