

that those persons who would be entitled to shares of a dealer's estate if he died intestate are awarded by operation of law his "rights and duties" under his marketing agreement. By definition, this interpretation not only precludes a dealer from devising his interests in operation of his service station by will to do his spouse or some other beneficiary but also precludes any contractual provision of his marketing agreement from controlling the transfer upon the dealer's death.

The title of House Bill 1813 does no, in our opinion, fairly describe the operation of the proposed statute. The title states:

FOR the purpose of providing that on the death of a retail service station dealer, the dealer's rights and duties under a marketing agreement pass to the personal representative.

The term "personal representative" is also a term of art under the Estates and Trusts Article. Section 1-101(o) provides: "'Personal representative' includes an executor or administrator but not a special administrator." Under the Estates and Trusts Article generally, a personal representative is responsible for collecting the assets, paying the just debts, and administering the affairs of the decedent. It is clear that a person reading the title of House Bill 1813 would be incorrectly led to believe that the proposed amendment would provide that the deceased dealer's rights and duties under his marketing agreement would pass as part of his estate into the custody of his personal representative and be administered generally according to the laws set forth in Estates and Trusts Article. Of course, this interpretation is inconsistent with the actual operation of the proposed statute. Therefore, it is our opinion, that House Bill 1813 is unconstitutional because of this titling defect. Md. Const., Art. III, § 29.1/ In addition, we do not believe that the inconsistent and misleading provisions of this relatively short title may be severed to correct this defect. See City of Baltimore v. State, 281 Md. 217 (1977), 58 Opinions of the Attorney General 75 (1973).

In sum, it is our opinion that House Bill 1813 is unconstitutional because of a defect in its title.

Very truly yours,
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1/ We have not considered and specifically reserve the question of whether a State law governing the disposition of a deceased dealer's rights and duties