

3-104. DELEGATION OF POWERS AND DUTIES.

THE COMMISSIONER MAY DELEGATE ANY POWER OR DUTY OF THE COMMISSIONER UNDER SUBTITLES 2, 4, AND 5 OF THIS TITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from the parts of former Art. 100, §§ 4(e) and 94(a)(4) that defined "Commissioner" to mean, respectively, an "authorized representative" or "designated agent or agents" and the reference, in former Art. 100, § 84(a), to "the Commissioner's authorized representative".

This section is revised as a substantive provision rather than as definitions for accuracy, since a designee is not the "Commissioner". This revision clarifies the apparent intent of the General Assembly to allow subdelegation of any responsibility under Subtitles 2 and 5 of this title.

The reference to Subtitle 4 of this title is based on former Art. 100, § 84(a), as it appeared before amendment by Ch. 356, Acts of 1986. At that time, § 84(a) charged the Commissioner "or the Commissioner's authorized representative" with the duty to enforce the provisions now revised in Subtitle 4 and continued "[h]e shall" investigate and carry out other duties. The pronoun "he" would have encompassed the representative, as well as the Commissioner. The Labor and Employment Article Review Committee concluded that the substitution of "[t]he Commissioner" for "[h]e" by Ch. 356 was intended merely to use a gender neutral word and was not intended to limit the delegable duties. This conclusion is supported by the absence of any mention of a change in subdelegation in the title of Ch. 356.

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that other subtitles of this title include powers and duties that the Commissioner normally could subdelegate under the general rule that allows subdelegation of any power or duty that is not discretionary. The express authority for subdelegation for only three subtitles suggests that the general rule does not apply to the other subtitles.

Defined term: "Commissioner" § 3-101

SUBTITLE 2. EMPLOYMENT OF MINORS.

3-201. "MINOR" DEFINED.

IN THIS SUBTITLE, "MINOR" MEANS AN INDIVIDUAL WHO IS UNDER THE AGE OF 18 YEARS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 100, § 4(a) and (b).

The more precise word "individual" is substituted for the former word "person".