

When considered in the light of these decisions of the Court of Appeals of Maryland, Senate Bill No. 528, in our opinion, is unconstitutional since it violates Section 29 of Article III of the Constitution of Maryland. A member of the General Assembly who read the title to the bill would assume that it would in no way permit fishing with a buck net or purse net in the Chesapeake Bay, but would only permit such uses in the Atlantic Ocean except within three miles of the beach adjacent to Ocean City, Maryland. The body of the bill, however, goes further and permits the use of certain types of buck nets or purse nets in the Chesapeake Bay. The title is particularly misleading in view of the fact that the bill, as originally drawn, expressly provided that its amendment would make legal the catching of menhaden in the Chesapeake Bay or the Atlantic Ocean by the use of buck nets or purse nets. However, this original title and the corresponding provisions in the body of the act were stricken out of the bill. When the title of the bill was amended, it in no way indicated that the amendment to the body of the bill would apply to the Chesapeake Bay.

The provisions of the bill which permit the use of purse nets under certain conditions in the Chesapeake Bay constitute a substantial change in the law of Maryland. In the recently decided case of *Corsa v. Tawes*, reported in The Daily Record of March 29, 1957, a three-judge Federal District Court upheld the validity of Section 259 of Article 66C prohibiting the use of purse nets in Maryland waters on the grounds that the regulation of fishing by purse nets was a matter to be dealt with by the Maryland Legislature. The Plaintiffs in that case did not even ask the court to permit them to fish with purse nets in the Chesapeake Bay, recognizing that different considerations were applicable in the Bay than in the waters of the Atlantic Ocean. A legislator reading no more than the title of Senate Bill No. 528 would not have known that by voting for the bill he was doing any more than merely permitting commercial fishermen to use purse nets to catch menhaden in the waters of the Atlantic Ocean, as they had sought to do as a result of their suit in the Federal Court.

It is, therefore, our opinion that Senate Bill No. 528 is invalid.

In view of the foregoing opinion, I have vetoed Senate Bill 528.

Respectfully,

(s) THEODORE R. MCKELDIN,

Governor.

TRMcK:tk

Senate Bill No. 530—Safety signs in Kent and Queen Anne's Counties

AN ACT to repeal and re-enact, with amendments, Section 363 of Article 66C of the Annotated Code of Maryland (1951 Edition), title "Natural Resources", sub-title "Roadside Trees", and Section 89 of Article 89B of said Code, title "State Roads", sub-title "Road Signs", providing that the County Board of Education of Kent County AND QUEEN ANNE'S COUNTIES shall be permitted to display signs to provide for the safety of students and display the donor's name thereon and providing further for certain restrictions thereof.