

REVISOR'S NOTE: Subsections (a), (b), and (f)(1) and (4) of this section are new language derived without substantive change from former Art. 56, § 250(c), (a), as it related to the membership of the Commission, and the first sentence of (b).

Subsections (c) and (d)(2) of this section are new language derived without substantive change from former Art. 41, § 8-102(d) and (e) and the second sentence of (c).

Subsection (d)(1) of this section is standard language added as an inherent and essential corollary to subsection (c)(4) of this section.

Subsection (e) of this section is standard language added to state the duty of an individual appointed to any office of profit or trust to take the oath specified in Md. Constitution, Art. I, § 9.

Subsection (f)(2) of this section is standard language added to reflect the stagger created in accordance with Ch. 133, Acts of 1962, and Ch. 116, Acts of 1985. The terms of the members serving on October 1, 1992, end as follows: (1) 2 in 1993; (2) 2 in 1994; (3) 1 in 1995; and (4) 2 in 1996.

Subsection (f)(3) and the clause "until a successor is appointed and qualifies" in subsection (f)(4) of this section are standard language added to avoid gaps in membership by indicating that a member serves until a successor takes office. These additions are supported by the cases of Benson v. Mellor, 152 Md. 481 (1927) and Grooms v. LaVale Zoning Board, 27 Md. App. 266 (1975).

Subsection (g) of this section is new language that repeats the provisions of Md. Constitution, Art. II, § 15. For other provisions on removal, see: Md. Constitution, Art. XV, § 2, on suspension and removal for crimes, and Art. 41, § 1-203 of the Code, on removal for failure to attend meetings.

In subsection (f)(4) of this section, the former reference to the Governor filling a vacancy on the Commission is deleted as unnecessary in light of subsection (a)(1) of this section.

For circumstances under which subsection (f)(4) of this section applies, see the General Revisor's Note to this article.

The Business Regulation Article Review Committee notes, for consideration by the General Assembly, that the requirement that each member of the Commission be a resident of the State for at least 5 years before appointment may raise constitutional concerns. In reviewing the rationality of durational residency requirements, courts often look at the length of the requirement as a critical factor. The 5-year requirement may be considered unnecessarily long.