

Letter from State Law Department on House Bill No. 799

Honorable Marvin Mandel
Governor of Maryland
State House
Annapolis, Maryland 21404

Re: House Bills 218 and 799

Dear Governor Mandel:

I have reviewed House Bills 218 and 799 for legal sufficiency.

Section (d) of House Bill 218 obviously intended to provide that great-grandparents would inherit, by representation, in the event a decedent was not survived by parents, brothers, sisters, grandparents, or the issue of any of these. However, inadvertently, Section (d) fails to refer to or exclude brothers, sisters, or their issue, and I feel the bill is, therefore, defective. If enacted, unintended legal contests could develop between brothers, sisters, or their issue, on the one hand, and great-grandparents, or their issue, on the other hand, over the right to inherit.

House Bill 799 should not be enacted into law if House Bill 218 is vetoed. House Bill 799 establishes the methods for determining representation for the issue of grandparents and great-grandparents. However, without the amending effect of House Bill 218, Section 3-104 of Article 93 of the Maryland Code prohibits the taking, by representation, of the issue of grandparents or great-grandparents. Furthermore, the language of Section 2 of House Bill 799 would, in my opinion, present difficult problems of interpretation.

Sincerely yours,

/s/ FRANCIS B. BURCH,
Attorney General.

House Bill No. 863—Montgomery County Review of Highway Programs

AN ACT to repeal and re-enact, with amendments, Section 211-I of Article 89B of the Annotated Code of Maryland 1969 Replacement Volume), title "State Roads," subtitle "Expenditure of Commission's Funds and Programming and Scheduling of Highway Projects," to provide for State Roads Commission reporting and briefing of the Montgomery County State Delegates, Senators, County Executive and County Council on the highway construction and reconstruction program for Montgomery County and to require that a public hearing on this program be held by the State Delegates, Senators, County Executive and County Council.

May 28, 1971.

Honorable Thomas Hunter Lowe
Speaker of the House of Delegates
State House
Annapolis, Maryland 21404

Dear Mr. Speaker:

In accordance with Article II, Section 17, of the Maryland Constitution, I have today vetoed House Bill 863.