

VETOES

of the court on a point of law is at variance with a previous decision by another State judge. In such cases, the Court of Special Appeals may only decide the question of law and may not rule on the facts.

The current law also provides that if the circuit court fails to rule within 30 days after the appeal has been filed, the local board's decision will be considered affirmed. In Allegany County, the period is within 90 days. House Bill 636 deletes this automatic affirmation of local board decisions.

Chief Judge Richard P. Gilbert of the Court of Special Appeals has requested a veto. Judge Gilbert notes that the Court is already overburdened and that House Bill 636 is likely to result in hundreds of new appeals. It is my understanding that Chief Judge Robert C. Murphy of the Court of Appeals also believes that an increased workload would face the appellate courts should House Bill 636 be signed. Judge Gilbert believes that the present system of allowing appeals only when there is a conflict in rulings between circuit courts has worked well and should not be abandoned.

In his bill review letter, the Attorney General noted that no judicial appeals of liquor board decisions were permitted before 1943, and that the regulation of alcoholic beverages is a unique State activity directly affecting the public interest. Indeed, the premise of the current law is that the local liquor board's decisions are entitled to the presumption that they are proper and in the public interest. I agree with that philosophy. Moreover, I believe that requiring swift decisions in appeals from liquor license boards and automatically affirming the boards if decisions are not rendered promptly is a legitimate limit on the right of appeal.

For all the above reasons, I have today vetoed House Bill 636.

Sincerely,
William Donald Schaefer
Governor

House Bill No. 636

AN ACT concerning

Local Alcoholic Beverages Licensing Boards – Appeals

FOR the purpose of authorizing ~~the local alcoholic beverages licensing board for each county and Baltimore City~~ any party to appeal certain decisions of the circuit court involving decisions of a local alcoholic beverages licensing board to the Court of Special Appeals and the Court of Appeals; prohibiting the Court of Special Appeals or the Court of Appeals from staying certain decisions of a local board under certain circumstances; repealing the statewide provision and the Allegany County provision of law that affirms a local board's decision when the circuit court fails to make a determination within a certain period of time; and generally relating to local alcoholic beverages licensing boards and appeals.

BY repealing