

Re: House Bill 978

Dear Governor Mandel:

The above bill attempts to amend Section 56(18) of Article 2B, dealing with the procedure for applying for an alcoholic beverage license, by adding a special provision applicable to Baltimore County only. The bill's title contains no indication that any county other than Baltimore County is to be affected.

Prior to the 1975 amendment, subsection (18) required "A certificate signed by at least ten citizens who shall be owners of real estate and registered voters of the precinct in which the business is to be conducted...." (Emphasis added). In adding the provision applicable to Baltimore County, the phrase emphasized above was deleted. The effect of that deletion on counties other than Baltimore (excluding also St. Mary's, Prince George's and Montgomery which are exempted elsewhere in this Section) is dramatic, and, we believe, illegal.

Article III, Section 29 of the Constitution of Maryland requires that:

"... every Law enacted by the General Assembly shall embrace but one subject and that shall be described in its title."

The Court of Appeals has stated that this provision requires that a bill's title "must not be misleading by apparently limiting the enactment to a much narrower scope than the body of the Act is made to compass..." Painter v. Mattfeldt, 119 Md. 466, 474 (1913). In weighing the adequacy of a title, the Court has frequently inquired whether it was sufficient to put legislators and the public "on notice" of its intended provision. Dinneen v. Rider, 152 Md. 343, 358 (1927); Quenstedt v. Wilson, 173 Md. 11, 22 (1937).

Whereas prior to House Bill 978, the ten signatures required by Section 56(18) had to be from citizens who were registered voters of the precinct in which the business was to be conducted, as amended, the requirement would be simply that they be "citizens who shall be owners of real estate and registered voters" (query - voters of the county, of the State, of the country?). This is a substantive change affecting virtually every county of the State. However, the bill's title indicates that the Act concerns Baltimore County only.

Clearly, the title is misleading in its failure to put readers "on notice" as to the provisions of the Act, As those provisions go well beyond the narrow scope of