

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

Anne Arundel County is a charter county and under Article XI-A, Section 4 of the Constitution, no public local law shall be enacted by the General Assembly for a charter county on any subject covered by the grant of express powers to such county.

Article 25A, Section 5, enumerates the express powers granted to charter counties and among them is the power, "To enact local laws, for the protection and promotion of public safety, health, morals, and welfare, relating to zoning and planning" (5(x) ).

In addition to the aforementioned constitutional restriction, Article 2B, Section 43 of the Code prohibits the issuance of a license or permit under 2B in violation of any zoning rule or regulation passed pursuant to the Zoning Enabling Act (Article 66B), or Chapter 599 of the Laws of Maryland 1933.

In view of the foregoing reasons, we recommend that House Bill 802 be vetoed as unconstitutional.

Sincerely yours,

/s/ Francis B. Burch,

*Attorney General.*

Vetoed by the Governor—May 7, 1968

House Bill No. 802—By Delegates Connell and Burkhead:

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.

The Speaker put the question: Shall the bill pass notwithstanding the objections of the Executive?

**Affirmative**

Delegates—

Athey, Burkhead, Connell, Helms, Arata, Coolahan, Malone, Hinkle, Jensen, Jones, Kardash, Schirano, Rush, Arnick, D'Anna, Minnick, Mothershead, Aragona, Donovan, Giordano, Rummage, Osborne, Bonvegna, Bullock, Krysiak, Silk, Walters, Holub, Burns, McQuade, Baumann, Freeberger, Murphy, Rutkowski, Weisengoff, Wyatt.  
Total—36

**Negative**

Delegates—

Mr. Speaker, Boyer, Lipin, Thomason, Allen, Anderson, Fornos, Benner, Compton, Alpert, Jacobson, Rynd, Hopkins, Nice, Price, Tyler, Einschultz, Evans, Dize, Dorman, Menes, Hull, Montfort, Weile, McDonough, Houck, Remsberg, Virts, Greer, Scarff, Adams (F. B.), Antonelli, Cassady, Chester, McCarty, Sarbanes, Curran, Hergenroeder, Kent, Mooney, O'Brien, Abramson, Lee, Randolph, Abrams, Cardin, Friedman, Resnick, Waxter, Donaldson, Grumbacher, Hoffman, Clarke, Cronin, Lady, McNerney, Scott, Whalen, Whitney, Becker, Bell, Blondes, Cook (E. P.), Crawford, Zander, Wiser, Cook (N. S.), Evans, Reed, Williams, Matthews (R. C.), Yingling, Burgess, Warfield, Long, White, Aiken.  
Total—77

*The Speaker announced the veto was sustained.*