

In subsections (a)(3)(ii) and (iii) and (b)(2) of this section, the references to an action "under this subtitle" and to a proceeding "that relates to the subject of this subtitle" are substituted for the former references to "any proceeding under or related to this subtitle" and "any such proceedings", since the only proceedings for which this subtitle provides are actions under this section or § 3-427 of this subtitle.

In subsection (b)(1) of this section, the former word "unfounded" is deleted as surplusage in light of the word "groundless".

In subsection (c) of this section, the reference to being "guilty of a misdemeanor" is added to state expressly that which only was implied by the references, in former Art. 100, § 89, to a "conviction". Since violation of the Maryland Wage and Hour Law 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 (c) of this section, the former minimum penalty of \$200 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 original jurisdiction over criminal offenses for which the penalty is less than \$2,500. 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. 100, § 89, which was enacted by Ch. 697, Acts of 1965.

Defined terms: "Commissioner" § 3-101

"Employer" § 3-401 "Person" § 1-101

"Wage" § 3-401

3-429. RESERVED.

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PART VI. SHORT TITLE.

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THIS SUBTITLE MAY BE CITED AS THE MARYLAND WAGE AND HOUR LAW.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 100, § 93.

The name "Maryland Wage and Hour Law" is substituted for the former name "Minimum Wage Act of the State of Maryland", since former Art. 100, §§ 81 through 93A commonly are referred to as the "Wage and Hour Law" or the "Maryland Wage and Hour Law", as evidenced by former Art. 100, §§ 83(1) and (2), 85(b)(4), and 93A. Also, SG § 8-403(d)(20) refers to the