The hospital then conceded and agreed to the changes, and eventually the loan was approved.

The school and hospital construction programs have been described in some detail because they illustrate, to some extent, a new type of discretion thrown upon the board by the legislature—that of allocating state funds among competing nonstate applicants, public or private. Those were not, however, the only programs in which the board was given that role. The legislature was equally active in a host of other areas, the result being a delegation of generally similar duties with respect to state assistance for the construction of airports, nursing homes, community mental health centers, sanitary (solid waste and water treatment) facilities, and shore erosion projects.[40]

Most of these construction aid programs were intended to complement matching federal assistance of one kind or another, and they generally followed a common format. More than in the school and hospital programs, statutory criteria were established for both applicant eligibility and the amount that could be granted or lent. Thus, although the board had some discretion in these matters, its role was much more limited. For the most part other agencies of state government were responsible for reviewing the applications in light of the statutory standards, with the board making certain that all the proper bases had been touched. Still, each of these projects—particularly the sanitary facilities program—were massive undertakings that produced a great deal of paperwork and thus required careful scrutiny from the board. The water quality loan authorizations alone amounted to over $365 million between 1965 and 1975.[41]

In 1970 the General Assembly enacted a comprehensive law regulating the filling and dredging of wetlands in the state. The law distinguished between state wetlands and private wetlands, the latter being essentially those that had been transferred by the state into private hands. Control over the use of private wetlands was vested in the Department of Natural Resources; control over state wetlands was placed in the Board of Public Works. Specifically, as subsequently amended, the law forbade the dredging, filling, or bulkheading of state wetlands, or the discharge of storm drains into such wetlands, without a license from the board.[42]

The law was unclear as to the procedure to be used by the board in determining whether to issue a wetlands license. It specified that the secretary of natural resources was to investigate each application, take such evidence as he thought advisable, and make a recommendation to the board. The act further stated, however, that "after a hearing in the local subdivision affected," the board would decide whether to grant the license.[43] The question was whether the board itself had to conduct each of these hearings. If that were the intent, the board was facing an enormous burden.

In August 1970 the attorney general opined that the law permitted the board to designate its secretary to represent it at these wetlands hearings, provided that ultimate responsibility for approval or disapproval remained with the board itself.[44] Rather than delegate this function to its secretary, however, who was already having difficulty keeping current in light of the board's increased workload, the board ap-

40. Acts of 1964, ch. 117 (airports); 1961, ch. 643; 1968, ch. 443; 1972, ch. 119; 1975, ch. 656; 1977, ch. 703 (nursing homes); 1972, ch. 120; 1973, ch. 286; 1974, ch. 648; 1975, ch. 417; 1977, ch. 702 (community health centers); 1965, ch. 651; 1966, ch. 561; 1967, ch. 699; 1969, ch. 445; 1973, ch. 55; 1974, ch. 286 (sanitary facilities); 1969, ch. 444; 1975, ch. 360 (shore erosion projects).
41. Acts of 1965, ch. 809; 1966, ch. 561; 1967, ch. 689; 1968, ch. 445; 1973, ch. 55; 1974, ch. 286; 1975, ch. 262.
42. See *Md. Ann. Code* (1974), Natural Resources Article, sec. 9–101 (j), (m); Acts of 1970, ch. 241.
43. *Md. Ann. Code,* Natural Resources Article, sec. 9–202 (c).
44. 55 *Op. Att'y Gen.* 350 (1970).