

County. Examination of the existing local laws on the subject shows that there is no limitation on the number of patrolmen, only the establishment of a minimum number which must be provided. The Bill does create one additional police captain and three sergeants.

A contention that the Bill would provide salary increases is not wholly correct. There is provision for a slight pay differential in grades above the rank of patrolmen. However, the County Commissioners already have the authority to make such pay differential and to set all salaries in the Police Department. This broad general authority is wise as it prevents the necessity of recurring legislative acts for salary raises and places the responsibility where it should lie, i.e., in the hands of the elected executive officials of Anne Arundel County.

The County Commissioners of Anne Arundel County, who have requested the veto of this Bill, inform me that the pay differentials which the members of the Legislature have indicated as desirable will be put into effect by the County Commissioners under their present authority.

The principal purpose of the Bill actually appears to be the creation of a Board of Police Commissioners, two of whose members will be appointed by the Legislative delegation from Anne Arundel County—one by the State Senator and one by the House delegation—and the third member by the County Commissioners of Anne Arundel County. While this unusual provision for a Legislative appointment is not clearly unconstitutional, it is definitely contrary to public policy. Our constitutional form of government rests upon the distinction between the legislative, the judicial, and the executive branches of government, and is a system of checks and balances. The attempt by this Bill to confer upon members of the Legislature an executive function is therefore both unwise and unnecessary.

In addition, it should be noted, although not fatal to the Bill, there is a contradiction between Subsections (a) and (c) of Section 431 of the Bill. In Subsection (a) the Chief of Police is authorized to appoint special officers without approval of the Board of Police Commissioners. In Subsection (c) it is provided that all special officers appointed by the Board of Police Commissioners shall have all of the police powers of a sheriff.

Because of the fundamental unsoundness of this Bill, I have vetoed it.

Respectfully,

(s) THEODORE R. MCKELDIN,

Governor

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