

is to say, such of them as are judicial in their character to the judiciary; such as are legislative to the Legislative; such as are executive in their nature to the executive. Within the particular limits assigned to each, they are supreme and uncontrollable."  
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In an Opinion of this office, it was stated,

"... the separation of powers provision means that one branch may not usurp the essential functions and powers of another branch, may not act to destroy the essential functions and powers of another branch, and may not delegate its essential functions and powers to another branch." (Citations omitted).

63 Opinions of the Attorney General 305, 310 (1978). Thus, the authority of each branch is absolute within the core powers which the Constitution assigns it. Id. See also 65 Opinions of the Attorney General 285 (1980). Article 8 prohibits the interchange of these core functions. Shell Oil Co. v. Supervisors of Assessments, 276 Md. 36 (1975).

Article IV, Section 1 of the Maryland Constitution vests "[t]he Judicial power of this State" in the Court of Appeals and the other courts of the Judicial Branch. It is this power that is exclusively vested in the Judiciary, Department of Natural Resources v. Linchester Sand and Gravel Corp., 274 Md. 211, 222-23 (1975); and it is this power that, given the separation of powers clause, may not be usurped, destroyed, or delegated. See Shell Oil Co. v. Supervisors of Assessments, 276 Md. 36, 46 (1975).

The question here, then, is whether the authority granted to the AELR Committee to make the aforementioned determinations concerning a regulation and to suspend the operation of the regulation upon such determinations usurps the essential judicial power vested in the courts of the State and violates the separation of powers clause. For the following reasons, we believe that it does.

The Maryland courts have long recognized the fundamental distinction between the legislative and the judicial powers. The legislative power includes the power to make policy and to pass rules of law for the government and regulation of people and property. The judicial power includes the power to hear and determine those matters which affect life, liberty, or property, to interpret, construe, and apply the law, and make certain that other instruments of government do likewise; to determine the constitutionality of legislation; and to determine whether constitutional limitations have been transcended or constitutional restraints have been violated. See, Maryland Committee for Fair Representation v. Tawes, 228 Md. 412 (1962),