

CHAPTER 9 RESEARCHING A MARYLAND LAW PROBLEM

MARYLAND CODE

Michie's Annotated Code of Maryland (LexisNexis)

West's Annotated Code of Maryland (West)

The Maryland Code is the topical compilation of the public general laws of Maryland currently in effect. For many years the version now published by LexisNexis was the only one. In 2002 West published a competing version. Both are organized in the same fashion and both include copious annotations to cases construing and interpreting the code as well as references to Maryland Attorney General opinions and selected law journal articles. Both are updated yearly by pocket parts or supplements. In addition, the West version includes some cross references to the Code of Maryland Regulations, other West publications, and the West topic and key number system.

Since the early 1970s the edition originally published in 1957, which is organized by numbered articles, has been gradually replaced by an edition organized by named subjects. The two editions coexist and both the LexisNexis and the West versions have one subject index for the two formats with the form of reference, numbered or named article, indicating in which that topic is located.

The Maryland Code is available via Lexis (Source Directory): States Legal-U.S./Maryland/MD-Maryland Code Annotated and ALS and Westlaw: MD-ST-ANN database.

MARYLAND SESSION LAWS

Researching Maryland legislative history is treated in depth by Chapter 5 of this guide.

Laws of Maryland (Md. Laws) (Maryland Department of Legislative Reference)

A chronological arrangement published since 1800 of the full text of all public general and public local laws passed by the Maryland General Assembly. Public General Laws are laws passed by the General Assembly that affect the entire state. Public Local Laws are laws passed by the General Assembly that only affect an area within prescribed territorial limits, for example Baltimore County. Laws for each year are organized by chapter number. There is an annual Index by subject and code section. There is also a microfiche version that covers 1979 to the present.

Lexis contains the full text of Maryland session laws from 1989 through the current legislative session (Source Directory: States Legal-U.S./Maryland/Legislative Materials/Md-Maryland Advance Legislative Service). The file is updated continuously as the session proceeds.

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Westlaw offers the MD-LEGIS database, which has laws passed during the current legislative session. The MD-LEGIS-OLD database contains Maryland laws from 1990.

On the internet, the Maryland General Assembly Web Site <<http://mlis.state.md.us/>> Has laws enacted during the current legislative session are made available on this site.

MARYLAND LOCAL LAW

Local government in Maryland consists of the 23 counties and Baltimore City. The county structure can be traced back to earliest Maryland history with Carroll and St. Mary's counties having been founded in 1637 and the majority of the other counties organized before the Revolution. Baltimore City, its charter dating back to 1797, was originally a municipal corporation in Baltimore County. Under the Constitution of 1851, Baltimore City became a separate entity and the Constitution of 1867 established the current framework of its government.

Forms of county government

A. Commission:

Prior to 1948, all county governments followed the commission form. Now, however, only 11 of the 23 counties are organized under this type of government: Calvert, Carroll, Cecil, Charles, Dorchester, Frederick, Garrett, Queen Anne's, St. Mary's, Somerset, and Washington.

1. Constitutional and Statutory Basis:
 - a. Maryland Constitution, art. VII, § 1 - establishes the authority of a commission form of government with the General Assembly given full power to legislate for these counties.
 - b. Maryland Annotated Code, art. 25 - sets out the general power and limitations of the Commission form of government.
2. Powers of Commission: Legislative and executive powers are granted directly by the General Assembly to the elected Board of Commissioners. The Board decides by a majority vote and acts as a corporate entity.
3. County Statutory Compilation: Laws affecting commission counties can be found in individual codifications of the public local laws. These are laws passed by the General Assembly and affect one or more of the counties. They are usually worded in broad terms leaving the details to the county commissioners. Local ordinances and resolutions adopted by the Board of Commissioners are usually published in code form. For an up to date listing of these codes, consult the *Maryland County Publications Checklist*.

B. Home Rule:

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Under this form of local government, the state transfers legislative power in local matters to the county. However, if a law is to apply to all counties or to more than one home rule county, the General Assembly acts. There are two forms of home rule for counties: charter and code.

1. Charter - conversion to the charter home rule form of government was made possible by a 1915 constitutional amendment and a 1918 statute. Montgomery County was the first to take advantage of home rule when it adopted a charter form of government in 1947. Charter counties now include Anne Arundel, Baltimore, Harford, Howard, Montgomery, Prince George's, Talbot, and Wicomico.
 - a. Constitutional and Statutory Basis:
 - i. Maryland Constitution, art. XI-A (Local Legislation of the Constitution of Maryland) grants the authority to adopt a charter home rule form of government.
 - ii. Maryland Annotated Code, art. 25A - describes the powers and limitations of the charter county government.
 - b. Powers of a Home Rule Charter County: Under the Express Powers Act, the General Assembly grants home rule charter counties some independence and permits them to pass legislation that affects only the county in question. At the same time, the General Assembly retains legislative power in areas such as control of public education. In addition, no local law can conflict with a public general law or the Constitution of Maryland.
 - c. County Statutory Compilation: Each county approves a Charter when it votes to have a home rule charter form of government. The charter contains the rights and duties of the county and spells out the governmental structure. The ordinances and resolutions passed by the Council deal basically with administrative matters and are codified. Both the charter and "code" are usually published in the same volume. For an up to date listing, consult the Maryland County Publications Checklist.
 - d. Structure of Government: Charter counties have two variations on governmental structure: Council/Executive and Council/Manager.
 - i. Council/Executive: Administrative responsibilities lie with an elected official, the county executive. The executive prepares the budget and makes administrative appointments subject to Council confirmation. Legislative and policy-making powers rest with the elected county council. It enacts legislation and establishes programs and policies to be carried out by the County Executive.
 - ii. Council/Manager: Both legislative and executive powers are vested in the elected County Council. The County Manager is appointed by them to shoulder as much or as little of the executive

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workload as the Council allows. Talbot and Wicomico counties follow this form of local government.

2. Code - This third type of county government is a combination of the charter and commission forms. A 1966 amendment to the state Constitution and an additional article to the Code made adoption of code home rule possible. Under this form, there is no charter, but the counties have the power to amend, repeal, or pass local laws. Allegany, Caroline, Kent, and Worcester counties follow the code home rule form of government.
 - a. Constitutional and Statutory Basis
 - i. Maryland Constitution, art. XI-F (Rule for Code Counties). The process for acquiring home rule code status is set forth in this Article.
 - ii. Maryland Code, art. 25B (Home Rule for Code Counties) defines and limits the powers and duties of code counties and provides the procedure for a return to prior form of government.
 - b. Powers of a Home Rule Code County: Code counties are a combination of charter and commission forms of local government. Code counties do not have a charter, but they can act on local legislation. Unlike charter counties, however, the code counties still have the General Assembly passing some public local laws for their jurisdiction. The commissioners have both executive and legislative powers under local law.
 - c. Code County Statutory Compilation: Article 25B provides for the annual publication of all local laws enacted, amended, or repealed by the code county during the year. Public local laws and ordinances/resolutions are usually published in a "code" volume. The *Maryland County Publications Checklist* contains a listing of these materials.
 - d. Structure of Government: There is no specific government structure listed for code counties with the exception of the naming of the governing body "commissioners." The county codes may provide for a "pure commission," "commission elected executive," "commission manager," or a "commission administrator."

Baltimore City

The city of Baltimore is an independent political and geographic subdivision that differs from the counties and municipal corporations in its constitutional and legal framework. It is an incorporated city with both a city charter and a home rule charter, giving Baltimore a broad political power base. Baltimore was first incorporated in 1796 as a municipality within the boundaries of Baltimore County. In 1851 it broke away from the county and has acted as an independent unit since. Under the Constitution of 1867, the governmental structure of the city was established with only the General Assembly authorized to make changes.

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- A. Constitutional and Statutory Basis:
 - 1. Baltimore City Charter, art. II - contains the express powers of the City government and provides detailed information on the structure of the government.
 - 2. Maryland Constitution, art. XI-A - charter home rule amendment granted Baltimore City the authority to amend or enact its charter. This power was first used in 1918. Charters were revised in 1945 and 1964.
- B. Powers of the City Government:
 - 1. Can issue general obligation debt.
 - 2. General Assembly cannot enact local laws for Baltimore City if the city's Charter has granted it jurisdiction.
 - 3. Has been given special zoning powers to attract commercial enterprises.
- C. Structure of Baltimore City Government: Baltimore City has a strong form of government with both the Mayor and Council elected. The mayor appoints many boards and departments and is responsible for their overall supervision. The Council is the legislative arm of the city and it is responsible for the passage of city ordinances.

Other forms of local government

- A. Municipal Corporations - Under art. XI-E of the Maryland Constitution, all municipal corporations are entitled to home rule authority. The General Assembly can pass legislation affecting these political subdivisions, but the laws must affect all municipal corporations alike.
 - 1. Constitutional and Statutory Basis:
 - a. Art. XI-E of the Maryland Constitution grants municipalities home-rule status.
 - b. Art. 23A of the Maryland Code - sets out the powers given to the municipal corporations.
 - c. Art. 23B - The Municipal Corporation Charter Act of 1955 gives a model for municipal charters.
 - d. Provisions covering zoning, taxation, annexation, transportation, and bond issues are located in other Articles of the Code and can be located through the general index.

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2. Statutory Compilation:

- a. Municipal Charters of Maryland. Compiled by the State Department of Legislative Reference. Annapolis, MD: 1990 - (loose-leaf)

B. Bi-County Commissions

1. Maryland-National Capital Park and Planning Commission - This commission was created by Chapter 448 of the Acts of 1927 and has jurisdiction over parks and planning in Montgomery and Prince George's Counties. It is also responsible for the general development plan of the Maryland Regional District. Statutory authority is in art. 28, § 1-101 et seq. of the Maryland Annotated Code. The Commission consists of 10 members, five from Montgomery County and five from Prince George's County.
2. Washington Suburban Sanitary Commission - This Commission was created under Chapter 122 of the Acts of 1918. It consists of six members and is responsible for the maintenance of the water supply and sewage disposal systems in Montgomery and Prince George's Counties. The Commission is mandated to operate sewage disposal plants, waste water plants and to set customer rates. Statutes controlling this Commission can be found in Article 29 of the Maryland Annotated Code.

C. Tri-County Councils

1. Tri-County Council of Southern Maryland - This council began as a cooperative planning and development agency on December 6, 1964. Chapter 586 of the Acts of 1966 established it as a Council. Under Chapter 373 of the Acts of 1984, the Council was given the powers of an independent agency. Calvert, Charles, and St. Mary's Counties are members of the Council. There are 29 representatives who are responsible for economic development, tourism, environmental projects, and regional resource management. Article 20 of the Maryland Annotated Code provides the statutory authority for this government entity.
2. Tri-County Council of Western Maryland - Originally known as the Governor's Council for Appalachian Maryland (1968), this council became an independent agency in 1986 with the passage of Chapter 861. The Council consists of 27 members from Allegany, Garrett, and Washington Counties who have the responsibilities similar to those of the Southern Council. It is also responsible for the General Development Plan for the area. Statutory authority can be found in Article 20A of the Maryland Annotated Code.

References

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- *City of Baltimore Municipal Handbook*. Baltimore, MD: Department of Legislative Reference, 1990.
- *Maryland County Publications Checklist*. Baltimore, MD: Law Library Association of Maryland, 1999.
This is a comprehensive bibliography of published sources for Baltimore City and Maryland counties arranged by jurisdiction. Included are general codes, zoning regulations, building codes, model codes and standards, other specialized codes as adopted by the jurisdiction, and superseded compilations. Also noted are publication dates, costs, contacts, telephone numbers, and holding libraries.
- *Maryland Local Government Handbook*. Annapolis, MD: Department of Legislative Reference, 1987.
- *Maryland Manual: A Guide to Maryland Government*. Annapolis, MD: State Archives. (Biennial) (Reference JK3831) Also available online at: <http://mdmanual.net> .
- *Understanding Maryland Government*. Annapolis, MD: Educational Consultants in the Humanities, 1985.

Availability of county materials:

The Marshall Law Library owns print versions of selected county codes, which are classified in the Maryland collection. (KFM1799...) (level 2)

Currently Lexis and Westlaw do not provide coverage of county materials.

The Maryland homepage at <http://www.maryland.gov> under “Local Government” provides links to Maryland county Web pages. These vary considerably in type and depth of available information but are worth checking out.

RETROSPECTIVE MARYLAND STATUTE SEARCHING

Explanation

The Maryland Code, the subject compilation of Maryland statutes currently in force, has existed in various editions since the 1800's. Until the 1950's the time between new editions, as much as 20 years, was bridged by sporadically published bound cumulative supplements. Further updating was done by the researcher's own addition of session laws that had either amended an existing section or added a new section of the code. Editions of the Maryland Code were published in 1840, 1860, 1879, 1888, 1904, 1912, 1924, 1939, and 1951.

In 1957 the Michie Company published a new edition of the Maryland Code, with updating provided annually by pocket parts incorporating the enactments of that year's legislative session. Organized by the same numbered articles as its immediate predecessor, the 1951 edition, the 1957 edition of the Code streamlined the numbering of sections within the articles. Cross references from the internal section numbering of the articles in the 1951 edition to the 1957 edition were provided in a "Table of Comparative Sections" published in volume 9 of the 1957 edition. While this edition of the Code was a great improvement over its predecessor both in format of updating and editorial enhancements, the decision was made by the early 1970s to recompile the Code in an edition organized by named topical articles. This effort to recompile the Code first brought substantive results in 1974 with the publication of the articles covering Agriculture, Courts and Judicial Proceedings, Estates and Trusts, Natural Resources, and Real Property. Since then, the legislature has gradually whittled away at the portions of the Code that still remain in the numbered article format of the 1957 edition. After these old articles are recompiled, the new articles are enacted into law and published. The old volumes of the 1957 edition are then republished with the now superseded articles removed. While the portion of the Maryland Code still current in the 1957 edition format becomes smaller every year, a sizable portion of the Code remains to be recompiled.

In order to translate a citation from the 1957 edition of the code forward, reference must be made to the "Table of Comparable Sections for Unnumbered Articles" within the Annotated Code of Maryland Tables. This paperback is republished every year and allows the researcher to determine where a particular section from the 1957 edition is now codified. Often the researcher finds that an individual section from the 1957 edition is now in several sections of the new edition, while sometimes the old section now has no counterpart, having been repealed in its entirety. Moreover, many articles of the subject edition of the Code have now existed for so long that they themselves have been recompiled. A translation table for this too may be found in the paperback volume. Be cautious here, however. A number of articles were reorganized between 1957 and their further revision into the subject edition of the Code. These revisions within the 1957 edition can be difficult to trace. To do this, check the "Tables of Comparable Sections" included in the 1972 and 1977 republications of volume 9A of the 1957 edition. This "forward translation" is most often done when a researcher finds a citation to the Code in a case and wants to determine the current status or form of that portion of the Code.

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On the other hand, in order to translate a new code section back to an old, reference must first be made to the historical citations at the end of every section of the Code. However, it is important to note that the subject edition of the Code uses the 1957 edition as a "platform." By looking at the historical citations at the end of every section, you will determine where, if anywhere, the section was codified in the 1957 edition, as well as the cites of any subsequent session laws that have amended the section. To determine where the section appeared in earlier editions, however, you must then go to the article and section referenced in the 1957 edition. This will give you not only where the section appeared in all editions back to and including the 1888 edition of the code, but all session laws that contributed to the section back to Colonial times. Once again, this process is used to determine the law at a particular date in the past or to determine the statutory context in which to read a case from the past. In addition, reference can be made to old pocket parts, back to 1957, to look at a "snap shot" of how the code stood at a particular year in the past. Generally a superseded pocket part must be looked at in conjunction with the bound volume of the code, superseded or current, that the pocket part was published to update. The earliest copyright date in the pocket part will reveal which of possibly several republications of that article or group of articles of the code it was designed to update.

In the historical citations with each section of the Maryland Code, older editions of the Maryland Code can be distinguished from session laws. The abbreviation "ch." for chapter appears immediately after the year in a session law citation, while a citation to an older edition of the Code consists only of the year of the Code followed by the section. For example, at the end of Md. Ann. Code art. 27, § 38 (1996) the information appears as:

An. Code, 1951, § 46; 1939, § 42; 1927, ch. 651; 1961, ch. 691.

This is a reference to the two earlier editions of the Maryland Code where the section was codified and to the two session laws that went into making up the section as it stood in 1996. Following the *Bluebook* form the older codes would be cited:

Md. Ann. Code art. 27, § 46 (1951)

Md. Ann. Code art. 27, § 42 (1939)

and the session laws would be cited:

1927 Md. Laws ch. 651

1961 Md. Laws ch. 691

Since the 1957 edition was first published, not only have its individual volumes and those of the subject edition been kept up to date with pocket parts, but the volumes themselves have been republished as necessary. This has occurred either when the pocket parts have become too large to fit readily into the space provided in the back of the volume, or when the substantive changes in the code have become so great or complicated that the

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republication of the entire volume was necessary for clarity. In both the 1957 edition and the subject edition of the Code, original volumes have a year alone printed on the lower portion of the spine, whereas replacement volumes have both a year and "Replacement Volume" immediately following. This distinction is particularly important when dealing with the subject edition because key features, the Revisor's Notes, are published only in the initial volume of the new edition. When that volume is first replaced, these notes are no longer included. Thus, the researcher must use the original volume of each article of the subject edition to find the Revisor's Notes.

Examples

First, look at Article 88A, § 30 in the 1951 edition of the Maryland Code. Note that the earliest session law in the historical citations with that section (this information is printed immediately before the section, not after, as is now the practice) is from 1947, with other enactment in 1950.

Maryland Code - Article 88A § 30, 1951 edition

STATE DEPARTMENT OF PUBLIC WELFARE

4225

before the Circuit Court, sitting in equity, in any county in which the alleged violator is located or has an established place of business, or before one of the Circuit Courts of the Supreme Bench of Baltimore City, if the alleged violator is located or has an established place of business in Baltimore City.

1947 Supp., sec. 16K. 1947, ch. 600, sec. 16K. 1950, ch. 63, sec. 16K.

28. (Reciprocity.) The State Department is authorized to recognize and deal with any institution, agency, or society, licensed or recognized by another state for the care or placement of minors, if that state extends the same recognition and reciprocal relations to licensees under this sub-title.

1947 Supp., sec. 16L. 1947, ch. 600, sec. 16L.

29. (Prosecutions.) It shall be the duty of the State's Attorney in each county and in Baltimore City to prosecute all violations of this sub-title.

** 1947 Supp., sec. 16M. 1947, ch. 600, sec. 16M. 1950, ch. 63, sec. 16M.**

30. (Penalty.) Any institution, agency, society, individuals, husband and wife acting jointly, or set of individuals who assume or exercise the care, custody, or control of minors, unrelated by blood or marriage, or who place such minors for adoption, or otherwise, in violation of the provisions of this sub-title, shall be guilty of a misdemeanor and upon conviction shall be subject to a fine not to exceed Five Hundred Dollars or to imprisonment for not to exceed one year, in the discretion of the court.

1947 Supp., sec. 16N. 1947, ch. 600, sec. 16N.

31. (Interpretation.) The provisions of Section 479 of Article 27 of the Annotated Code shall not be construed as limiting the powers granted by this sub-title to the State Department of Public Welfare.

Training Schools for Delinquent Children

1947 Supp., sec. 17. 1943, ch. 797, sec. 17. 1949, ch. 314, sec. 17.

32. From and after June 1, 1943, the Maryland Training School for Boys, Montrose School for Girls, Cheltenham School for Boys, and the Barrett School for Girls, shall exercise their corporate functions under the supervision, direction and control of the Department of Public Welfare. Said Department shall by rules and regulations establish standards of care, policies of admission, transfer and discharge, and from time to time order such changes in the policies, conduct or management of said institutions as may seem desirable. Said Department shall develop a program within each training school, including provision for after-care supervision. Each of said institutions shall nevertheless remain under the general management of its respective Board of Managers, subject to the limitations herein set forth.

1947 Supp., sec. 18. 1943, ch. 797, sec. 18. 1945, ch. 1060. 1947, ch. 107.

33. From and after June 1, 1947, the Boards of Managers of said institutions shall continue in office until the expiration of their respective terms. Thereafter, the Governor shall biennially appoint three mem-

The first session law, cited following The Bluebook as 1947 Md. Laws Ch. 600, § 16M is the enactment of the legislature that first created this section.

Laws of Maryland, 1947 - Chapter 600

1512

LAWS OF MARYLAND.

[CH. 600]

cuit Court, sitting in equity, in any county in which the alleged violator is located or has an established place of business, or before one of the Circuit Courts of the Supreme Bench of Baltimore City, if the alleged violator is located or has an established place of business in Baltimore City.

16K. (Reciprocity.) The State Department is authorized to recognize and deal with any institution, agency, society, individuals or set of individuals licensed or recognized by another state for the care or placement of minors, if that state extends the same recognition and reciprocal relations to licensees under this sub-title.

16L. (Prosecutions.) It shall be the duty of the State's Attorney in each county and in Baltimore City to prosecute all violations of this sub-title.

****16M.** (Penalty.) Any institution, agency, society, individuals, husband and wife acting jointly, or set of individuals who assume or exercise the care, custody, or control of minors or who place such minors for adoption, or otherwise, in violation of the provisions of this sub-title, shall be guilty of a misdemeanor and upon conviction shall be subject to a fine not to exceed one hundred dollars or to imprisonment for not to exceed three months, in the discretion of the court.

16N. (Interpretation.) The provisions of Section 458 of Article 27 of the Annotated Code (1939 Edition) shall not be construed as limiting the powers granted by this sub-title to the State Department of Public Welfare.

SEC. 2. *And be it further enacted,* That Sections 10 and 11 of Article 88A of the Annotated Code of Maryland (1939 Edition and 1943 Supplement), title "State Department of Public Welfare", sub-title "Board of Welfare", be and they are hereby repealed and re-enacted, with amendments, to read as follows:

10. The State Department of Public Welfare shall have the authority to license any person or institution maintaining a home in which two or more persons beyond the age of 65 years shall be cared for and for which a charge is made for such care or maintenance, upon due proof of compliance with rules and regulations designed to secure the proper care of such aged persons, which rules and regulations the said State Board of Public Welfare is hereby authorized to establish. The provisions of this section shall not apply to persons caring for relatives.

Any institutions, agencies and societies, whether incorporated or not, as well as all individuals who may be aggrieved by the decision of any agency or local board delegated to issue

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What happened to this section when the 1951 edition of the Code was recompiled in 1957? Turn to the cross reference table in volume 9 of the 1957 edition of the Code, which translates from the 1951 to the 1957 edition. Note that the section appears in the 1957 edition at Md. Code art. 88A, § 31. Obviously this is not much of a change, but in other parts of the Code, where there was more legislative activity during the 1950s, the renumbering was much more extensive.

Maryland Code, Table of Comparative Sections, 1957

Article 87		1951 Code and Supplement		1957 Code		1951 Code and Supplement		1957 Code	
1951 Code and Supplement	1957 Code	SEC.	SEC.	SEC.	SEC.	SEC.	SEC.	SEC.	SEC.
1	1	53	52	39	41				
2	2	54	53	40	42				
3	3	55	54	41	43				
4	4			42	44				
5	Repealed by 1957, c. 399, § 1			43	45				
6	5			44	46				
7	6			45	47				
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Article 87A		1951 Code and Supplement		1957 Code		1951 Code and Supplement		1957 Code	
1951 Code and Supplement	1957 Code	SEC.	SEC.	SEC.	SEC.	SEC.	SEC.	SEC.	SEC.
		1-22	Expired						

Article 88		1951 Code and Supplement		1957 Code		1951 Code and Supplement		1957 Code	
1951 Code and Supplement	1957 Code	SEC.	SEC.	SEC.	SEC.	SEC.	SEC.	SEC.	SEC.
1	1	1	1	1	1				
2	2	2	2	2	2				
3	3	3	3	3	3				
4	4	4	4	4	4				

Article 88A		1951 Code and Supplement		1957 Code		1951 Code and Supplement		1957 Code	
1951 Code and Supplement	1957 Code	SEC.	SEC.	SEC.	SEC.	SEC.	SEC.	SEC.	SEC.
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49	49	49	49	49	49				
50	50	50	50	50	50				
51	51	51	51	51	51				
52	52	52	52	52	52				

Note how the section was published in the 1957 edition. Also note how the session law information no longer precedes the section, but now follows the section in parenthesis.

Maryland Code - Article 88A § 31, 1957 edition

Art. 88A, § 29 STATE DEPARTMENT OF PUBLIC WELFARE Art. 88A, § 33

seek to enjoin the activities and operations of any institution, agency, society, individual, or set of individuals seeking to carry on the functions licensed by this subtitle, without having secured the required license. Such petition for an injunction shall be brought before the circuit court, sitting in equity, in any county in which the alleged violator is located or has an established place of business, or before one of the circuit courts of the Supreme Bench of Baltimore City, if the alleged violator is located or has an established place of business in Baltimore City. (An. Code, 1951, § 27; 1947, ch. 600, § 16J.)

§ 29. Reciprocity.

The State Department is authorized to recognize and deal with any institution, agency, or society, licensed or recognized by another state for the care or placement of minors, if that state extends the same recognition and reciprocal relations to licensees under this subtitle. (An. Code, 1951, § 28; 1947, ch. 600, § 16K; 1950, ch. 63, § 16K.)

§ 30. Prosecutions.

It shall be the duty of the State's attorney in each county and in Baltimore City to prosecute all violations of this subtitle. (An. Code, 1951, § 29; 1947, ch. 600, § 16L.)

**** § 31. Penalty.**

Any institution, agency, society, individuals, husband and wife acting jointly, or set of individuals who assume or exercise the care, custody, or control of minors, unrelated by blood or marriage, or who place such minors for adoption, or otherwise, in violation of the provisions of this subtitle, shall be guilty of a misdemeanor and upon conviction shall be subject to a fine not to exceed five hundred dollars or to imprisonment for not to exceed one year, in the discretion of the court. (An. Code, 1951, § 30; 1947, ch. 600, § 16M; 1950, ch. 63, § 16M.)

§ 32. Interpretation.

The provisions of § 399 of Article 27 of the Annotated Code shall not be construed as limiting the powers granted by this subtitle to the State Department of Public Welfare. (An. Code, 1951, § 31; 1947, ch. 600, § 16N.)

TRAINING SCHOOLS FOR DELINQUENT CHILDREN

§ 33. Institutions under supervision of Department.

From and after June 1, 1943, the Maryland Training School for Boys, Montrose School for Girls, Cheltenham School for Boys [Boys' Village of Maryland], and the Barret School for Girls, shall exercise their corporate functions under the supervision, direction and control of the Department of Public Welfare. Said Department shall by rules and regulations establish standards of care, policies or admission, transfer and discharge, and from time to time order such changes in the policies, conduct or management of said institutions as may seem desirable. Said Department shall develop a program within each training school, including provision for after-care supervision. Each of said institutions shall nevertheless remain under the general management of its respective board of managers, subject to the limitations herein set forth. (An. Code, 1951, § 32; 1943, ch. 797, § 17; 1949, ch. 314, § 17.)

Thurgood Marshall Law Library Guide to Legal Research – 2011 - 2012

What happened when Article 88A of the 1957 edition was recompiled into the current subject edition of the Code? Using the “Table of Comparable Sections for Unnumbered Articles” (within the *Annotated Code of Maryland Tables*, a separate volume that is republished every year and shelved with the current edition of the Code), note that this section ended up in the subject edition at Md. Code Ann., Fam. Law § 5-521.

Maryland Code, Table of Comparable Sections, 1998

ANNOTATED CODE OF MARYLAND

Md. Code Art. Sec.	Section in FL	Md. Code Art. Sec.	Section in FL
88A 22	5-519 (a)	88A 92 (a) (1)	4-606
23	5-510, 5-513	92 (a) (2)	4-608
23A	5-511	92 (b)	4-613
24	5-514	93	4-610
25	5-515, 5-516	94 (a)	4-607
26 (a)	5-506 (c), 5-517	94 (b)	4-607, 4-609
26 (b) to (d)	5-518 (a)	95	4-609, 4-610
26 (e)	5-518 (b)	96	4-607
27	5-520 (a)	97	4-611
27A	5-328, 5-520 (b), (c)	98	4-607, 4-612
28	5-519 (b)	99	4-613
29	5-512	101	4-514
30	Deleted (see GRN, Title 5, Subtitle 5)	102	4-513
** 31	5-521	103 (a) to (c)	4-515
32	5-503	103 (d)	4-516 (a)
32B	5-529	104	4-516 (b)
32C	5-526	106	14-101
32D	5-502 (b) (3), 5-550 (c)	107	14-102
32E (a) (1)	5-501 (a)	108	14-201
32E (a) (2)	5-101	109	14-301
32E (a) (3)	5-501 (d)	110 (a)	14-401, 14-402
32E (a) (4)	5-501 (e)	110 (b), (c)	14-402
32E (a) (5)	5-501	110 (d), (e)	14-403
32E (b)	5-553	110 (f) to (h)	14-404
32E (c)	5-550 (a), (b)	111 (a), (b)	6-102
32E (d)	5-552	111 (c)	6-103
32E (e)	5-551	112	6-101 (c)
32F	5-555	113	6-103
32G (a)	5-554	114	5-501 (f), 5-535, 5-536, 5-540, 5-541, 5-544 to 5-546
32G (b)	5-556	115 (a)	5-535
32H	5-557	115 (b)	5-536, 5-537, 5-538
59 (a)	10-106	116 (a)	5-540 (a)
59 (b) (1) to (2) (viii)	10-108	116 (b)	5-540 (a), 5-541 (a) (1), (b) (1), (2), (e) (1) to (3), 5-542, 5-543
59 (b) (2) (ix)	10-110	116 (c) (1)	Deleted (see RN, § 5-540)
59 (b) (3)	10-112	116 (c) (2)	5-540 (b), 5-541 (a) (1), (b) (1)
59 (b) (4)	10-111	116 (c) (3)	5-541 (a) (2)
59 (b) (5)	10-108	116 (c) (4)	5-541 (a)
59 (b) (5) (i)	10-117	117	5-538
59 (b) (5) (ii)	Deleted (see GRN, Title 10, Subtitle 1)	118	5-538, 5-539
59 (b) (5) (iii)	10-116 (a), (b)	119 (a)	5-544
59 (b) (5) (iv)	10-114 (1), (2), 10-116	119 (b)	5-545
59 (c) (1)	5-1011, 10-115 (b)	119 (c)	5-546
59 (c) (2)	5-1011, 10-109, 10-115 (a), (c)	119 (d), (e)	5-539
59 (d)	10-107, 10-114 (3)	120	5-547
59 (e)	10-113	121 (a), (b)	4-401
60 (a) to (c)	5-527	121 (c)	4-402 (a)
60 (d)	5-530	122	4-402 (b)
60 (e)	5-528	123	4-403
61 (a)	5-524		Art. 27
61 (b), (c) (1)	5-525	130	793
61 (c) (2)	5-532		Art. 73B
90	4-602	88B 15(b)(16)	6-403(a)(1), (b)(1)
91	4-601		
92 (a)	4-605, 4-606, 4-608, 4-613		

This is the section as it appeared in the subject editions of the Code when the Family Law article was first published in 1984. Note the inclusion of the Revisor's Note.

Maryland Code, Family Law § 5-521, 1984 edition

§ 5-521

ANNOTATED CODE OF MARYLAND

(c) *Limitation on content of medical history.* — A medical history compiled under this section may not disclose or permit disclosure of the names or identity of a child's natural parents. (An. Code 1957, art. 88A, §§ 27, 27A; 1984, ch. 296, § 2.)

REVISOR'S NOTE

This section is new language derived without substantive change from Art. 88A, §§ 27 and 27A.

In subsection (b) of this section, the word "person" is substituted for the former language "institution, agency, society, licensee or person", for brevity.

Defined terms:

"License": § 5-501
"Person": § 1-101

****§ 5-521. Penalties for violation of Part II.**

A person who, in violation of any provision of this Part II of this subtitle, exercises care, custody, or control of a minor child unrelated by blood or marriage or makes a placement of a minor child unrelated by blood or marriage is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500 or imprisonment not exceeding 1 year. (An. Code 1957, art. 88A, § 31; 1984, ch. 296, § 2.)

**** REVISOR'S NOTE**

This section is new language derived without substantive change from Art. 88A, § 31.

The word "person" is substituted for the former language "institution, agency, society, individuals, husband and wife acting jointly, or set of individuals", for brevity.

The Commission to Revise the Annotated Code notes, for consideration by the General Assembly, that this penalty section is narrower in scope than this Part II of this subtitle, in that

it provides for penalties only when a person commits a violation as to children who are not related to the person by blood or marriage. The Commission to Revise the Annotated Code also notes that this section does not provide for both a fine and imprisonment.

Defined term:

"Person": § 1-101

§§ 5-522, 5-523.

Reserved.

Part III. Child Welfare Services; Foster Care.

§ 5-524. Child welfare services.

The Administration shall provide child welfare services to a child and the child's parent or guardian:

- (1) to assist in preventing the necessity of placing the child outside of the child's home;
- (2) to reunite the child with the child's parent or guardian after the child has been placed in foster care; or

The next illustration shows the section as it appears in the current republication of the Family Law article. Note that the Revisor's Note is not here. Revisor's Notes are dropped from all republications of subject edition volumes. Even though the pocket part is not illustrated here, there have been no changes to this section through the 1998 legislative session. Thus, the most recent session law to have affected this section is 1984 Md. Laws ch. 296, § 2.

Maryland Code, Family Law § 5-521, 1991 edition

§ 5-521 ANNOTATED CODE OF MARYLAND

**** § 5-521. Penalties for violation of Part II.**

A person who, in violation of any provision of this Part II of this subtitle, exercises care, custody, or control of a minor child unrelated by blood or marriage or makes a placement of a minor child unrelated by blood or marriage is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500 or imprisonment not exceeding 1 year. (An. Code 1957, art. 88A, § 31; 1984, ch. 296, § 2.)

§§ 5-522, 5-523.

Reserved.

Part III. Child Welfare Services; Foster Care.

§ 5-524. Child welfare services.

The Administration shall provide child welfare services to a child and the child's parent or guardian:

- (1) to assist in preventing the necessity of placing the child outside of the child's home;
- (2) to reunite the child with the child's parent or guardian after the child has been placed in foster care; or
- (3) if the child has been placed in foster care and cannot return to the child's parent or guardian, to develop and implement an alternative permanent plan for the child. (An. Code 1957, art. 88A, § 61; 1984, ch. 296, § 2; 1987, ch. 696; 1988, ch. 182.)

Cited in *Williams v. Anderson*, 753 F. Supp. 1306 (D. Md. 1990).

§ 5-525. Foster care program — In general.

(a) *Established.* — The Administration shall establish a program of foster care for minor children:

- (1) who are placed in the custody of a local department, for a period of not more than 6 months, by a parent or legal guardian under a written agreement voluntarily entered into with the local department; or
- (2) who are abused, abandoned, neglected, or dependent, if a juvenile court:
 - (i) has determined that continued residence in the child's home is contrary to the child's welfare; and
 - (ii) has committed the child to the custody or guardianship of a local department.

(b) *Short-term foster care.* — (1) The local department shall provide 24-hour a day care and supportive services for a child who is committed to its custody or guardianship in a licensed or approved foster family home, group home, or child care institution on a short-term basis, while the local department develops and implements a permanency plan that is in the best interests of the child.

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Looking at session laws can be significant for several reasons, including determining when specific language was added to a section of the Code. As it turns out, this session law was the massive enactment of the Family law article by the legislature after the editorial work creating it from various articles of the 1957 edition had been completed. Note that going back to the session law itself is one of the few ways to determine the original bill number that resulted in the enactment. This was House Bill # 1 from 1984.

Laws of Maryland, 1984 - Chapter 296

HARRY HUGHES, Governor

1847

8-403.

(d) Except as otherwise provided in subsection (e) of this section, on or before July 1, 1993, an evaluation shall be made of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units:

(19) (8) THE OFFICE FOR HANDICAPPED INDIVIDUALS (§ 9-1001 9-1002 OF THE STATE GOVERNMENT ARTICLE)-- ;

SECTION -4- -5- 6. AND BE IT FURTHER ENACTED, That Section(s) 1 and 2 of this Act shall take effect July 1, 1984.

SECTION -5- -6- 7. AND BE IT FURTHER ENACTED, That contingent on the taking effect of Chapter ____ (S.B. 50) of the Acts of the General Assembly of 1984, ~~Section-3~~ Sections 3 and ~~4~~ through 5 of this Act shall take effect October 1, 1984 and if Chapter ____ does not become effective, ~~Section-3~~ Sections 3 and ~~4-~~ through 5 of this Act shall be null and void without further action by the General Assembly.

Approved May 15, 1984.

** CHAPTER 296

(House Bill 1)

AN ACT concerning

Family Law

FOR the purpose of adding a new Article to the Annotated Code of Maryland, to be designated and known as the "Family Law Article", to revise, restate, and recodify the laws of this State relating and pertaining to family law matters, including matters relating to jurisdiction of the equity courts over certain family law matters, to guardianship of children, to appointing counsel for a minor in certain family law proceedings, to marriage, to annulment of marriages, to breach of promise to marry, to alienation of affections, to rights and liabilities of spouses, to rights and liabilities of third persons as to spouses, to services to families with children, to domestic and household violence, to battered spouses, to displaced homemakers, to rights, duties, and relations between parents and children, to adoption, to guardianship with the right to consent to adoption, to subsidized adoption, to child care, to foster care, to neglected children, to unattended children, to child abuse, to single and young parents, to divorce, to

Laws of Maryland, 1984 - Chapter 296 (continued)

HARRY HUGHES, Governor

1973

(B) MEDICAL HISTORY.

A PERSON AUTHORIZED TO PLACE A MINOR CHILD FOR ADOPTION SHALL COMPILER AND MAKE AVAILABLE TO AN ADOPTIVE PARENT A PERTINENT MEDICAL HISTORY OF THE CHILD'S NATURAL PARENTS, IF POSSIBLE.

(C) LIMITATION ON CONTENT OF MEDICAL HISTORY.

A MEDICAL HISTORY COMPILED UNDER THIS SECTION MAY NOT DISCLOSE OR PERMIT DISCLOSURE OF THE NAMES OR IDENTITY OF A CHILD'S NATURAL PARENTS.

REVISOR'S NOTE: This section is new language derived without substantive change from Article 88A, §§ 27 and 27A.

In subsection (b) of this section, the word "person" is substituted for the former language "institution, agency, society, licensee or person", for brevity.

Defined term: "License" § 5-501

****5-521. PENALTIES.**

A PERSON WHO, IN VIOLATION OF ANY PROVISION OF THIS PART II OF THIS SUBTITLE, EXERCISES CARE, CUSTODY, OR CONTROL OF A MINOR CHILD UNRELATED BY BLOOD OR MARRIAGE OR MAKES A PLACEMENT OF A MINOR CHILD UNRELATED BY BLOOD OR MARRIAGE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500 OR IMPRISONMENT NOT EXCEEDING 1 YEAR.

REVISOR'S NOTE: This section is new language derived without substantive change from Article 88A, § 31.

The word "person" is substituted for the former language "institution, agency, society, individuals, husband and wife acting jointly, or set of individuals", for brevity.

The Commission to Revise the Annotated Code notes, for consideration by the General Assembly, that this penalty section is narrower in scope than this Part II of this subtitle, in that it provides for penalties only when a person commits a violation as to children who are not related to the person by blood or marriage. The Commission to Revise the Annotated Code also notes that this section does not provide for both a fine and imprisonment.

5-522. RESERVED.

5-523. RESERVED.

PART III. CHILD WELFARE SERVICES; FOSTER CARE.

Note how the bill appeared as it was first introduced. While the illustrations here do not show it, one of the benefits of looking at the original bill as published for its required three readings before the legislature and at the resulting session law is to note the addition and deletion of language. This is represented by under linings and strike throughs respectively, and can serve to reveal changes made by the legislature during consideration.

Maryland Bills - House Bill 1, 1984

HOUSE OF DELEGATES

4lr0171

No. 1
(PRE-FILED)

29

By: The Speaker (Code Revision Commission)
Requested: July 5, 1983
Introduced and read first time: January 11, 1984
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 Family Law

3 FOR the purpose of adding a new Article to the Annotated Code of
4 Maryland, to be designated and known as the "Family Law
5 Article", to revise, restate, and recodify the laws of this
6 State relating and pertaining to family law matters,
7 including matters relating to jurisdiction of the equity
8 courts over certain family law matters, to guardianship of
9 children, to appointing counsel for a minor in certain
10 family law proceedings, to marriage, to annulment of
11 marriages, to breach of promise to marry, to alienation of
12 affections, to rights and liabilities of spouses, to rights
13 and liabilities of third persons as to spouses, to services
14 to families with children, to domestic and household
15 violence, to battered spouses, to displaced homemakers, to
16 rights, duties, and relations between parents and children,
17 to adoption, to guardianship with the right to consent to
18 adoption, to subsidized adoption, to child care, to foster
19 care, to neglected children, to unattended children, to
20 child abuse, to single and young parents, to divorce, to
21 paternity proceedings, to legitimation, to deeds,
22 agreements, and settlements between spouses, to property
23 disposition and rights in annulment and divorce, to child
24 custody and visitation, to child custody jurisdiction, to
25 removal of children from this State, to child abduction, to
26 civil and criminal enforcement of child, spousal, and
27 familial support obligations, to criminal nonsupport, to
28 desertion or nonsupport of spouse or child, to reciprocal
29 enforcement of support obligations, to alimony and spousal
30 support, to child support, and to support of parents and
31 adult children; relating to and recodifying the Interstate
32 Compact on the Placement of Children; revising the laws
33 relating to marriage, including valid and void marriages,
34 marriage of minors, marriage licensing, solemnizing
35 marriage, and marriage records; revising the laws relating
36 to licensing of child care facilities, including licensing
37 of child placement agencies, child care homes, and child
38 care institutions; revising the laws relating to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.

Maryland Bills - House Bill 1, 1984
(continued)

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HOUSE BILL No. 1

1 Also in subsection (a) of this section, the phrase
2 "licensee under this subtitle or an applicant for a
3 license under this subtitle" is substituted for the
4 former phrase "such institution, agency, or society",
5 for clarity.

6 In subsection (b) of this section, "person" is
7 substituted for the former phrase "institution,
8 agency, society, individual, or set of individuals",
9 for brevity.

10 Defined terms: "Administration" § 5-501
11 "County" § 1-101 "License" § 5-501

12 5-520. DUTIES OF LICENSEES.

13 (A) RELIGIOUS AFFILIATION.

14 IN PLACING A MINOR CHILD FOR ADOPTION OR IN GIVING THE CARE,
15 CUSTODY, OR CONTROL OF A MINOR CHILD TO ANY PERSON, A LICENSEE
16 SHALL GIVE PREFERENCE TO PERSONS OF THE SAME RELIGIOUS BELIEF AS
17 THAT OF THE CHILD OR THE CHILD'S PARENTS UNLESS THE PARENTS
18 SPECIFICALLY INDICATE A DIFFERENT CHOICE.

19 (B) MEDICAL HISTORY.

20 A PERSON AUTHORIZED TO PLACE A MINOR CHILD FOR ADOPTION
21 SHALL COMPILE AND MAKE AVAILABLE TO AN ADOPTIVE PARENT A
22 PERTINENT MEDICAL HISTORY OF THE CHILD'S NATURAL PARENTS, IF
23 POSSIBLE.

24 (C) LIMITATION ON CONTENT OF MEDICAL HISTORY.

25 A MEDICAL HISTORY COMPILED UNDER THIS SECTION MAY NOT
26 DISCLOSE OR PERMIT DISCLOSURE OF THE NAMES OR IDENTITY OF A
27 CHILD'S NATURAL PARENTS.

28 REVISOR'S NOTE: This section is new language derived
29 without substantive change from Article 88A, §§ 27 and
30 27A.

31 In subsection (b) of this section, the word "person"
32 is substituted for the former language "institution,
33 agency, society, licensee or person", for brevity.

34 Defined term: "License" § 5-501

35 5-521. PENALTIES.

36 A PERSON WHO, IN VIOLATION OF ANY PROVISION OF THIS PART II
37 OF THIS SUBTITLE, EXERCISES CARE, CUSTODY, OR CONTROL OF A MINOR
38 CHILD UNRELATED BY BLOOD OR MARRIAGE OR MAKES A PLACEMENT OF A
39 MINOR CHILD UNRELATED BY BLOOD OR MARRIAGE IS GUILTY OF A
40 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING
41 \$500 OR IMPRISONMENT NOT EXCEEDING 1 YEAR.

BALTIMORE CITY MATERIALS

General laws

1. Charter. The basic powers and structure of government for Baltimore City are set forth in the *Baltimore City Charter* (1996) This is a 1964 revision with amendments to June 30, 2000 [KFX1101.A61]. Published by the Baltimore (City) Department of Legislative Reference.

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2. Code. The *Baltimore City Code, 2000* is published by the Baltimore (City) Department of Legislative Reference. Article 32 of this Code incorporates *The BOCA National Building Code*, which is a code of "model building regulations for the protection of public health, safety and welfare" that is published every three years by the Building Officials & Code Administrators International, Inc.
3. Public General Laws. Laws that are passed by the Maryland General Assembly for the entire state and that impact on Baltimore City are located in the *Annotated Code of Maryland* [KFM1230 1957.A2 / KFM1230.5.M5]. Indexed in main Code index volumes.
4. Public Local Laws. The *Code of Public Local Laws of Baltimore City* (art. 4 of the *Code of Public Local Laws of Maryland.*) (1980 and 1997 cumulative supplement) [KFX1101.A621] contains the laws passed by the Maryland General Assembly that apply only to Baltimore City. Edited and published by the Department of Legislative Reference.
5. Ordinances. These laws, which are passed by the City Council, can be found in two places: a) The *Ordinances and Resolutions of the Mayor and City Council of Baltimore* [KFX1101.A5] lists ordinances by Ordinance number i.e., the number assigned to a City Council bill when signed by the Mayor. The Ordinances are arranged chronologically as passed. b) In the *Baltimore City Code* (2000) [KFX1101.A6], the ordinances have been arranged by numbered articles i.e., subjects.
6. The International Building Code. [K3538.I583] This model building code is published by the International Code Council. Baltimore City adopted the 2006 Code. Use the Code in conjunction with state modifications.
7. Rules of the Baltimore City Council. All rules of the Council can be found in the publication, *Rules of the City Council*, 1989.
8. Law Making Process. A description of the law making process in the city of Baltimore is in the *City of Baltimore Municipal Handbook* (1990). [KFX 1104.M8 1990].

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Zoning laws

1. Baltimore City Code. Volume 1 of the Code incorporates the zoning articles and contains the language of Ordinance 1051 as passed in 1971 along with amendments. [KFX1101.A6 1983]. Ordinance 1051 has been reprinted in a separate publication entitled: *Zoning Code of Baltimore City*. [KFX1112.B3.Z6 2000].
2. The *City of Baltimore Municipal Handbook* contains a good explanation of the duties of the city agencies that deal with zoning issues, i.e. the Board of Municipal and Zoning Appeals and the Baltimore City Department of Planning. [KFX 1104.M8 1990].

Housing code

1. Baltimore City Code. The Housing Code is located at the end of Article 13 on Housing and Urban Renewal. [KFX1101.A6].

Landlord and tenant law

1. *Guide to local, state and federal laws governing tenant-landlord relations: including laws prohibiting discrimination in housing, Baltimore City edition*. This book covers common landlord-tenant problems and is a good place to start. It includes housing code violations, escrow accounts, eviction and where to go for help. [KFX1112.1.B3 L35 2007].
2. *Practice Manual for the Maryland Lawyer*. (3d ed. with 2008 supplement) Chapter 10 of this MICPEL publication includes forms and contains a short concise approach to the law of landlord-tenant. [KFM1281.M3 1993].

Courts

The courts of Baltimore City are part of the Maryland court system. The District Court (First District) is the lowest level court. Housing, traffic matters and some civil and criminal matters are handled at this level. The Circuit Court (Eighth) handles major civil and criminal cases and cases in which parties are entitled to jury trials. The Court of Special Appeals is the intermediate appellate court and the Court of Appeals is the highest court in the Maryland System. The Orphan's Court of Baltimore City deals with wills and estates and has jurisdiction over the appointment of guardians for minors. Useful sources for court information include:

1. *The City of Baltimore Municipal Handbook*, 1990. This work contains a listing of all Baltimore City Courts including addresses and telephone numbers. [KFX1104.M8].

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2. *Maryland Lawyers Manual*. The Baltimore City section is a source for names, addresses and telephone numbers of court personnel. Updated annually. [REFERENCE KF192.M36M3].
3. *Maryland Manual*. The Judiciary Chapter contains organizational charts, names, addresses, telephone numbers, and descriptions of the courts. [REFERENCE JK3831]. Also available at: <http://mdmanual.net>.

Court forms

Each of the courts for Baltimore City has its own practice forms. Sources include:

1. Robert D. Klein, *Maryland Civil Procedure Forms with Practice Commentary* (3d ed. 2000). The majority of Circuit and appellate level forms can be found in this volume. [KFM1730.A65D542 2000].
2. G. Liebmann, *Maryland Practice: Civil Procedure Forms* (1984 & Supp. 2007). Volumes 3 & 4 of *Maryland Practice* contain all of the basic Circuit Court forms. [KFM1715.A73M32].
3. M. Rowland, *District Court Practice Manual: Civil* (2000 ed.). A selected list of forms is reproduced in Appendix A. [KFM1714.D57 2000].

City agencies

1. The *City of Baltimore Municipal Handbook 1990* contains information on all city agencies. An organization chart for Baltimore City government can be found in this source. Arranged alphabetically by agency name, section IV includes a short description, names, addresses, telephone numbers, publications (if any) and enabling legislation. [KFX1104.M8].
2. *Maryland Lawyers Manual*. The Baltimore City section lists selected agencies that are primarily court related. [KF192.M36M3].

MARYLAND ADMINISTRATIVE MATERIALS

The *Code of Maryland Regulations*, more commonly known as COMAR, was created in 1974 to meet the need for a formal, topical compilation of the rules and regulations issued by Maryland agencies. At the beginning of each volume of COMAR there is a detailed preface describing both the purpose and the use of COMAR. Generally, each department of state government has been assigned its own title in COMAR. An individual title may occupy more than one physical volume.

At the end of every chapter of regulations in COMAR there is a reference headed "Administrative History" that gives the original effective date of the chapter as well as

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the dates of any amendments. At the beginning of the chapter of regulations is the statutory authority for that chapter.

The *Maryland Register* is issued every other Friday and serves several purposes. Executive orders of the governor and opinions of the attorney general are published here, generally before they appear anywhere else. New and changed court rules are also published here. Perhaps most importantly, proposed and final changes and additions to administrative regulations are published in the *Maryland Register*. The purpose is much the same as that of the *Federal Register*, to provide notice to interested parties and to give the public an opportunity to comment on the changes and additions before they become final.

Finding Maryland Regulations by Topic

One comprehensive finding aid for COMAR is the *COMAR Deskbook*, which is divided into several sections. The master subject index is located in the section following the "Index" tab, while the master table of contents is behind the "Regulation Titles" tab. As with other statutory and administrative compilations, COMAR regulations must often be used in conjunction with one another. This table is a convenient source to check for other nearby sections that may be of significance. Each of the titles of COMAR also has its own table of contents.

In addition, the COMAR Deskbook contains an authority table. This table allows the researcher to determine what regulations have been promulgated under each section of the Maryland Annotated Code. This table provides the only cross referencing from the Maryland Code to COMAR and is located following the "Authority" tab.

Even if you do not find a regulation on the subject you are researching in the master subject index, one may have been added since the last update of the title of COMAR into which the new regulation will be inserted. Updated indexing is provided by the separately published quarterly "Cumulative Index" to the *Maryland Register*. Printed on yellow paper, this index allows you to check subject headings department by department for late additions. Keep in mind, however, that because it is only published quarterly, and even then with about a six-week delay, you will still need to check the tables of contents of all the subsequent issues of the *Maryland Register* to bring your research completely up to date.

Updating Maryland Regulations

By law, each title of COMAR is to be updated at least once each year. These updates are issued at different times and under different schedules for each title, and are referred to as "supplements".

At the bottom of each republished page of COMAR, there is a supplement number. This number indicates with which supplement the text on that page took its current form. At the beginning of each **title** (not necessarily each volume) is the most recent "Certificate"

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page giving both the closing date of the most recent regulations incorporated in that update and the dates when the earlier supplements to that title were issued. Here you will find the number of the most recent supplement that updated the title, when it was issued, and what the effective date was.

To update, consult the most recent issue of the Maryland Register and locate the two-part section entitled "COMAR Research Aids." These tables are similar to the List of Sections Affected" that is used with C.F.R. and the Federal Register. The "Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed" lists updates for each title of COMAR back to the point at which that title of COMAR was last supplemented. When using this to update a COMAR reference, be sure that the date listed for your title and subtitle matches the supplement date for the title and subtitle of COMAR that you are updating. If the newest pages for the title of COMAR were not filed in a timely fashion, there will be a gap in your research. The "Table of Pending Proposals" is cumulative until the proposed regulation is no longer pending, having either moved to the table of adopted regulations or been withdrawn.

References from the "Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed" are to the page in the *Maryland Register* where the proposed regulation was made final. In almost all situations the text of the new regulation will not be printed here, but there will be a cite to the page in the earlier issue of the *Maryland Register* where the text of the proposed regulation did appear. On the other hand, the "Table of Pending Proposals" cites directly to the point where the full-text of the proposed regulation was first set forth. The Thurgood Marshall Law Library has two copies of all the sources described above: COMAR, the *Maryland Register*, the *COMAR Deskbook*, and the quarterly Cumulative Index.

Finding Cases That Interpret or Affect the Validity of a Regulation

Currently it is not possible to Shepardize a COMAR (or *Maryland Register*) provision in *Shepard's Maryland Citations*. Similarly, one cannot Shepardize or KeyCite these materials online. An online terms and connectors search can be constructed that uses the COMAR citation as a search term; since the citations are generally a unique string of characters, this technique works quite well.

Citation form for COMAR and the Maryland Register

COMAR citations take an unusual form. Each of the components has been assigned a specific name by the compilers. For example, in the citation 09.12.01.02B(4)(b)(ii) the components are:

- 09 - title
- 12 - subtitle
- 01 - chapter
- 02 - regulation
- B - section
- (4) - subsection

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- (b) - paragraph
- (ii) - subparagraph

Following the *Bluebook*, the current form of the COMAR reference above would be cited:

Md. Regs. Code tit. 09, § .12.01-2B(4)(b)(ii) (1997).

The format for the citation appears in the Maryland section of Table T. 1 of the *Bluebook*. For determining the year to use in the parenthetical, the most analogous rule is *Bluebook* Rule 12.3.2. While it deals with statutory codes, it also provides guidance for citing to administrative codes. The operative portion of the rule states that "[i]f a code is published in looseleaf form, give the year on the page on which the provision is printed or the year on the first page of the subdivision in which the provision appears - in that order of preference ..." While it is arguable that the supplement number that appears at the bottom of all republished pages of COMAR should be construed as the year (in this example, 2000), it seems more within the policy behind the rules in *The Bluebook* to use the year that appears on the "Certificate" page at the very beginning of that title of COMAR (1997). Note, however, that the suggestion for citing to COMAR given in the preface of each volume of that set is quite different from what is set forth in *The Bluebook*.

As with COMAR, the rule and examples set forth in the *Maryland Register* for citing to itself are quite different from what is prescribed in the *Bluebook*. The abbreviation for the citation appears in the Maryland section of Table T. 1 of the *Bluebook*, although the format is not given. For that you must analogize, and the closest rules are 14.1 and 14.2, which deal with federal administrative sources, including the *Federal Register*. The general examples of the format to follow for the *Federal Register* are in Rules 14.1 and 14.2.

Following the *Maryland Register*, a recent notice of proposed action would be cited:

20:22 Md. R. 1734-1735 (October 29, 1993) (to be codified at COMAR 09.10.01).

Following the *Bluebook*, the same notice of proposed action would be cited:

20 Md. Reg. 1734 (1993) (to be codified at Md. Regs. Code tit. 09, § .10.01).

Electronic sources

Westlaw provides the full text of COMAR in the MD-ADC database. Although the text of the *Maryland Register* is not available, biweekly updates to the Westlaw version of COMAR are scheduled.

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The Westlaw (and Lexis) versions of COMAR include a disclaimer stating that the electronic version is not considered official text and that “... only the printed version of this text is official, valid, and enforceable under Maryland law.”

Lexis provides full text coverage of COMAR [States Legal - U.S. : Maryland : Agency & Administrative Materials : MD - Code of Maryland Regulations (COMAR)] and the Maryland Register (States Legal - U.S. : Maryland : Agency & Administrative Materials : MD - Maryland Register). Additional administrative materials are available in the following files, all located in the Source Directory path “States Legal - U.S. : Maryland : Agency & Administrative Materials”:

MD State Regulation Tracking (current status and revisions information on Maryland regulations (same as the Westlaw database described above);

MD Public Service Commission Reports (decisions, opinions, and orders of the Maryland Public Service Commission);

MD Securities Orders, Releases, and Letters (documents from the Maryland Securities Division).

On the Internet COMAR and the most recent issues of the *Maryland Register* may be searched at <<http://www.dsd.state.md.us/>>. Though not yet extensive in content, Maryland agency information is beginning to appear on the Web. Some agencies provide organizational or procedural information, as well as hearings calendars and the text of recent rulings. Thus it is worth checking when working with a state agency to see what is available through this source. One site with extensive links to state agencies, boards and commissions is the Maryland homepage at <<http://www.maryland.gov/>>.

MARYLAND CASE LAW

Court of Appeals

The Court of Appeals is the highest court in Maryland and hears cases primarily on review. It has appellate jurisdiction over death penalty cases and questions of law under the Uniform Certification of Questions of Law Act. The Court has original jurisdiction over questions concerning gubernatorial succession, review of legislative districting, disciplining of judges, and attorney discipline. The Court sits in Annapolis with five of the seven judges constituting a quorum. Its term begins on the second Monday of September and runs until the beginning of the new term. Petitions for certiorari may be filed by any interested party, including the State. Appeals may be filed either before or after the Court of Special Appeals has handed down a decision, but not later than the time prescribed by the court rules. However, certiorari will not be granted if the Court of Special Appeals has denied or granted leave to:

- 1) prosecute an appeal in a post-conviction proceeding.
- 2) appeal from a refusal to issue a writ of habeas corpus concerning bail.

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- 3) appeal in an inmate grievance commission proceeding.
- 4) appeal from a final judgment entered following a plea of guilty in a circuit court.

Decisions of the Court of Appeals are reported in the *Maryland Reports*, the *Atlantic Reporter*, and the *Maryland Reporter*.

Court of Special Appeals

The Court of Special Appeals is an intermediate appellate court created in 1966. The court has no original jurisdiction. Except for death penalty cases, which are directly appealable to the Court of Appeals, it has exclusive initial appellate jurisdiction over judgments, decrees, and orders from the Circuit or Orphans' Courts. The Court of Special Appeals sits in Annapolis. Cases are heard before a panel of not fewer than three judges. All decisions are by majority vote. There are thirteen members of the court. One member is elected from each of the first five judicial circuits, two members are elected from the sixth judicial circuit (Baltimore City), and six judges are elected from the State at large. An appeal is taken by filing an order for appeal with the clerk of the trial court. However, in a post-conviction case, an appeal may be filed with either the clerk of the Court of Special Appeals or with the lower court clerk. Decisions of this court are reported in the *Maryland Appellate Reports*, the *Atlantic Reporter*, and the *Maryland Reporter*.

Circuit courts

The Circuit Courts are the highest common law and equity courts of record exercising original jurisdiction. These courts have appellate jurisdiction over decisions of the District courts. With the exception of Montgomery County, they also have exclusive jurisdiction over juvenile matters. Each county has a circuit court and these courts are grouped geographically into circuits. Baltimore City is the Eighth Judicial Circuit. Appeals are made de novo except in civil cases exceeding \$2,500, and in cases in which the parties agree that the appeal is on the record made in District Court. Judgments of the Orphan's Court may be appealed to the Circuit Court instead of the Court of Special Appeals, except in Harford or Montgomery Counties. Appeals from the District Court are taken to the Circuit Court of the county in which the judgment was entered. Opinions of these courts are usually not published, but summaries of some important cases appear in Maryland's legal and business newspaper, the *Daily Record*.

District courts

The District Courts are of limited jurisdiction in both criminal and civil areas. They were created in 1970 and began operating in July 1971. There are twelve geographical districts consisting of one or more political subdivisions with at least one judge. The court has exclusive jurisdiction over landlord and tenant cases, replevin actions, motor vehicle violations, civil cases under \$2,500, and criminal cases in which the penalty is less than three years or the fine does not exceed \$2,500, or both. There is concurrent

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jurisdiction with the Circuit Court in misdemeanors and certain felonies. District Courts have no jurisdiction if the defendant is entitled to and demands a jury trial. Opinions of the District courts are not reported.

Orphans' courts

The Orphans' Courts have jurisdiction over probate matters. There is an Orphans' Court in each county, except for Harford and Montgomery, and Baltimore City. Opinions of these courts are not reported.

Reporters

1. *Maryland Reports* (Md.) (1658 to date) Contains the full text of opinions handed down by the Maryland Court of Appeals and its predecessor, the General Court of Maryland. Opinions are arranged chronologically. In addition to the opinions, each volume has a table of cases reported, names of the judges of the court, an index of petitions for writ of certiorari, a list of words and phrases construed, a table of statutes cited, and an index digest.
2. *Maryland Appellate Reports* (Md. App.) (1967 to date) Contains the full text of Maryland Court of Special Appeals opinions. The format is the same as that of *Maryland Reports*.
3. *Atlantic Reporter* (A., A.2d) (1885 to date) (West Group) The unofficial reporter for Maryland cases. West gathers published appellate decisions from all states in seven regional reporters. The *Atlantic Reporter* covers Connecticut, Delaware, the District of Columbia, Maine, New Hampshire, New Jersey, Pennsylvania, Rhode Island, and Vermont, in addition to Maryland. Since it is a West reporter, cases include both headnotes and the topics and key numbers under which they are grouped in the West digests.
4. *Maryland Reporter* (A., A.2d) (1938 to date) (West Group) For the benefit of practitioners who are primarily interested in Maryland decisions, West has reprinted the pages of the *Atlantic Reporter* containing Maryland decisions. The pagination is the same as the *Atlantic Reporter*.
5. *Daily Record* (1888 to date) Daily newspaper published in Baltimore City and self-described as "Maryland's Business & Legal News." Contains legal announcements, court calendars, articles, opinions of the attorney general, and synopses of important court decisions.

Electronic sources

Lexis and Westlaw provide opinions of the Court of Appeals (dating back to 1714 on Westlaw and 1704 on Lexis) and the Court of Special Appeals (for both systems dating back to 1967, when this court was created). Opinions of the Court of Appeals and Court

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of Special Appeals from 1995 to the present are available on the Maryland Judiciary Web site at <<http://www.courts.state.md.us/opinions.html>>. Opinions are loaded on the day of filing.

Records and briefs

The library receives the records and briefs of reported cases from both the Court of Appeals and the Court of Special Appeals. The earlier ones, from 1948 for the Court of Appeals and from 1967 for the Court of Special Appeals, are in paper format. The later ones, beginning with the October 1979 term, are on microfiche.

Finding aids

1. *West's Maryland Digest 2d* (West Group) This multi-volume set is the subject index to both Maryland case law and federal cases arising in Maryland. Cases from 1658 to the present are included and organized by subject using West's topic and key number system. The editors of West write a short paragraph summarizing each point of law they find in all reported appellate decisions. These paragraphs are then placed at the appropriate spots in the pre-existing topical outline that forms the nucleus of the digest. The second edition of this digest has completely replaced the first.
2. *Atlantic Reporter Digest* and *West's Atlantic Digest 2d* (West Group) This multi-volume set is the subject index for the *Atlantic Reporter*, the West regional reporter that includes published cases from Maryland. The two editions are designed to be used together with the first providing coverage from the earliest published cases through, depending on the volume, the early 1930s through the late 1940s, and the second providing coverage from that point to the present.
3. *West's Maryland Law Encyclopedia* (West Group) Legal encyclopedias can be useful as indexes and introductory guides to the law. They are written in narrative form, arranged by subject and contain references to cases in the footnotes. Some states, including Maryland, have encyclopedias that discuss the law of the state. *West's Maryland Law Encyclopedia* contains summary discussions of all areas of Maryland law with citations to cases, statutes, attorney general opinions and law review articles. It is updated by pocket parts. It includes several volumes of procedural forms.

Updating

1. *Shepard's Maryland Citations* (Lexis Publishing) Gives information about later history and other cases that have cited a particular decision or section. The Maryland edition of Shepard's includes citing references from attorney general opinions and law review articles that have been published by law schools within that state as well as citing references from federal cases. It does not provide citing references from cases of other states.

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2. Shepard's (Lexis). Gives the prior and subsequent procedural history of Maryland (and other state) cases and includes cites to decisions that have cited particular cases, with analysis of the significance of those citations.
3. KeyCite (Westlaw). Performs the same functions as Shepardizing. Allows researcher to validate and expand case research. KeyCite on Westlaw is as up to date as Shepard's on Lexis.

MARYLAND PRACTICE MATERIALS

Selected general sources

Paul M. Sandler & James K. Archibald, *Pleading Causes of Action in Maryland* (KFM1735.S26 2004)

"...[C]overs almost any type of initial pleading likely to be encountered in practice..." and provides an "introductory survey of the general principles of pleadings in Maryland." Included are forms that "highlight the essential allegations and provide models for adaptation." Each form is followed by an extensive comment. Updated with pocket parts.

Richard J. Gilbert & Paul T. Gilbert, *Maryland Tort Law Handbook* (3d ed.) (KFM1395.G55 2000)

Maryland Civil Pattern Jury Instructions (4th ed.) (KFM1742.M3 2002)

Rosalyn B. Bell, *Maryland Civil Jury Instructions and Commentary* (KFM1742.6.B44 1993)

Maryland Criminal Pattern Jury Instructions (KFM1783.A65M37 1991)

David E. Aaronson, *Maryland Criminal Jury Instructions and Commentary* (2d ed.) (KFM1783.A92 1988)

Robert D. Klein, *Maryland Civil Procedure Forms with Practice Commentary* (3d ed.) (KFM1730.A65D542 2000)

Two volume looseleaf plus three computer disks designed to assist civil trial lawyers in using Maryland Rules of Procedure "by translating them into workable pleadings and other court papers and related documents." Organized in order of rules with subject index.

Jonathan S. Smith, *Maryland Criminal Procedure Forms and Analysis* (KFM1775.A65S65 1995)

Extensive two volume looseleaf service with both text and cross references to other publications in addition to forms.

Practice Manual for the Maryland Lawyer (3d ed.) (KFM1281.M3 1993)

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Comment and forms on a wide variety of substantive areas of the law including bankruptcy, criminal law, family law, landlord and tenant, wills and estate planning, and many more.

Maryland Practice Forms (KFM1268.M3 1995)

Wide variety of forms to be used in pleading practice. Many examples of general motions, as well as complaints and petitions to a number of specific areas of the law.

Paul M. Sandler & Andrew D. Levy, eds., *Appellate Practice for the Maryland Lawyer: State and Federal* (2d ed.) (KFM1755.A9 2001)

Jacob A. Stein, *Trial Handbook for Maryland Lawyers* (3d ed.) (KFM1738.S74 1997)

Maryland Trial Judges Benchbook (3d ed.) (KFM1738.M34 1999)

Gary I. Strausberg, *Maryland Litigation Forms and Analysis* (KFM1730.A65M372 1998)

John A. Lynch & Richard W. Bourne, *Modern Maryland Civil Procedure* (2d ed.) (KFM1730.L96 2004)

"This work is a detailed discussion of the important procedural issues that confront the Maryland lawyer, with a special emphasis on the impact of the changes in Maryland tribunals and the rules of adjudication."

Paul V. Niemeyer & Linda M. Schuett, *Maryland Rules Commentary* (3d ed.) (KFM1729.N67 2003)

"A commentary on each rule in Titles I and II of the Maryland Rules." "This Commentary provides an explanation following each rule, which gives the source from which each rule was derived, its interrelationship with other rules, and its intended purpose."

George W. Liebmann, *Maryland Practice: Civil Procedure Forms* (KFM1715.A73M32 vol. 3 & 4)

"[E]ach topic is introduced by an explanatory note designed to give a bird's eye view of the subject with references to the Maryland Law Encyclopedia and other ... texts and authorities. Extensive text discussions are appended to most individual forms." Updated by pocket part.

Lyn McLain, *Maryland Evidence: State and Federal* (2d ed.) (KFM1740.M37 2001)

Overview of the Maryland law of evidence that, while written before the adoption of the Maryland Rules of Evidence, is still valuable for "gathering relevant statutes and rules and discussing the relevant case law in one place." Updated by pocket part.

Joseph F. Murphy Jr., *Maryland Evidence Handbook* (3d ed.) (KFM1740.M87 1999)

Succinct guide to the admissibility of evidence with pertinent cases both cited and described in detail.

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Maryland Rules of Procedure (KFM1729.A2b)
Multi-volume looseleaf organized by rule number.

Annual Report and Official Opinions of the Attorney General of Maryland (vol. 1- , 1916-) (KFM 1640.A551)

Selected sources on specialized topics

Jason A. Frank, *Elder Law in Maryland* (KFM1291.A3F73 1999)
Textbook with forms and other practice materials at end of each chapter.

Ann M. Turnbull & Joseph J. Wase, *Maryland Domestic Relations Forms with Practice Commentary* (KFM1294.5.A65T8)
Textbook with many examples of forms interspersed with text. Published in looseleaf format.

William D. Paton & William C. Staley, *Family Law Manual – Maryland* (KFM1294.P37 1984)

John F. Fader II & Richard J. Gilbert, *Maryland Family Law* (4th ed.) (KFM1294.F33 2005)
Textbook with separate and extensive chapter devoted to examples of forms and pleadings. Updated by pocket part.

Bernard A. Raum, *Maryland Domestic Relations Law* (KFM1294.R38 1994)

Alexander Gordon IV. *Gordon on Maryland Foreclosures* (3d ed.) (KFM1330.5.G67 1994)

Allan J. Gibber, *Gibber on Estate Administration* (4th ed.) (KFM1347.G55 1998)

Alan R. Sachs, *Maryland Corporate Forms - Practice* (KFM1410.A65S5)

Albert S. Barr III et al., *Maryland Estate Planning, Will Drafting and Estate Administration Forms with Practice Commentary* (2d ed.) (KFM1340.A65B37 1995)
Textbook with many examples of forms interspersed with text. Published in looseleaf format.

Albert W. Northrop & Robert A. Schmuhl, *Decedents' Estates in Maryland* (KFM1347.N87 1994)
Basic treatment of the subjects includes checklists, forms, and extensive footnotes.

James J. Hanks Jr., *Maryland Corporation Law* (KFM1410.H36 1990)
Published in looseleaf format.

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Larry P. Scriggins, *Maryland Corporate Practice and Forms* (KFM1410.S38 2000)
Published in looseleaf format.

Russell R. Reno, Jr. & Wilbur D. Simmons, Jr., *Maryland Real Estate Forms-Practice*
(KFM1326.R418 1983)
Published in looseleaf format.

Maryland Tax Reporter (KFM1670.A6C5)
Covers corporate income tax, personal income tax, property tax, sales and use taxes, and other "revenue-producing taxes of interest to businesses and their consultants." New Matters division includes court decisions (including those from the Maryland Tax Court and the Maryland circuit courts), attorney general opinions, and administrative rulings.
Published in looseleaf format.