

I call your attention to Article XI-E of the Constitution of Maryland, which provides for Municipal Corporation Home Rule. Under that Article, the General Assembly is without authority to enact legislation local in its terms in regard to those municipal corporations then in existence, not authorized by Article XI-A of the Constitution, to have a charter form of government, as further provided for in accordance with the terms of Sections 2-5 of said Article XI-E, House Bill 579 constitutes a local measure applying to the government and affairs of Highland Beach, a municipal corporation in existence prior to the enactment of Article XI-E of the Constitution. It, therefore, is clearly prohibited by that Article.

I call your attention to an opinion of former Attorney General Sybert, reaching a similar conclusion as to proposed legislation applicable to the City of Cumberland in 1955. This opinion is reported in Volume 40, *Opinions of the Attorney General* 162.

Sincerely yours,

(s) Thomas B. Finan,
Attorney General.

TBF/ss

**House Bill No. 648—Pensions to Former Members of
General Assembly**

AN ACT to add new Section 2A to Article 40 of the Annotated Code of Maryland (1957 Edition and 1962 Supplement), title "General Assembly," subtitle "Mileage, Pay and Stationery," to follow immediately after Section 2 thereof, establishing a system of pensions for certain living former members of the General Assembly and relating generally to the qualifications and procedures required for participation in this system and to the powers and duties of certain State officials with respect thereto.

May 6, 1963.

Honorable Marvin Mandel
Acting Speaker
House of Delegates
State House
Annapolis, Md.

Dear Mr. Speaker:

In accordance with the provisions of Article 2, Section 17, of the Maryland Constitution, I have vetoed House Bill 648 and I am returning this Bill to you accompanied by my veto message.

House Bill 648 provides that a pension be paid to every living former member of the General Assembly who has at least eight years of service and who has reached the age of 55 years.

The Attorney General of Maryland has advised me that House Bill 648 would violate two Constitutional provisions.

Article Three, Section 15, of the Constitution of Maryland, reads in part: ". . . each member (of the General Assembly) shall receive a compensation of Eighteen Hundred Dollars (\$1,800.00)