

In revising this subtitle, the Commission to Revise the Annotated Code concluded that present Art. 83, §48 is unnecessary and repetitious in light of the general severability provision of Art. 1, §23. Accordingly, Art. 83, §48 is proposed for repeal.

Since portions of the Maryland Antitrust Act, as originally enacted, were carefully and purposefully patterned after their counterparts in the Federal law, the Commission wishes to emphasize that its revision is for purposes of clarity and improved organization only. No changes in meaning, intent, or construction are intended. Consequently, the legislative mandate that, in construing this subtitle, the courts be guided by the interpretation given to the various Federal Statutes (cf., present Art. 83, §36—now §11-202) will remain unaffected.

SUBTITLE 3. GASOLINE PRODUCTS MARKETING ACT.

11-301. DEFINITIONS.

(A) IN GENERAL.

IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: This subsection is new language used as the standard introductory language to a definition section.

(B) DEALER.

(1) "DEALER" MEANS A PERSON ENGAGED IN THE RETAIL SALE OF GASOLINE PRODUCTS UNDER A MARKETING AGREEMENT, AT LEAST 30 PERCENT OF WHOSE GROSS REVENUE IS DERIVED FROM THE RETAIL SALE OF GASOLINE PRODUCTS.

(2) "DEALER" DOES NOT INCLUDE AN EMPLOYEE OF A DISTRIBUTOR.

REVISOR'S NOTE: This subsection synthesizes without substantive change the definitions of "dealer" and "engaged in the retail sale of gasoline products," which presently appear as Art. 23, §§ 167C(2) and 167C(4), respectively, making an independent definition of the latter phrase unnecessary.

The reference in present §167C(2) to a marketing agreement which is "entered into with a distributor" is deleted as unnecessary in light of the inclusion of that requirement in the definition of "marketing agreement"