

This bill is described in its title as being designed:

“ . . . to authorize the trial magistrates of Caroline County to suspend sentence or costs including authority to refer to the State Department of Parole and Probation and authority for methods of implementation of these rules and to subdivide the section.”

During its passage through the General Assembly, a new subsection (d) was added to Article 52, Section 20, of the Annotated Code of Maryland (1964 Replacement Volume), which purports to empower trial magistrates “to grant probation without verdict” in the case of persons charged with certain violations of the alcoholic beverages law. This amendment, in our opinion, renders the bill unconstitutional for a number of reasons:

1. Article 52, Section 20, *supra*, which the bill undertakes to amend, now deals only with Talbot County; the bill would make it applicable to Caroline County; but the amendment referred to above, as it was written, would in terms apply to both Caroline and Talbot Counties. Since Talbot County is not referred to at all in the title, the bill is clearly in contravention of Article III, Section 29, of the Constitution of Maryland, which requires that the subject of all laws enacted by the General Assembly be described in their title.

2. In its present form, Section 20, *supra*, refers to the suspension of sentence and costs by trial magistrates. Proposed subsection (d) refers to “probation without verdict.” The subjects are different. See *State v. Jacobs*, 234 Md. 452. Again, Article III, Section 29, of the Constitution forbids the enactment of laws so inadequately described.

For the reasons set forth above, it is our opinion that Senate Bill 93 is unconstitutional.

Very truly yours,

(s) THOMAS B. FINAN,

Attorney General.

Senate Bill No. 130—Wild life on Private Lands

AN ACT to add new Section 116A to Article 66C of the Annotated Code of Maryland (1957 Edition), title “Natural Resources,” subtitle “Birds, Game and Inland Water Fish,” subheading “Commission,” to follow immediately after Section 116 thereof, and to repeal and re-enact, with amendments, Section 218 of said Article of the Code, subtitle “Game and Fresh-water Fish,” to prohibit the Game and Inland Fish Commission from taking wild birds, animals or fish off privately owned land without the permission of the owner or his tenant or agent.