

In subsection (a)(2)(v) of this section, the reference to "consumer members" is substituted for the former reference to members who "represent the public" to clarify that these members satisfy the requirements of former Art. 41, § 8-102(c) through (e) of the Code. Former § 8-102(c) through (e) required each board, commission, and council in the Department of Licensing and Regulation, "whether regulatory or advisory", to include at least one consumer member. A consumer member was to be a member of the general public who was not required to meet the qualifications of other members, was not a licensee or otherwise subject to regulation by the unit, and had no financial interest in or compensation from a person subject to regulation by the unit. Although former § 8-102(c) through (e) seemingly applied to an advisory unit such as the Amusement Ride Safety Advisory Board, only the requirement that a consumer member be a member of the general public seemed relevant since no one is "licensed" or otherwise subject to "regulation" by the Board and there are no qualifications for Board members. Therefore, only the qualification that a consumer member be a member of the general public is incorporated into subsection (b) of this section.

In subsection (c)(3) of this section, the former reference to appointments being "approved by the Senate" is deleted as misleading surplusage in light of the constitutional provisions on interim appointments. See Md. Constitution, Art. II, § 14.

In subsection (c)(4) of this section, the clause "until a successor is appointed" is standard language added to avoid gaps in membership by indicating that a member serves until a successor takes office. This addition is supported by the cases of Benson v. Mellor, 152 Md. 481 (1927), and Grooms v. LaVale Zoning Board, 27 Md. App. 266 (1975). For circumstances under which subsection (c)(4) of this section applies, see the General Revisor's Note to this article.

Former Art. 89, § 69(b)(8), which provided that members of the Board are eligible for reappointment, is deleted as unnecessary. As a general rule, the right to serve successive terms is not limited, absent an express provision to the contrary.

Defined terms: "Amusement park" § 3-101

"Board" § 3-301

"Carnival" § 3-101

"Consumer member" § 1-101

"Fair" § 3-101

3-305. CHAIRMAN.

THE GOVERNOR SHALL APPOINT A CHAIRMAN FROM AMONG THE CONSUMER MEMBERS OF THE BOARD.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 89, § 69(b)(1), as it related to designating a chairman.