

Article - Rules of Interpretation

§1.

The adoption of this Code shall not affect or impair any right, vested or acquired and existing at the time of its adoption, nor shall it impair, discharge or release any existing contract, obligation, duty or liability of any kind whatsoever. All pending suits, actions and prosecutions for crimes or misdemeanors, including all civil and criminal proceedings whatsoever, shall be prosecuted and proceeded with to final determination, and judgment entered therein as if this Code had not been adopted.

§2.

If any crime, misdemeanor or other violation of law hath been committed and no prosecution or other proceeding hath been commenced against the offender before the adoption of this Code, then such offender may be proceeded against by indictment or otherwise, and punished in the same manner as if this Code had not been adopted.

§2A.

Each reference in the codified laws of Maryland to “the Annotated Code of Maryland”, “the Annotated Code”, “the Maryland Code”, “the State Code”, “the Code”, or “this Code” shall mean any code of the Public General Laws of the State that has been adopted and made evidence of the Public General Laws of the State under § 10-201 of the Courts Article.

§3.

The repeal, or the repeal and reenactment, or the revision, amendment or consolidation of any statute, or of any section or part of a section of any statute, civil or criminal, shall not have the effect to release, extinguish, alter, modify or change, in whole or in part, any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such statute, section or part thereof, unless the repealing, repealing and reenacting, revising, amending or consolidating act shall expressly so provide; and such statute, section or part thereof, so repealed, repealed and reenacted, revised, amended or consolidated, shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings or prosecutions, civil or criminal, for the enforcement of such penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions imposing, inflicting or declaring such penalty, forfeiture or liability.

§4.

No rights, property or privileges held under a charter or grant from this State shall be in any manner impaired or affected by the adoption of this Code.

§5.

Whenever the word administrator is used in this Code it shall include executor and personal representative, whenever the word executor is used in this Code it shall include administrator and personal representative, and whenever the words personal representative are used in this Code they shall include administrator and executor, unless such an application of such terms would be unreasonable.

§6.

The word decedent means either a testator or person dying intestate.

§7.

Unless the General Assembly specifically provides otherwise in a particular statute, all words in this Code importing one gender include and apply to the other gender as well.

§8.

The singular always includes the plural, and vice versa, except where such construction would be unreasonable.

§9.

Wherever an oath is required by this Code an affirmation shall be sufficient, if made by a person conscientiously scrupulous of taking an oath.

§10.

The form of judicial and all other oaths to be taken or administered in this State, and not prescribed by the Constitution, shall be as follows: "In the presence of Almighty God I do solemnly promise or declare", etc. And it shall not be lawful to add to any oath the words "So help me God", or any imprecatory words whatever.

§11.

The manner of administering oaths shall be by requiring the person making the same to hold up his hand in token of his recognition of the solemnity of the act, except in those cases wherein this form is not practicable, or when it shall appear that some other mode is more binding upon the conscience of the swearer.

§12.

The boundaries and limits of each of the counties of this State and of the City of Baltimore shall remain as now established.

§13.

Where the public general law and the public local law of any county, city, town or district are in conflict, the public local law shall prevail.

§14.

(a) The word county shall be construed to include the City of Baltimore, unless such construction would be unreasonable.

(b) Circuit court for the county includes the Circuit Court for Baltimore City unless the context clearly requires otherwise.

§15.

Unless such a construction would be unreasonable, the word person shall include corporation, partnership, business trust, statutory trust, or limited liability company.

§16.

The word child or its equivalent shall be construed to include any illegitimate child, except in matters of inheritance, descent or distribution of real and personal property, unless such a construction would be unreasonable.

§17.

If two or more amendments to the same section or subsection of the Code are enacted at the same or different sessions of the General Assembly, and one of them makes no reference to and takes no account of the other or others, the amendments shall be construed together, and each shall be given effect, if possible and with due regard to the wording of their titles. If the amendments are irreconcilable and it is not possible to construe them together, the latest in date of final enactment shall prevail.

§18.

The captions or headlines of the several sections of this Code which are printed in bold type, and the captions or headlines of the several subsections of this Code which are printed in italics or otherwise, are intended as mere catchwords to indicate the contents of the sections and subsections. They are not to be deemed or taken as titles of the sections and subsections, or as any part thereof; and, unless expressly so provided, they shall not be so deemed or taken when any of such sections and subsections, including the captions or headlines, are amended or reenacted.

§20.

The term “registered mail” when used (1) in any section of this Code or of any code of public local laws, (2) in any municipal charter, (3) in any resolution or ordinance of a board of county commissioners or county council of a county, (4) in

any resolution or ordinance of the mayor and council, by whatever name known, of a municipal corporation, or (5) in a rule, regulation, or directive of a department, board, commission, or other agency of this State or of one of its political subdivisions, includes and may be applied as the term “certified mail”. Both terms mean the uses, procedures, and fees provided and generally referred to by the United States Post Office Department. A provision in any such law, charter, resolution, ordinance, rule, regulation, or directive, for the use of one type of such mail, may be interpreted and applied to authorize the use of the other type of such mail as an alternate.

§21.

(a) Whenever a provision of the public general or public local laws of this State refers to any portion of this Code, or to any other law, the reference applies to any subsequent amendment to that portion of the Code or other law, unless the referring provision expressly provides otherwise.

(b) The rule of construction established by this section applies to an amendment to a statute whether adopted prior or subsequent to July 1, 1973.

§22.

In a statute that permits a gift to or for the use of the State or any of its officers or units, “gift” includes an inter vivos gift, inter vivos endowment, bequest, devise, legacy, or testamentary endowment of any interest in real or personal property.

§23.

The provisions of all statutes enacted after July 1, 1973 are severable unless the statute specifically provides that its provisions are not severable. The finding by a court that some provision of a statute is unconstitutional and void does not affect the validity of the remaining portions of that statute, unless the court finds that the remaining valid provisions alone are incomplete and incapable of being executed in accordance with the legislative intent.

§24.

(a) (1) Except as provided in paragraph (2) of this subsection or as otherwise specifically provided by statute, a person eighteen years of age or more is an adult for all purposes whatsoever and has the same legal capacity, rights, powers, privileges, duties, liabilities, and responsibilities as prior to July 1, 1973, persons had at twenty-one years of age, and the “age of majority” is hereby declared to be eighteen years.

(2) A person who has attained the age of 18 years and who is enrolled in secondary school has the right to receive support and maintenance from both of the person’s parents until the first to occur of the following events:

(i) The person dies;

- (ii) The person marries;
- (iii) The person is emancipated;
- (iv) The person graduates from or is no longer enrolled in secondary school; or
- (v) The person attains the age of 19 years.

(b) (1) The terms “adult”, “of full age”, or “of legal age” refer to persons who have attained the age of eighteen years.

(2) Except as provided in subsection (a)(2) of this section, the term “minor”, as it pertains to legal age and capacity, refers to persons who have not attained the age of eighteen years.

§25.

(a) Unnumbered revised articles of the Annotated Code of Maryland may be cited as stated in this section.

(b) A section of the Agriculture Article may be cited as: “§___ of the Agriculture Article”.

(c) A section of the Business Occupations and Professions Article may be cited as: “§___ of the Business Occupations and Professions Article”.

(d) A section of the Business Regulation Article may be cited as: “§___ of the Business Regulation Article”.

(e) A section of the Commercial Law Article may be cited as: “§___ of the Commercial Law Article”.

(f) A section of the Corporations and Associations Article may be cited as: “§___ of the Corporations and Associations Article”.

(g) A section of the Correctional Services Article may be cited as: “§___ of the Correctional Services Article”.

(h) A section of the Courts and Judicial Proceedings Article may be cited as: “§___ of the Courts Article”.

(i) A section of the Criminal Law Article may be cited as: “§___ of the Criminal Law Article”.

(j) A section of the Criminal Procedure Article may be cited as: “§___ of the Criminal Procedure Article”.

(k) A section of the Economic Development Article may be cited as: “§___ of the

Economic Development Article”.

(l) A section of the Education Article may be cited as: “§___ of the Education Article”.

(m) A section of the Election Law Article may be cited as: “§___ of the Election Law Article”.

(n) A section of the Environment Article may be cited as: “§___ of the Environment Article”.

(o) A section of the Estates and Trusts Article may be cited as: “§___ of the Estates and Trusts Article”.

(p) A section of the Family Law Article may be cited as: “§___ of the Family Law Article”.

(q) A section of the Financial Institutions Article may be cited as: “§___ of the Financial Institutions Article”.

(r) A section of the Health – General Article may be cited as: “§___ of the Health – General Article”.

(s) A section of the Health Occupations Article may be cited as: “§___ of the Health Occupations Article”.

(t) A section of the Housing and Community Development Article may be cited as: “§___ of the Housing and Community Development Article”.

(u) A section of the Human Services Article may be cited as: “§___ of the Human Services Article”.

(v) A section of the Insurance Article may be cited as: “§___ of the Insurance Article”.

(w) A section of the Labor and Employment Article may be cited as: “§___ of the Labor and Employment Article”.

(x) A section of the Land Use Article may be cited as: “§___ of the Land Use Article”.

(y) A section of the Local Government Article may be cited as: “§ ___ of the Local Government Article”.

(z) A section of the Natural Resources Article may be cited as: “§___ of the Natural Resources Article”.

(aa) A section of the Public Safety Article may be cited as: “§___ of the Public Safety Article”.

(bb) A section of the Public Utilities Article may be cited as: “§ ____ of the Public Utilities Article”.

(cc) A section of the Real Property Article may be cited as: “§____ of the Real Property Article”.

(dd) A section of the State Finance and Procurement Article may be cited as: “§____ of the State Finance and Procurement Article”.

(ee) A section of the State Government Article may be cited as: “§____ of the State Government Article”.

(ff) A section of the State Personnel and Pensions Article may be cited as: “§____ of the State Personnel and Pensions Article”.

(gg) A section of the Tax – General Article may be cited as: “§____ of the Tax – General Article”.

(hh) A section of the Tax – Property Article may be cited as: “§____ of the Tax – Property Article”.

(ii) A section of the Transportation Article may be cited as: “§____ of the Transportation Article”.

§26.

In this Code and any rule, regulation, or directive adopted under it, the phrase “may not” or phrases of like import have a mandatory negative effect and establish a prohibition.

§27.

(a) In this Code and any rule, regulation, or directive adopted under it, “legal holiday” means:

(1) January 1, for New Year’s Day;

(2) January 15, for Dr. Martin Luther King, Jr.’s birthday, unless the United States Congress designates another day for observance of that legal holiday, in which case, the day designated by the United States Congress;

(3) February 12, for Lincoln’s birthday;

(4) The third Monday in February, for Washington’s birthday;

(5) March 25, for Maryland Day;

(6) Good Friday;

(7) May 30, for Memorial Day, unless the United States Congress designates another day for observance of that legal holiday, in which case, the day designated by the United States Congress;

(8) July 4, for Independence Day;

(9) The first Monday in September, for Labor Day;

(10) September 12, for Defenders' Day;

(11) October 12, for Columbus Day, unless the United States Congress designates another day for observance of that legal holiday, in which case, the day designated by the United States Congress;

(12) November 11, for Veterans' Day;

(13) The fourth Thursday in November, for Thanksgiving Day;

(14) The Friday after Thanksgiving Day, for American Indian Heritage Day;

(15) December 25, for Christmas Day;

(16) Each statewide general election day in this State; and

(17) Each other day that the President of the United States or the Governor designates for general cessation of business.

(b) Except as otherwise expressly provided in this Code, a legal holiday shall be observed on:

(1) The date specified in subsection (a) of this section for the legal holiday; and

(2) If that date falls on a Sunday, on the next Monday after that date.

§28.

(a) In a law, resolution, or court order or decree that refers to publishing a legal advertisement or legal notice, words such as "paper", "newspaper", "newspaper in general circulation", or "newspaper devoted to the dissemination of general news" mean, unless otherwise provided, a publication that:

(1) Has at least 4 pages;

(2) Habitually contains news items, reports of current events, editorial comments, advertising matter, and other miscellaneous information that is of public interest and is found generally in an ordinary newspaper;

(3) At least once a week for 6 months or more before publication of the notice or advertisement, has been published and distributed, by sale, from an established place of business;

(4) Has general circulation throughout the community where the publication is published; and

(5) Is entitled to be entered as second-class matter in the United States mail.

(b) Subject to subsection (a) of this section and for purposes of the public general laws of the State, in Prince George's County, "newspaper in general circulation" includes:

(1) A newspaper designated by the County Council as a newspaper of record; and

(2) A newspaper that:

(i) Qualifies under subsection (a) of this section with respect to Prince George's County; and

(ii) Is published by a small business as defined in § 14-201 of the State Finance and Procurement Article.

§29.

With respect to any State program of benefits, rights, or privileges applicable to a veteran under this Code, the term "veteran" includes members of the commissioned corps of the Public Health Service and the commissioned corps of the National Oceanic and Atmospheric Administration (or its predecessor, the Coast and Geodetic Survey) if eligible under § 101, Title 38 of the U.S. Code.

§30.

The words "includes" or "including" mean, unless the context requires otherwise, includes or including by way of illustration and not by way of limitation.

§31.

In this Code, unless the context requires otherwise, all references to the "University of Maryland" mean the University System of Maryland established under Title 12 of the Education Article.

§32.

(a) Except as provided in subsection (b) of this section, in a statute providing for de novo judicial review or appeal of a quasi-judicial administrative agency action,

the term “de novo” means judicial review based upon an administrative record and such additional evidence as would be authorized by § 10–222(f) and (g) of the State Government Article.

(b) This section does not apply to review of cases from:

(1) The Workers’ Compensation Commission;

(2) The Health Care Alternative Dispute Resolution Office; or

(3) The Maryland Insurance Administration under § 27–1001 of the Insurance Article.

§33.

Except as used in Title 3, Subtitle 2 of the Criminal Law Article, the term “assault” means assault in any degree unless a specific degree of assault is specified.

§34.

In this Code, unless the context requires otherwise, each reference to a local department of social services includes the Montgomery County government.

§35.

The standard time throughout the State shall be that of the seventy-fifth meridian of longitude west from Greenwich, by which all courts, banking institutions and public offices and all legal or official proceedings shall be regulated.

§36.

In computing any period of time prescribed or allowed by any applicable statute, the day of the act, event, or default, after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless: (1) It is a Sunday or a legal holiday, in which event the period runs until the end of the next day, which is neither a Sunday or a holiday; or, (2) the act to be done is the filing of some paper in court and the office of the clerk of said court on said last day of the period is not open, or is closed for a part of a day, in which event, the period runs until the end of the next day which is neither a Sunday, Saturday, a legal holiday, or a day on which the said office is not open the entire day during ordinary business hours. When the period of time allowed is more than seven days, intermediate Sundays and holidays shall be considered as other days; but if the period of time allowed is seven days or less, intermediate Sundays and holidays shall not be counted in computing the period of time.

§37.

(a) Except as provided in subsection (b) of this section, an individual attains a

specified age on the day of the anniversary of the individual's birth.

(b) An individual born on February 29 attains a specified age on March 1 of any year that is not a leap year.