

REVISOR'S NOTE: Subsections (a) through (c)(1) of this section are new language derived without substantive change from the second, third, fourth, and seventh sentences and the first clause of the first sentence of former Art. 96 1/2, § 3(a).

Subsection (c)(2) of this section is new language added to reflect the continuing stagger created under the sixth sentence of former Art. 96 1/2, § 3(a), which continued the terms of the members on July 1, 1979, and the references, in the third and fourth sentences, to appointment by July 1, 1980 and July 1, 1981, all of which are deleted as obsolete.

In practice, the terms of the members of this Commission serving on October 1, 1984 would expire as follows: (1) 3 members in 1985; (2) 1 member in 1986; (3) 8 members in 1987; (4) 7 members in 1988; (5) 1 member in 1989; (6) 1 member in 1990; (7) 1 member in 1991.

This practice does not conform to the stagger created by law, which would seem to require the terms to end as follows: (1) in 1985, the term of 1 member appointed under subsection (a)(2)(xiv) of this section; (2) in 1986, the term of 1 member appointed under subsection (a)(2)(xiv) of this section; (3) in 1987, the terms of the members appointed under subsection (a)(2)(i) through (v), (vii), (xii), and (xiii) of this section; (4) in 1988, the terms of the members appointed under subsection (a)(2)(i), (vi), and (viii) through (xi) of this section and the term of 1 member appointed under subsection (a)(2)(xiv) of this section; (5) in 1989, the term of 1 member appointed under subsection (a)(2)(xiv) of this section; (6) in 1990, the term of 1 member appointed under subsection (a)(2)(xiv) of this section; and (7) in 1991, the term of 1 member appointed under subsection (a)(2)(xiv) of this section and the term of the member appointed under subsection (a)(2)(v) of this section.

Subsection (c)(3) of this section is standard language added to avoid gaps in membership by providing that a member serves until a successor takes office. This provision is supported by the cases of Benson v. Mellor, 152 Md. 481 (1927) and Grooms v. LaVale Zoning Board, 27 Md. App. 266 (1975).

Subsection (c)(4) of this section also is added as standard language. It follows from the requirement that there be staggered terms. An inherent aspect of staggered terms is that they must begin and end at set intervals. For circumstances under which subsection