

Opinion No. 49-5200

March 2, 1949

BY: JOE L. MARTINEZ, Attorney General

TO: Elliott S. Barker State Game Warden Department of Game and Fish Santa Fe, New Mexico

{*21} I have your letter of February 24, 1949, requesting the opinion of this office as to whether House Bill 24, which, as it carried the emergency clause, became law on February 23, 1949, repeals Section 43-307 of the 1941 Compilation.

Section 43-307 reads as follows:

"Every citizen of the United States, who is a non-resident of the state of New Mexico, shall, upon the payment of \$ 2.00, be issued a special temporary license to fish for twenty (20) days, during the {*22} proper season, in those bodies of water known as the Elephant Butte Reservoir, Caballo Lake, Conchas Dam Lake and/or that portion of the Rio Grande River which connects and runs between the Elephant Butte Reservoir and Caballo Lake."

The pertinent part of House Bill 24 is as follows:

"Provided that a 10-day special fishing license may be purchased for three dollars (\$ 3.00)."

Said bill also states: "All laws in conflict herewith are hereby repealed."

The sentence last quoted is of no help in reaching a conclusion, as all laws inconsistent with a newly enacted law are, of necessity, repealed and those which are not inconsistent are not repealed unless specifically mentioned.

House Bill 24 and Section 43-307 are inconsistent in the following respects:

- (1) House bill 24 applies to all waters in the state, while Section 43-307 is limited to certain lakes and a portion of the Rio Grande River.
- (2) House Bill 24 applies to all persons, residents and non-residents, aliens and citizens, while Section 43-307 is limited to non-residents who are citizens of the United States.
- (3) House Bill 24 sets a fee of three dollars while Section 43-307 sets a fee of two dollars.
- (4) House bill 24 provides for a ten-day license, while Section 43-307 provides for a twenty-day license.

In view of the above inconsistencies, it is the opinion of this office that Section 43-307 of the 1941 Compilation is repealed by House Bill 24 of the 19th Legislature.