

REVISOR'S NOTE: This section is new language derived without substantive change from the part of former Art. 100, § 80A(a)(4) that defined "Commissioner" to mean "the Commissioner's designee". It is revised as a substantive provision rather than a definition 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 this title.

Defined term: "Commissioner" § 7-101

7-205. POWER OF ATTORNEY GENERAL.

ON REQUEST OF THE COMMISSIONER, THE ATTORNEY GENERAL MAY PROCEED IN A COURT OR BEFORE A FEDERAL UNIT TO ENFORCE:

- (1) A DECISION OF THE COMMISSIONER MADE UNDER THIS TITLE;
- (2) A SUBPOENA ISSUED UNDER THIS TITLE;
- (3) AN ORDER OF THE COMMISSIONER PASSED UNDER THIS TITLE; OR
- (4) THE COLLECTION OF A CIVIL PENALTY ASSESSED UNDER THIS TITLE.

REVISOR'S NOTE: Items (1), (3), and (4) of this section are new language derived without substantive change from former Art. 100, § 80E(g)(3).

Item (2) of this section is new language added to provide expressly for the enforcement of a subpoena issued under this title. Former Art. 100, § 80E(d)(3) — now § 7-202(d) of this subtitle — empowered a court to compel obedience with a subpoena "upon the application of the Commissioner". However, Md. Constitution, Art. V, § 3, together with SG § 6-106, clearly imposes on the Attorney General responsibility for "legal work" of the State government. Item (2) of this section is added to clarify that the complaint actually would be filed for the Commissioner by the Attorney General. Former Art. 100, § 80E(f), which allowed the Commissioner to petition for a court order or otherwise to act as provided in former Art. 100, §§ 80A through 80F to compel compliance with an order of the Commissioner, is deleted as unnecessary in light of the responsibility of the Attorney General under this section and SG § 6-106 and as implicit in light of the duty of the Commissioner under § 7-202(a) of this subtitle to "administer and enforce this title".

The word "court" is substituted for the former words "courts of this or any other state or in any federal court" for brevity. Absent authority to the contrary, it is implicit that enforcement may be sought in any court that has jurisdiction.

Defined term: "Commissioner" § 7-101