

Therefore, I am returning this Bill without my approval.

Respectfully,

THEODORE R. MCKELDIN,
Governor

TRMcK/jmt

May 7, 1951

Hon. George W. Della
President of the Senate
State House
Annapolis, Maryland

Dear Mr. President:

I requested the Hon. Hall Hammond, the Attorney General, to advise me as to the form and legal sufficiency of Senate Bill 161, and he commented as follows:

"The constitutionality of this Bill is doubtful for the reason that the title is not descriptive of what the Bill does and is somewhat misleading. The Act repeals and re-enacts, with amendments, Section 14 of Article 72 of the Code, title 'Oysters and Clams,' to require a license of all persons over the age of fourteen to take soft clams and to eliminate the provisions imposing a tax on clams sold, and exempting certain Counties from the provisions of this Act.

"Actually, the Bill requires a license of all persons over fourteen to take either soft or hard clams of a certain species. Further, it changes the law relating to clam dealers' licenses, to require that the licenses be obtained from the Clerk of the Court of the County wherein the applicant trades as a clam dealer. Under existing law he is required to obtain the license from the Clerk of the Court of the County wherein he resides. There is no mention of this change in the title of this amendment."

While this Bill has some merit in protecting a great and much needed clam industry in the State, the exemptions granted to a number of the principal clam producing counties makes it impossible to secure reliable statistics on resources management. It is desirable to develop legislation that will provide this background.

Therefore, I am returning Senate Bill 161 without my approval.

Respectfully,

THEODORE R. MCKELDIN,
Governor

TRMcK/o'c