

May 7, 1968.

Honorable Marvin Mandel
Speaker of the House of Delegates
State House
Annapolis, Maryland

Dear Mr. Speaker:

In accordance with Section 17 of Article II of the Maryland Constitution, I have today vetoed House Bill 1249 and am returning it to you.

This bill would provide for a referendum in connection with the adoption of certain planning and zoning regulations in Charles County. I am informed by the Attorney General that the bill is lacking in form and legal sufficiency. For the reasons given in the attached copy of his opinion, which is to be considered a part of this message, I am compelled to veto the measure.

Sincerely,

(s) SPIRO T. AGNEW,

Governor.

Letter from State Law Department on H. B. 1249

April 2, 1968.

Honorable Spiro T. Agnew
Governor of Maryland
State House
Annapolis, Maryland 21401

Dear Governor Agnew:

As requested I have examined the above captioned bill for constitutionality and legal sufficiency. In my opinion this bill is of doubtful constitutionality. It would amend Article 66B of the Annotated Code of Maryland (1967 Replacement Volume), the state planning and zoning enabling act, to provide that in Charles County the adoption of any master plan or amendment thereof by a municipal or county planning commission shall be subject to a referendum upon the filing of a petition by ten per cent of the qualified voters of the subdivision affected.

Article XI-E of the Maryland Constitution provides that the General Assembly shall not pass any laws relating to the government or affairs of municipal corporations which will be special or local in their terms but shall pass only general laws which apply alike to all municipal corporations in one or more of the classes of corporations that the General Assembly is empowered to create by Section 2 of the article. At present the General Assembly has provided for only one class of municipal corporation covering all municipalities within the state.

In my view the procedure for adopting or amending a master plan by a municipal planning commission constitutes part of the "affairs" of a municipality as that term is used in Section 1 of