

REVISOR'S NOTE: This section is new language derived without substantive change from Art. 43, § 769(a) -- except for the first clause of the first sentence, the entire second sentence, and item (3)(v) of the last sentence of that subsection -- and from Art. 43, § 769(b) and (c).

Subsection (f) of this section is standard language added to this and, where necessary, corresponding sections of other titles of this article to state the duty of an individual appointed to any office of profit or trust to take the oath specified in Art. I, § 9 of the State Constitution.

As to subsection (a)(2)(i) of this section, the present, limited exception as to the licensing of "initial appointments" is deleted as obsolete.

In subsection (a)(3) of this section, "political subdivision" is substituted for "local governments" for clarity.

In subsection (b) of this section, as to the substitution of the phrase "with the advice of the Secretary" for "on the recommendation of the Secretary", see the General Revisor's Note to this article.

Subsection (g)(3) of this section is standard language added to this and, where necessary, corresponding sections of other titles of this article to provide for gaps in membership by indicating that a member serves until a successor takes office. This provision is supported by the cases of Benson v. Mellor, 152 Md. 481 (1927) and Grooms v. LaVale Zoning Board, 27 Md. App. 266 (1975).

Subsection (g)(4) of this section also is added as standard language. It follows from the requirement that there be staggered terms. An inherent aspect of staggered terms is that they must begin and end at set intervals. For circumstances under which the provisions of subsection (g)(4) of this section apply, see the General Revisor's Note to this article.

As to subsection (h) of this section, for additional provisions on removal, see: Art. II, § 15 of the State Constitution; Art. XV, § 2 of the State Constitution, on suspension and removal for crimes; and Art. 41, § 4 of the Code, on removal for failure to attend meetings.

Also as to subsection (h) of this section, the present reference to a Board member being removed