

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 Article XI-E. A referendum procedure applicable to the actions of only Charles County municipal planning commissions would appear to me, therefore, the type of local law that Section 1 of Article XI-E was intended to prohibit.

Because of my view with respect to the bill's probable unconstitutionality, I need not comment upon the provision's soundness or lack thereof from a planning viewpoint. I respectfully recommend veto of House Bill 1249.

Very truly yours,

/s/ Francis B. Burch,

*Attorney General.*

Vetoed by the Governor—May 7, 1968

House Bill No. 1249—By Delegate Nimmerrichter :

An Act to add new Sections 17A and 21(h) to Article 66B of the Annotated Code of Maryland (1967 Replacement Volume), title "Zoning and Planning," subtitle "Planning," subheading "Municipal Planning and Zoning Commission" and "Zoning," respectively, to follow immediately after Sections 17 and 21(g) respectively, to provide a referendum procedure in connection with the adoption of certain planning and zoning regulations in Charles County.

The Speaker put the question: Shall the bill pass notwithstanding the objections of the Executive?

**Affirmative**

Delegates—

Nimmerrichter, Kardash, Hickman (R.), Greer, Burns.

Total—5

**Negative**

Delegates—

Mr. Speaker, Briscoe, Fowler, Boyer, Athey, Lipin, Thomason, Burkhead, Connell, Helms, Allen, Anderson, Fornos, Benner, Compton, Arata, Coolahan, Malone, Alpert, Jacobson, Rynd, Hopkins, Nice, Price, Hinkel, Jensen, Jones, Schirano, Tyler, Einschutz, Evans, Rush, Arnick, D'Anna, Minnick, Dize, Matthews (R. M.), Burkheimer, Mackie, Dorman, Menes, Mothershead, Banning, Goodman, Hull, King, Montfort, Santangelo, Aragona, Bagley, Giordano, McDonough, Rummage, Hickman (C. M.), Houck, Remsberg, Virts, Scarff, Hargreaves, Bonvegna, Bullock, Dypski, Krysiak, Silk, Walters, Adams (F. B.), Antonelli, Cassady, Chester, McCarty, Orlinsky, Sarbanes, Curran, Hergenroeder, Kent, McQuade, Mooney, O'Brien, Brailey, Dixon, Douglass, Lee, Randolph, Abrams, Cardin, Friedman, Resnick, Waxter, Avara, Baumann, Freeberger, Murphy, Rutkowski, Weisengoff, Wyatt, Donaldson, Grumbacher, Hoffman, Wright,