

Therefore, I am returning the Bill without my approval.

Respectfully,

THEODORE R. MCKELDIN,

Governor

TRMcK/jmt

May 7, 1951

Hon. John C. Luber
Speaker of the House of Delegates
State House
Annapolis, Maryland

Dear Mr. Speaker:

I requested the Hon. Hall Hammond, the Attorney General, to advise me as to the legal form and sufficiency of House Bill No. 643, and he commented as follows:

There are many pending applications for leases in Somerset County, to which protests have been filed but which, as yet, have not been tried in Court, and will not be tried prior to June 1st. Mr. Hammond advised that four cases have come to his attention in which applications for oyster leases in Somerset County have been made and protests by three Maryland residents have been duly filed under Section 12 (j) of Article 72 of the Annotated Code of Maryland (1947 Supplement). Since the filing of these protests, one of the three protestants in each of the four cases has withdrawn as a protestant. This only leaves two protestants and the law requires three. On behalf of the Tidewater Fisheries Commission, Motions to Dismiss the protests have been filed for the reason that they are no longer in compliance with the statute. The Attorney General has been informed by the Attorney for the protestants that, should the Court sustain the Motions to Dismiss, he will file an appeal to the Court of Appeals of Maryland solely to delay the granting of leases until after June 1, 1951, the effective date of House Bill No. 643.

Mr. Hammond stated also that he knows the applicants in these cases have made substantial expenditures in connection with these leases.

While Mr. Hammond feels that although he could not definitely say that these considerations would render the Bill unconstitutional, a constitutional question does exist and as a practical matter, the Bill certainly would result in unfairness to the applicants.

Also, the enactment into law of this Bill would restrict the further development of cooperative shell fisheries. The Tidewater Fisheries Commission regards the cooperative as one practical, working solution to the conflicts that make public operations inefficient and believes the restrictions of this Bill block the development of barren bottoms.