

Article XVI, which goes on to prescribe the form and nature of a referendum petition and election. No authority is contained in Article XVI for the referral of acts or actions of county commissioners.

The provisions of Article 33 of the Annotated Code of Maryland, and in particular the provisions of sections 23-1 to 23-11 thereof, under the subtitle "Questions", were enacted pursuant to Article XVI to deal with referendum elections. These statutes do not purport to enlarge the right of referendum beyond that allowed by Article XVI, and could not, in any event, have that effect; *c. f., Levering v. Supervisors, etc., 129 Md. 335 (1916)*.

The Attorney General, while not specifically disapproving the bill on constitutional grounds, has advised me that neither Article XVI of the Constitution nor Article 33 of the Code apply to acts of the County Commissioners, and, in the absence of procedures set forth in the bill itself, there are no provisions dealing with referenda of such matters. The only possibility suggested by the Attorney General was that the election officials follow the procedures set forth in Article 33 even in the absence of Constitutional authorization.

Regardless of whether it would be legally possible to authorize and conduct a referendum on an action of the County Commissioners, there is an additional substantive objection to the bill.

The bill, if valid, would apply to any action of the type described taken after January 1, 1972, and would therefore be retroactive in effect. In fact, its enactment as an emergency measure and its expiration on January 1, 1973, would indicate that it was one or a group of specific actions of the Commissioners to which the bill is directed.

The problem with such a procedure is that it serves to destroy, or put in serious doubt, the finality of the Commissioners' action; and it could serve to put in jeopardy actions taken by persons in reliance on the Commissioners' action. Persons affected by decisions of the Commissioners on plans for subdivision control would be unable to rely on them.

For these reasons, I have decided to veto House Bill 1151.

Sincerely,

/s/ MARVIN MANDEL,

Governor.

House Bill No. 1154—St. Mary's County Jail

AN ACT to repeal and re-enact, with amendments, Section 92 of the Code of Public Local Laws of St. Mary's County (1965 Edition and 1971 Supplement, being Article 19 of the Code of Public Local Laws of Maryland), title "St. Mary's County," subtitle "Keeper of the Jail," removing the authority for the appointment of the keeper of the jail of St. Mary's County from the County Commissioners and placing the authority with the Sheriff of St. Mary's County, and relating generally to the keeper of the jail in St. Mary's County, and clarifying the language therein.