

from the service of the State, to the present Governor or to future Governors. Acting upon his advice, I, therefore, have vetoed House Bill 502.

With kindest personal regards, I am

Sincerely yours,

(s) J. MILLARD TAWES,

Governor.

JMT/Jd/Encl.

Letter from State Law Department on House Bill No. 502

May 3, 1963.

Honorable J. Millard Tawes  
Governor of Maryland  
State House  
Annapolis, Maryland

Re: House Bill No. 502

Dear Governor Tawes:

At your request we have examined House Bill 502 and we believe that this bill would not be constitutional.

House Bill 502 provides "a pension or salary calculated at the rate of twelve hundred dollars (\$1,200) per annum for each year, or portion thereof, of service in the office of Governor" for every former Governor of this State. The pension or salary would be paid to all former Governors living at the time of the enactment of the bill.

There are two constitutional provisions which require our conclusion that the bill is unconstitutional.

Article II, Section 21, Constitution of Maryland, provides:

"The Governor shall reside at the seat of government, and, from and after the second Wednesday in January, 1955, shall receive for his services an annual salary of Fifteen Thousand Dollars."

Article III, Section 35 Constitution of Maryland, provides, in part:

"No extra compensation shall be granted or allowed by the General Assembly to any public Officer, Agent, Servant or Contractor, after the service shall have been rendered, or the contract entered into; nor shall the salary or compensation of any public officer be increased or diminished during his term of office. . . ."

We believe that the attempt by the bill to provide a pension or salary for former Governors who have already left the service of the State would be extra compensation granted to a public officer after the services have been rendered. The case of *Sena v. Trujillo*, 46 N.M. 361, 129 P. 2d 329, 142 A.L.R. 932, and the Note, 142 A.L.R. 938, clearly indicate that, by the great weight of authority, where a constitutional provision prohibits payment of extra compensation to public officers after services have been rendered, an attempt to provide a pension for one who has left the service of the state prior to the enactment of the statute would be unconstitutional.