

instrumentalities, and with safeguards to protect the autonomy of the political subdivisions and the rights of the private entities it serves. IT IS ALSO THE INTENT OF THE GENERAL ASSEMBLY THAT THE INSTRUMENTALITY MAY NOT PARTICIPATE IN COMPETITIVE BIDDING WITH THE PRIVATE SECTOR TO PROVIDE ITS SERVICES.

(b) This subtitle shall be liberally construed to effect its purposes. However, nothing contained in it shall restrict any control which the Departments of the Environment and Natural Resources, or of their units, are empowered to exercise over any water supply, wastewater purification or solid waste disposal project authorized by this subtitle, [except as provided in § 3-103(i) of this subtitle;] nor interfere with or affect the operation of existing wastewater purification, water supply, or solid waste disposal projects found by the Secretary of the Environment to be adequately and lawfully operated by municipalities having jurisdiction or responsibility for them, except by their express consent and agreement.

(c) Nothing in this subtitle shall be construed to alter, change, OR modify[, or restrict] the zoning or land use planning authority of any municipality or public instrumentality or cause a municipality or public instrumentality to take action inconsistent with the county solid waste management plan required under Title 9, Subtitle 5 of the Environment Article.

3-103.

(a) There is a body politic and corporate known as the "Maryland Environmental Service". The Service is [constituted as] an instrumentality of the State AND A PUBLIC CORPORATION BY THAT NAME, STYLE, AND TITLE, and the exercise by the Service of the powers conferred by this subtitle is the performance of an essential governmental function of the State. [For the purpose of executive organization, the Service is a unit in the Department of Natural Resources, and the exercise of all powers and functions of the Service are subject to the authority of the Secretary of Natural Resources. However, the Secretary's authority to transfer functions, staff, or funds set forth in Title 1 of this article, is not applicable to the Service.]

(b) (1) There are four officers of the Service: a director, a deputy director, a secretary, and a treasurer. The four officers of the Service shall be appointed as follows:

(i) The director [and deputy director] shall be appointed by the [Secretary of Natural Resources, with the approval of the] Governor, WITH THE ADVICE AND CONSENT OF THE SENATE solely with regard to the qualifications for the duties of the office. The director [and deputy director serve] SERVES at the pleasure of the [Secretary of Natural Resources] BOARD WITH THE CONCURRENCE OF THE GOVERNOR and shall receive [the] SUCH compensation [provided in the State budget] AS MAY BE DETERMINED BY THE BOARD; and

(ii) The DEPUTY DIRECTOR, THE secretary and THE treasurer shall be appointed by the [Secretary of Natural Resources,] DIRECTOR with the approval of the Governor [and the advice and consent of the Senate] solely with regard to the