

1 population based upon a long time ago; was that classifica-  
2 tion upheld in the Courts?

3 DR. LOEVY: I can't answer that question. My  
4 sentiment would be I could see Mr. Martineau's point and I  
5 think we could rewrite this so they can't get around that  
6 population provision.

7 THE CHAIRMAN: Mr. Miller?

8 MR. MILLER: I would merely just like to comment  
9 on what Senator Hoff said. There are reasons it might be  
10 more controlled, it would seem to me, this is in the Consti-  
11 tution and a limitation, there might be reasons for con-  
12 trolling the population. Allegany County, for instance,  
13 might come into a different population level entirely from  
14 Garrett or there might be reason for having the tobacco  
15 country have some special regulations, and I don't think we  
16 ought to tie the hands of the Legislature by limiting it  
17 to population, not in the Constitution, and I would say  
18 that we just say under such criteria as they might deter-  
19 mine, or otherwise it might be presumed that it meant only  
20 population.

21 THE CHAIRMAN: And I would assume, Mr. Miller,