

Letter from State Law Department on Senate Bill No. 407

April 24, 1963.

Honorable J. Millard Tawes
Governor of Maryland
State House
Annapolis, Maryland

Re: Senate Bill No. 407

Your Excellency:

I have reviewed the above noted act which is intended to establish a new system of licensing slot machines in St. Mary's County.

Although the act is not on its face clearly unconstitutional, I feel compelled to point out that it is so inartistically drawn that it presents a danger of nullifying, within St. Mary's County, the effect of House Bill No. 475, which has under certain circumstances the effect of prohibiting slot machines throughout the State. I call your attention particularly to Section 4 of Senate Bill 407 which appears on page 8 of the third reader copy thereof. That section provides in part that it is the legislative intention that "nothing in this act shall in any way be construed or applied to *invalidate* the ownership, operation, or maintenance of slot machines in St. Mary's County in controversion of or as made unlawful by any state-wide act . . . which prohibits the ownership, operation, or maintenance of slot machines."

It is conceivable that the word "validate" was intended to be used in that section instead of the word "invalidate." However, the use of the word "invalidate" could be construed as carving out an exception to the State's general prohibitions and limitations on the ownership, operation, or maintenance of slot machines. Furthermore, Section 4 mentions only a state-wide act which "*prohibits*" the ownership, operation, or maintenance of slot machines and does not mention any of the limitations which have been placed upon the number of slot machines which can be used during the period of gradual elimination of such machines as provided by the state-wide act. Accordingly, there is a danger that Senate Bill No. 407 could be construed as removing St. Mary's County from the gradual elimination provisions of the state-wide act, especially since subsection (b) on page 3 of Senate Bill No. 407 contains a different numerical limit.

Accordingly, it is my opinion that your signing Senate Bill No. 407 into law could seriously endanger the operation of House Bill No. 475 within St. Mary's County.

Sincerely,

(s) Thomas B. Finan,
Attorney General.

TBF/k