

the Secretary of Natural Resources, creates more problems than it solves. In the words of the Attorney General:

The bill amends Sec. 4-1015(b) of the Natural Resources Article, which provides that not more than 5% of oysters which have been culled and placed in the bottom of a boat may consist of undersized oysters and cultch. The bill was introduced as a departmental bill as a result of a lawsuit alleging that the current law creates an unconstitutional presumption concerning the violation of this provision. Current law also provides that "a person may not possess more than 10 marketable oysters per bushel that have undersized oysters or spat attached to them that cannot be separated without destroying the small oysters." This provision has been amended so that it rather anomalously makes it unlawful to possess more than "15 marketable oysters" which are undersized and cannot be separated from other oysters. To refer to an undersized "marketable oyster" is, of course, a contradiction in terms. The intent may have been to permit the possession of up to 15 undersized oysters which have inseparable, marketable oysters attached to them. However, this is not accomplished by the language of the bill. Moreover, we would point out that the provision on the possession of more than 15 marketable oysters which are undersized is not properly reflected in the title as required by Article III, Section 29 of the State Constitution.

For these reasons I have decided to veto Senate Bill 1056.

Sincerely,  
Harry Hughes  
Governor

-----  
Senate Bill 1096

AN ACT concerning

Soil Conservation Committee - Compensation

FOR the purpose of providing for a per diem allowance for the chairman and members of the soil conservation committee.

May 29, 1979

Honorable James Clark, Jr.  
President of the Senate