In subsection (g)(2) of this section, the reference to being "guilty of a misdemeanor" is added to state expressly that which only was implied by the reference, in former Art. 101, § 18, to a "conviction". Since violation of former § 18 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).

Also in subsection (g)(2) of this section, the former minimum penalty of $500 is deleted to conform to the statement of legislative policy in Art. 27, § 643 of the Code, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character. The District Court has exclusive jurisdiction over criminal offenses for which the penalty is $2,500 or less. In 1972, the power conferred under Art. 27, § 643 was extended to the District Court with respect to crimes that existed at that time, including former Art. 101, § 18, which was last amended by Ch. 584, Acts of 1957.

In subsection (i)(2) of this section, the former phrase "to determine the financial solvency" is deleted as surplusage.

In subsection (j) of this section, the former phrase "furnish satisfactory proof" is deleted as included in item (iii) of that subsection.

In subsection (j)(1) of this section, new language is added to state expressly that which only was implied in the former law — i.e., that the Commission shall revoke the approval of a governmental group for failure to meet a listed requirement.

In subsection (j)(3) of this section, the reference to a failure to secure compensation "as required in paragraph (2)" is substituted for the former narrower reference to insuring "voluntarily as provided in [former Art. 101,] § 16(2)", to avoid issuance of an order after an employer voluntarily insures through the Injured Workers' Insurance Fund.

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that former Art. 101, § 16A applied to "[a]ny employer" who did not secure compensation "voluntarily ... by one of the methods designated in § 16(1), (2), or (3)". The failure to reflect the addition of former Art. 101, § 16(5), by Ch. 739, Acts of 1989, seemed to be inadvertent.

The Committee also notes that former Art. 101, § 16A(a)(3) defined "employer" to "includ[e]" counties and municipalities, which, in turn encompassed boards of education and community colleges. Since Art. 1, § 30 of the Code defines "includes" as "by way of illustration and not by way of limitation", former Art. 101, § 16A(a)(3) could be read as merely illustrative of the public entities authorized to self-insure. However, the specific reference to counties and municipalities in requirements such as those for a certificate of authority suggested that former Art. 101, § 16A(a)(3) and (7) was intended as an exhaustive list of authorized participants, as revised in