

by Ch. 152, Acts of 1967, was to prohibit the Fund from filing a suit against a coemployee. The Committee noted, however, that in Ch. 278, Acts of 1985, the General Assembly amended former Art. 101, § 58 — now § 9-902 of this article — to allow the Fund to bring an action against a 3rd party to recover benefits the Fund has paid. Since former § 58 had been interpreted to allow suits against coemployees and repeals by implication are not favored, the third sentence of former § 94 only could mean that the Attorney General may not represent the Fund in a suit it brings against a coemployee. The General Assembly may wish to consider the continued need for subsection (a)(2) of this section, since SG § 6-106 requires authorization for a State unit to employ counsel other than the Attorney General. Otherwise, the General Assembly may wish to authorize employment to private counsel.

Subsection (b) of this section is new language derived without substantive change from the part of the fourth sentence of former Art. 101, § 94 that related to representation of other parties.

Subsection (c) of this section is new language derived without substantive change from the second sentence of former Art. 101, § 94, except as that sentence authorized payment of experts and witnesses from the Fund.

Subsection (d) of this section is new language derived without substantive change from the part of the first sentence of former Art. 101, § 94 that required assignment of help.

Defined terms: "Board" § 10-301

"Fund" § 10-301

10-311. REGULATIONS.

THE BOARD MAY ADOPT ANY REASONABLE REGULATION TO PROCESS AND PAY AN AWARD CHARGED AGAINST THE FUND.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 101, § 99.

The reference to an "award charged against the Fund" is substituted for the former reference to "compensation out of the Fund", to conform to the terminology in Title 9 of this article.

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that units of the State government often are given a general power to adopt regulations "to carry out" the provisions of law that the unit administers.

Defined terms: "Board" § 10-301

"Fund" § 10-301