

Harry Hughes
Governor

May 23, 1980

Honorable Harry Hughes
Governor of Maryland
State House
Annapolis, Maryland 21404

Re: Senate Bill 1078

Dear Governor Hughes:

Senate Bill 1078 purports to repeal Sections 6-14 through 6-17 of the Public Local Laws of Harford County, which were enacted by the County Council in 1975 as Bill No. 75-76 after the County became a charter home rule county. 1/ This provision of the Harford County Code concerns the regulation and licensing of pawnbrokers by the County. The Senate Bill would add Sections 367 through 371 to Article 56 of the Annotated Code, to be under the new subtitle "Harford County - Pawnbrokers." The local law to be repealed and Senate Bill 1078 differ substantively in that only the Senate Bill contains a penalty provision. In our opinion, this bill is a public local law in violation of Article XI-A, Section 4 of the Maryland Constitution.

Section 3 of Article XI-A of the Constitution confers upon chartered counties the exclusive power to enact local laws on any subject covered by the Express Powers Act (Md. Code, Art. 25A). Correspondingly, Section 4 of Article XI-A prohibits the General Assembly from enacting a public local law on such subjects.

While the statutory grant of powers to the charter counties of Maryland, as embodied in Article 25A, does not include the specific power to license and regulate pawnbrokers, the Express Powers Act does include a general welfare clause in Section 5(S) which provides as follows:

"The foregoing or other enumeration of powers in this article shall not be held to limit the power of the county council, in addition thereto, to pass all ordinances, resolutions or bylaws, not inconsistent with the provisions of this article or the laws of the State, as may be proper in executing and enforcing any of the powers enumerated in this section or elsewhere in this article, as well as such ordinances as may be deemed expedient in maintaining the peace, good government, health and welfare of the County."

The general welfare clause of Article 25A, Section 5(S) has been given a liberal construction by the Court of