

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 95A, § 11(a)(1) and § 12(j) and (h), except as that subsection related to the Board of Appeals, the second sentence of (a), as that sentence related to the power of the Secretary to conduct investigations, and the first sentence of (i), except as that sentence related to the Board of Appeals.

In subsection (b)(1) of this section, the former word "affirmations" is deleted as unnecessary in light of the word "oath". See Art. 1, § 9 of the Code.

In subsection (c)(1) of this section, the phrase "to enforce this title" is standard language substituted for the former phrase "in connection with a disputed claim or the administration of this article", to conform to other revised articles of the Code.

In the introductory language of subsection (b) and in subsection (c)(1) and (3) of this section, the former reference to a "duly authorized representative" of the Secretary is deleted in light of § 8-302 of this subtitle.

Also in subsection (c)(1) of this section, the word "or" is substituted for the former word "and" to clarify that a subpoena may be issued for either the attendance of a witness or the production of books, correspondence, memoranda, papers, or other records.

In subsection (c)(2) of this section, the former reference to service of a subpoena "by the sheriff of the appropriate jurisdiction" is deleted as unnecessary in light of the reference to service of a subpoena "in any manner in which a subpoena of a court may be served", since a subpoena of a court may be served by a sheriff. As to the service of a subpoena of a court, see Md. Rules 2-510(d) and 3-510(d).

In subsection (c)(3) of this section, the language "fails to comply" is substituted for the former language "contumacy by or refusal to obey", to conform to terminology in other revised articles of the Code.

Also in subsection (c)(3) of this section, the reference to a "circuit court" for a "county" is substituted for the former reference to "any court of this State within the jurisdiction", for accuracy. The District Court, with certain exceptions, does not have jurisdiction in proceedings for equitable relief. See CJ § 4-402.

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that former Art. 95A, § 12(h) allowed issuance of subpoenas only for the production of "books, papers, correspondence, memoranda, and other 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. 95A, § 12(i) on proceedings to enforce a subpoena referred to an order requiring a person to "produce evidence". The General Assembly may wish to expand subsection (c)(1) of this section.