

matter in this bill, especially since there will be duplicate definition and penalty provisions, wherein existing Sections 48 and 49 of the indicated Article clash with Sections 2 and 43 of the bill.

While Section 3 of the bill repeals inconsistent public general or public local laws, we cannot say this automatically voids existing Sections 44 through 48. This would in our view, be a matter for court interpretation.

3. There may be serious question as to whether the definitions of Section 2 on page 2 of the bill should be made applicable to the Article, rather than the subtitle alone.

4. Question may also be raised as to whether the provisions of subsection (g) of Section 2, on page 2 of the bill may not conflict with licensing of plumbers, under Article 43 of the Code.

5. Sections 30 and 37 of the bill appear to conflict, insofar as they pertain to the promulgation of applicable rules and regulations by the Department of Water Resources and the Water Resources Commission on the same subject.

Despite these many defects, we cannot say that House Bill 523 is unconstitutional in toto. As a practical matter, however, the bill creates substantial problems as to interpretation. Because of this, you may wish to refrain from signing this bill into law, and give to the 1968 Session of the General Assembly the opportunity to redraft this measure, eliminating its many troublesome portions.

I hope that this opinion is of some assistance to you.

Sincerely yours,

(s) FRANCIS B. BURCH,

Attorney General.

*Read and journalized.*

House Bill No. 523—By Delegates Connell, Athey and Lipin.

AN ACT to repeal Section 2 of Article 96A of the Annotated Code of Maryland (1964 Replacement Volume and 1966 Supplement), title "Water Resources," subtitle "General Provisions"; to repeal Sections 30 through 43 of said Article and title of the Code, subtitle "Well Drillers"; and to enact new Section 2 and new Sections 30 through 43 in lieu thereof, to stand in the place of the sections so repealed, Sections 30 through 37 to be under the new subtitle "Well Drilling" and Sections 38 through 43 to be under the new subtitle "State Board of Well Drillers"; to revise the laws applicable to persons engaged in well drilling in the State, to create a State Board of Well Drillers to issue licenses to water-well contractors and well drillers, to provide for the compensation, powers and duties of the Board, to require permits from the Department of Water Resources for well drilling, to provide penalties for violations and to relate generally to well drilling in the State.

Shall the bill pass notwithstanding the objections of the Executive?