

policy.²⁶ Therefore, what is at issue is not a "Bill" to become "law," but the administrative fleshing out of an existing "law," which itself was subject to the Executive veto. Consequently, the approval or disapproval of the regulation is no more distinct legislation, requiring a new submission to the Governor, than is the promulgation of an administrative regulation under present law, especially the promulgation of an emergency rule, regulation or standard which currently must be approved by the AELR Committee. See, Code, Art. 40, §40A. Thirdly, even if the rejection of a proposed administrative rule somehow constitutes lawmaking, it certainly cannot be any more subject to the presentment clause or the veto power than the rejection of a proposed bill — and it is well settled that presentment clauses do not operate with respect to proposed legislation which has been rejected by a committee of either House, or by a single House.

Thus, in our view, the rejection of a proposed administrative rule presents neither of the mischiefs which the presentment clauses were designed to obviate, *viz.*, neither the opportunity for encroachment nor for hasty or partial legislation. Accordingly, House Bill 619 does not, at the very least, clearly contravene either Article II, Sec. 17 or Article III, Sec. 30.

C. Separation of Powers: Executive and Legislative.
Article 8 of the Maryland Declaration of Rights commands:

"That the Legislative, Executive and Judicial powers of Government ought to be forever separate and distinct from each other; and no person exercising the functions of one of said Departments shall assume or discharge the duties of any other."

Although "the legislative department is nearest to the source of power, and is manifestly the predominant branch of the government," Crane v. Maginnis, 1 G.&J. 463, 472 (1829), it is now well settled that each branch is supreme in its own realm, and that the purpose of this article is to parcel out and separate the powers of government, and to confine particular classes of them to particular branches of the Supreme Authority, Wright v. Wright, 2 Md. 429, 452 (1852). It is also clear that Article 8 presents "a more concrete barrier than any which the Supreme Court has had to hurdle under the Federal Constitution." Oppenheimer, Administrative Law in Maryland, II Md. L. Rev. 185, 188 (1938), cited with approval in Dept. of Natural Resources v. Linchester, *supra*, at 218. Nevertheless, Article 8 does not enjoin a complete separation of powers between the several departments, McCrea v. Roberts, 89 Md. 238, 251 (1899); Baltimore v. State, 15 Md. 376, 457 (1860). Thus, it is generally recognized that there are no bright dividing lines among the duties assigned each department; that to attach