

"Conservation of Natural Resources". The Bill is applicable only in Anne Arundel and Howard Counties. It provides for licensing of sand or gravel excavators and imposes upon them the duty after an excavation operation "to bulldoze the disturbed land to a *proper level*, or to use some other methods for this purpose". The Attorney General advises that the standards set by the Bill for leveling the land are too vague and indefinite to constitute a standard or guide. Since it is a criminal offense to violate the law, it would follow that the provisions of the Bill are too uncertain to afford a constitutional basis for the imposition of criminal penalties for a violation.

In addition, it would appear probable that the geographic restriction of the bill violates the equal protection clause of the 14th Amendment of the United States Constitution and Article 23 of the Maryland Declaration of Rights. There is no apparent difference between conditions in the two affected counties and in other counties of the State where similar operations are conducted.

Under these circumstances, the decision of the Court of Appeals of Maryland in the case of *Maryland Coal and Realty Co. v. Bureau of Mines*, 69 A (2d) 471, relating to a strip mining law would seem to be determinative of the question. The Court there held unconstitutional an act which purported to regulate strip mining only in Allegany County.

I am, therefore, returning this Bill without my approval.

Respectfully,

THEODORE R. MCKELDIN,
Governor

TRMcK/jmt

May 7, 1951

Hon. John C. Luber
Speaker of the House of Delegates
State House
Annapolis, Maryland

Dear Mr. Speaker:

I am returning House Bill No. 406 without my approval for the following reasons:

House Bill No. 406 repeals and re-enacts, with amendments, Section 4 of Article 99 of the Code, title "Birds, Game and Inland Water Fish," sub-title "Commission." It, in effect, adds a provision to that Section requiring the Game and Inland Fish Commission to match any bounty paid to a person by any county for killing foxes and weasels.

There is serious question as to the validity of the Bill because, for all practical purposes, it empowers County Com-