

and environment. It is just a matter of trying to chip away at this concept until it means nothing, and I urge you to support this amendment and give meaning to this reform that the Local Government Committee has been trying to write in this Constitution.

THE PRESIDENT: Delegate Malkus, do you desire to speak in opposition?

DELEGATE MALKUS: Mr. President and members of the Convention, I would like to say, and I think my record will bear it out, that I have always advocated wherever possible the uniformity of laws throughout the State of Maryland. But I would like to say that in the field of natural resources there are areas where you cannot have general law. Before I get into that, I would make a response to the gentleman from St. Mary's County who quotes the Wye Institute report. What the gentleman did not say is that the oyster industry in Maryland is on the upgrade to such an extent now, Mr. President, that they have to restrict the number of catching days because they cannot find sufficient help to shuck the oysters. That is a milestone in Maryland and the credit belongs to Governor Tawes for having given the State a fine program. You can have all the laws you want, but it is the administration of the laws that count.

Now, Delegate Fox talks about administrative agencies. He is absolutely right. I would like to say, too, sir, that we did this in the field of hunting deer. I was in favor of that, and I think it has worked out very well. However, there are some areas, Mr. President, where we do not want an administrative agency such as the Department of Tidewater Affairs to have complete say.

I want to tell you a little story. Some fifteen years ago the catching of the Ipswich clam or the soft shell crab in Maryland was unknown. Something happened in New England and it was found that we had a market for these clams and they started catching these clams.

THE PRESIDENT: Delegate Malkus has one-half minute of three minutes left.

DELEGATE MALKUS: Mr. President, the catching of clams is a very detrimental thing. It affects the oyster industry. It affects the crabbing industry. It affects the fishing industry and it affects, I want you city people to hear this, the valuation of river front property. The reason for that is this. They take them by mechanical and

hydraulic dredges, and they make an awful lot of noise at 4 o'clock in the morning. So you start taking these clams, my phone starts jumping off the hook by the people who live around the Choptank River asking me to do something to stop the noise.

We have to allow the taking of these clams in certain areas. We have to find out which area they can be taken from so that they do not hurt the fish, do not hurt the crabs, do not affect the ducking and do not affect the homeowner. It can only be done by area. It cannot be done by general law.

Now, in conclusion, you have been kind, if we turn this over like, Mr. Fox would say, to the administrative agency, the Department of Chesapeake Bay Affairs, what is their concern? Their concern is to show the catching of an awful lot of clams. They do not care about the homeowners, especially the people from the city.

In the legislature we must take into consideration those people. For those reasons the General Assembly has done well in legislating on a statewide level. Leaving this in here will allow the legislature to continue to do the good job that it has.

THE PRESIDENT: Delegate Needle.

DELEGATE NEEDLE: Mr. Chairman, I will be very brief and in order to obviate the necessity of my rising twice, I mean this to apply to the following amendment.

One of the purposes of this Local Government Committee and this Convention was to limit the ability of the General Assembly to enact local legislation and to emphasize that we have stated it in the negative in section 3.23 in this article. We have written therefore an absolute prohibition against local legislation with certain exceptions.

The Local Government Committee considered the problems of natural resources and education and at the specific requests of representatives of those interests we provided an enabling provision in the Local Government Article which would permit the General Assembly, which would permit a county or any number of counties to enact laws which the other counties might not have the ability to enact. This provision was written in specifically for that and other purposes. Now we find they want an absolute prohibition, or exception rather, in the Constitution permitting the General Assembly to enact local legislation in those areas. They want their cake and eat it too.