

In subsection (b)(6) of this section, the former reference to adopting regulations "consistent with the requirements of Title 10, Subtitle 1 of the State Government Article" is deleted as unnecessary and potentially misleading since those requirements apply to all of the regulations enumerated in this section, not just the regulations described in subsection (b)(6).

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that former Art. 89, § 11 — now subsection (a) of this section — requires the Commissioner to adopt regulations governing procedures for Boards of Arbitration. However, no Boards of Arbitration have been formed for at least 20 years. See the General Revisor's Note to Title 4, Subtitle 1 of this article.

The Committee also notes that the second sentence of former Art. 100, § 86(b) provided that regulations adopted to carry out the wage and hour law "take effect upon publication." See subsection (c)(2) of this section. Generally, however, under SG § 10-117(a), the earliest effective date of a regulation is "the 10th calendar day after notice of adoption is published."

The Committee also notes that the Commissioner does not have the authority to adopt regulations for several provisions that the Commissioner administers. The General Assembly may wish to provide express rulemaking power for all of the provisions of this article that the Commissioner enforces. See SG § 10-106. Those provisions not covered currently are Title 3, Subtitle 2 of this article — former Art. 100, §§ 4 through 14, which set out a detailed scheme for the regulation of employment of minors, and §§ 3-701 and 3-702 of this article — former Art. 100, §§ 95A and 95, which allowed the Commissioner to investigate and mediate violations that relate to the use of medical questions and lie detector tests, respectively.

The provisions of former Art. 89, § 49D(d)(1) that enabled the Commissioner to adopt regulations to carry out § 49D are deleted as unnecessary in light of the second clause of former Art. 89, § 30(a) — now subsection (b)(4) of this section — which required the Commissioner to adopt regulations to carry out the former subtitle that included § 49D.

As to the provisions that are revised in Title 5 of this article, see the General Revisor's Note to Title 5. Art. 89, § 49B(e) sets out the rulemaking power of the Commissioner under § 49B.

Defined term: "Commissioner" § 2-101

2-107. UNITS IN DIVISION.

(A) IN GENERAL.

IN ADDITION TO ANY OTHER UNITS, THE DIVISION SHALL INCLUDE THE UNITS ENUMERATED IN THIS SECTION.

(B) MEDIATION AND CONCILIATION.