

For these reasons, I have decided to veto Senate Bill 838.

Sincerely,
Blair Lee III
Acting Governor

Letter from State Law Department on Senate Bill 838

May 8, 1978

Honorable Blair Lee, III
Acting Governor of Maryland
State House
Annapolis, Maryland 21401

Re: Senate Bill 838 and House Bill 624

Dear Governor Lee:

As originally introduced Senate Bill 838 and House Bill 624 were identical, each amending Section 10-408.1 of the Natural Resources Article "for the purpose of providing for restrictions on the use of certain types of animal traps in certain areas with certain exceptions." However, in the course of their consideration, these bills were amended and enacted in different forms.

As enacted, Senate Bill 838 was limited to Anne Arundel County only and the prohibition therein was expanded to prohibit the specified activity within 150 yards of a school as well as within 150 yards of a residence.¹

On the other hand, House Bill 624 remained statewide in application but was amended so as to: (1) expand its prohibition to include attempts to trap, (see unit 82); and (2) to expand its exception to include therein timberland and lands used for reforestation, and owners and lessees of any privately owned land, (see units 89-90).

We hereby approve House Bill 624. For the following reasons, we are unable to approve Senate Bill 838.

Article XI A, Section 4 of the Maryland Constitution prohibits the General Assembly from enacting any public local law on a subject over which charter counties have been given legislative authority by virtue of the enactment of the Express Powers Act (Code, Art. 25A, §5). Clearly Senate Bill 838 is a local law, i.e., it applies only to Anne Arundel County. Moreover, Article 25A, §5(m) specifically authorizes charter counties to enact "local fish and game laws." Accordingly, Senate Bill 838 clearly constitutes an