

In addition, the literal language of subsection (f)(3), indicating that the provisions of "this subsection" do not apply to the use of used oil as a fuel by certain utilities, suggests a different reading: that subsection (f)(3) was intended as an exception to the provisions of the entire subsection, including those in subsection (f)(2). As such, subsection (f)(3) would purport to permit certain utilities to use used oil as a fuel even if, notwithstanding subsection (f)(2), such use would violate State and federal air quality standards. (Other persons presumably would be allowed to use used oil as a fuel only if, as required by subsection (f)(2), that use complied with air quality standards.)

To the extent that the provisions of this bill purport to exempt various air pollution sources from federal requirements, those provisions could not be given effect because of the Supremacy Clause of the United States Constitution. Moreover, even though the General Assembly has the power to exempt pollution sources from State regulation, those State air quality regulations that have been made a part of the State's air quality implementation plan will continue to be enforceable at the federal level until the processes of revising that plan can be completed.

Sincerely,
Stephen H. Sachs
Attorney General

House Bill No. 1280

AN ACT concerning

Cable Television - Franchises

FOR the purpose of granting specific authority for counties, incorporated municipalities, and Baltimore City to engage in community antenna television and cable television franchising, including exclusive franchising; permitting the counties, incorporated municipalities, and Baltimore City to impose franchise fees, to set rates for cable television services, and to establish rules governing such franchising; and generally relating to the authority of the counties, incorporated municipalities, and Baltimore City over community antenna systems and cable television franchising.

BY adding to