

The Charter Home Rule Amendment provides, of course, that "no public local law shall be enacted by the General Assembly for said City or County on any subject covered by the express powers granted as above provided." State Const., Art. XIA, Sec. 4.

In defining the limits on the General Assembly's authority with respect to Charter Counties, the Court of Appeals has said,

[W]hile the General Assembly has the authority to determine what powers to be exercised by Baltimore City or the charter counties, the General Assembly may not enact a public local law for the City or any charter county which modifies the powers so granted. If the General Assembly wishes to diminish the powers granted to Baltimore City or a charter county, it must do so by amending the acts which granted the powers. It may not do so by enacting a separate public local law which is merely inconsistent with the acts granting the express powers to the City or to the charter counties.

The question then is whether these bills attempt to enact public local laws on a subject covered by the Express Powers Act. The Court of Appeals has said the test of whether a law is a public local law is whether "the law, in subject matter and substance, [is] confined in its operation to prescribed territorial limits and [is] equally applicable to all persons within such limits." Steinel v. Board of Election Supervisors of Prince George's County, 278 Md. 1, 5 (1976). It is to be distinguished from a public general law, "which deals with the general public welfare, a subject which is of significant interest not just to any one county, but rather to more than one geographical subdivision, or even the entire state." Id. As both bills concern particular methods of trapping in Harford County, we conclude that, in substance, they are public local laws even though they amend the public general law of the State. Moreover, they concern a matter which is covered by the Express Powers Act, namely fish and game laws. Although given the State's special interest in fish and game and the migratory nature of most fish and game, the State may well have residual power to enact legislation on fish and game for particular charter counties, we think that this power does not extend to enacting legislation concerning particular methods of trapping in charter counties. Accordingly, it is our view that the General Assembly has exceeded its power in passing House Bills 1368 and 1385. We also note that our decision here is in accord with our bill review letter of May 8, 1978, concerning Senate Bill 838 of 1978.

Very truly yours,
 Stephen H. Sachs
 Attorney General