

result to the 12-year program through engendering unnecessary controversy by permanent elimination of funds available from increased license fees and thus relegating a matter already settled after mature deliberation, again to the field of conflicts and pressure necessarily inherent in such matters.

Respectfully,

(s) THEODORE R. MCKELDIN,

Governor.

TRMcK:tk

**Senate Bill No. 140—Rockfish\***

AN ACT to repeal and re-enact, with amendments, Section 288 of Article 66C of the Annotated Code of Maryland (1951 Edition), title "Natural Resources", sub-title "Fish and Fisheries", sub-heading "Sizes of Commercial Fish", providing that in the Potomac River it shall be lawful to catch striped bass weighing up to twenty-five (25) pounds.

April 1, 1957.

Honorable Louis L. Goldstein  
President of the Senate  
State House  
Annapolis, Maryland

Dear Mr. President:

Senate Bill 140 provides an exception to the 15 pound weight limit on the catching of rockfish, also known as striped bass. The exception is applicable only in the Potomac River, and raises the weight limit there on *catching* rockfish to 25 pounds. However, no change was made in the existing limitation against killing, selling, offering to buy or sell, or exposing for sale, or possessing any rockfish weighing more than 15 pounds.

There are two possible constructions of this statute. It may be argued that legalization of the 25 pound weight limit on catching rockfish in the Potomac River impliedly carries with it the rights and incidents of possession. Under such a construction, the 15 pound weight limit on possession and sale, clearly applicable in the remainder of the State, would be rendered virtually meaningless. Attempted enforcement of the law against possession rockfish over 15 pounds in weight could be met by a contention that the rockfish were caught in the waters of the Potomac, and the burden might well be upon enforcement officials to prove that the fish were caught elsewhere.

The alternate, and more probable, construction is that the plain language of the statute merely raises the weight limit as to *catching* of rockfish and retains the 15 pound limitation on *possession and sale*. This would maintain a uniform 15 pound limitation throughout

\* Vetoed by the Governor on March 30, 1957. The bill was passed over the Governor's veto by the Senate on March 30, but the veto was sustained in the House of Delegates on April 1, 1957.