

sections 3-105, 4-106, and 4-108 of the Agriculture Article, dealing with the powers of the Secretary of Agriculture to prevent the spread of contagious diseases, and to enforce the Wholesome Meat Act; or sections 130, 266A, 294, and 299 of Article 43 concerning the Commission on Medical Discipline, the Board of Pharmacy, and the State Board of Examiners of Nurses. A serious question arises as to whether, with respect to the programs authorized, but not required, under these sections, and many others like them, the affected agencies may continue to keep records on individuals, notwithstanding the relevance of the records to the implementation of the authorized programs.

Third, for the same reasons mentioned above, it would appear that commissioners and other bodies created by Joint Resolution of the General Assembly would not be able to keep these records. In fact, this prohibition may also apply to the non-statutory committees of the General Assembly.

I doubt that the General Assembly intended to preclude the keeping of relevant records under the circumstances, or by the types of agencies, described above; and yet, as noted, the bill seems to have that effect. Were I convinced that these problems could be overcome by administrative action pending corrective legislation next year, I might be inclined to sign House Bill 462. However, the bill provides criminal sanctions against those persons violating its provisions, and authorizes judicial enforcement of its dictates.

Finally, the Attorney General has advised me that the provisions of new section 5(a)(1), added by amendment to the bill and dealing with an administrative review of decisions to deny access by certain custodians of records raises serious questions of statutory interpretation. A copy of the Attorney General's opinion in attached to this Veto Message, and should be considered a part of it.

Under these circumstances, I feel obliged to veto House Bill 462, and to recommend that the General Assembly address the concerns expressed in this veto message at its next session.

Sincerely,
Marvin Mandel
Governor

Letter from State Law Department on
House Bill 462

May 20, 1977