House Bill No. 802—Alcoholic Beverages Licenses

AN ACT to add new Subsection 46(d) to Article 2B of the Annotated Code of Maryland (1957 Edition and 1967 Supplement), title "Alcoholic Beverages," subtitle "General Provisions on Issue of Licenses," to follow immediately after Section 46(c) thereof, providing that a special exception permit is not required for the application or transfer of a license when the premises are located in a commercial zoning district.

May 7, 1968.

Honorable Marvin Mandel
Speaker of the House of Delegates
State House
Annapolis, Maryland

Dear Mr. Speaker:

In accordance with Section 17 of Article II of the Maryland Constitution, I have vetoed today House Bill 802 and am returning it to you.

This bill would remove from the laws of Anne Arundel County the requirement that under certain conditions an alcoholic beverage license can only be granted or transferred where a special zoning exception has been obtained. I am informed by the Attorney General that the bill is probably unconstitutional. For the reasons given in the attached copy of his opinion, which is to be considered a part of this message, I am compelled to veto the measure.

Sincerely,

(s)   SPIRO T. AGNEW,

Governor.

Letter from State Law Department on H. B. 802

April 30, 1968.

Honorable Spiro T. Agnew
Governor of the State of Maryland
State House
Annapolis, Maryland 21404

Dear Governor Agnew:

House Bill 802, which adds a new section to the Alcoholic Beverages title, Article 2B, we believe to be unconstitutional.

The Bill applies to Anne Arundel County only (which is not stated in the Bill's title), and provides that no applicant for a new license or transfer of an existing license to sell alcoholic beverages on any premises located within a commercial zoning district shall be required to obtain a special exception permit from the zoning hearing officer or Board of Appeals.

Although the Bill purports to be an alcoholic beverage measure it, in effect, amends the zoning ordinance of Anne Arundel County.