

DELEGATE MOSER: No.

DELEGATE JAMES: The legislature rule would be paramount?

DELEGATE MOSER: Yes, the legislative rule would be paramount. The concept we are trying to get through is that these matters hopefully will be resolved by agreement on the local level, but if they are not resolved on the local level, the General Assembly can provide procedures for their resolution.

THE CHAIRMAN: Delegate Taylor.

DELEGATE L. TAYLOR: Mr. Chairman, I refer to section 7.05. I am trying to understand the shared powers approach. On page 22 of the Committee Memorandum it is stated in the last sentence, lines 3, 4 and 5, that the need to interpret express powers action will be eliminated by use of shared powers.

I wondered if, for instance, Baltimore County or any county passed a minimum wage law or meat inspection law, could both the county and the State operate within this same field of meat inspection, police powers, or minimum wage?

THE CHAIRMAN: Delegate Moser.

DELEGATE MOSER: So long as they were not in conflict and so long as the General Assembly did not say the county could not do it, they could operate in the meat inspection area. Most certainly they could operate in the police power area, because this is very broad.

THE CHAIRMAN: Delegate Scanlan.

DELEGATE SCANLAN: I have either a parliamentary inquiry or point of order, Mr. Chairman, if I may state it.

I for one have been tremendously impressed by the patient, brilliant, and thoroughly enlightened presentation of the Chairman of the Committee on Local Government in explaining a very difficult, comprehensive report on one of the most difficult areas that this Convention has to deal with.

He has now been at it for three hours. I suggest even the mighty Homer nods.

I know it is difficult for the Committee of the Whole to recess temporarily, but surely there must be some way by a proper parliamentary device that Mr. Moser could be given at least a ten or fifteen minute break.

THE CHAIRMAN: I would suggest the

simplest device would be to end the questions.

*(Laughter.)*

He has probably pretty well covered the area. If there are no further questions, we will let him at least sit down.

DELEGATE BYRNES: Mr. Moser, keeping in mind lines 17 and 18 of section 7.05, subsection (2), and lines 36 through 40 of section 7.06, is there any question that the General Assembly might decide that they are going to take from five counties, for example, the authority to legislate in the area, for example, of sanitation, and place that authority in itself as a governmental unit?

Put another way, could the General Assembly simply take from the five counties certain governmental responsibility and place it either in existing state agencies or perhaps create a state agency to handle those problems?

DELEGATE MOSER: You changed the question, I think, in asking it.

DELEGATE BYRNES: The second question.

DELEGATE MOSER: The answer is, and has to be, this I suppose: that if the General Assembly wants to transfer a particular function to another governmental unit, whatever it may be, if it is a governmental unit, then the legislature does have the power to do so. This is the only way, for instance, that authorities can operate. It would only be true if the General Assembly placed it exclusively in another unit. If the legislature withdrew it and placed it exclusively in another governmental unit, it would have to say just that, because ordinarily when powers are granted they are not passed on exclusively.

THE CHAIRMAN: Delegate Byrnes.

DELEGATE BYRNES: What troubles me, of course, is your definition of public general law.

DELEGATE MOSER: This is true. I think you aptly point out a very necessary state power which is retained in the General Assembly, that it have the power to set up multi-county authority. For instance, what it has done, let us say for the Maryland Port Authority, in effect, is to withdraw the power to regulate the traffic in Baltimore Harbor from Anne Arundel County, Baltimore County, and Baltimore City, and given it to the Maryland Port Authority. Without this provision or, without something like this, it might not have been able to do this.