

rights and duties pass to his heirs.

In the face of this discrepancy the Attorney General has advised me that the title of House Bill 1813 is defective and therefore in contravention of Article III, Section 29 of the Maryland Constitution. A copy of the Attorney General's letter is attached and should be considered a part of this veto message.

For this reason, I have decided to veto House Bill 1813.

Sincerely,
Harry Hughes
Governor

May 16, 1980

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

Re: House Bill 1813

Dear Governor Hughes:

House Bill 1813 would add a new subsection (m) to Section 11-304 of the Commercial Law Article, a section of the Maryland Gasoline Products Marketing Act. Section 11-304 generally governs marketing agreements between gasoline suppliers and retail service station dealers.

Proposed subsection (m) is made applicable in subpart 1 to only those circumstances where the "heirs" of a dealer are not parties to the dealer's marketing agreement with his gasoline supplier. Subpart 2 of the proposed subsection (m) would require that upon a dealer's death his rights and duties under his marketing agreement would pass as part of his estate. Subpart 3 of proposed subsection (m), however, provides: "The heirs shall exercise the dealer's rights and duties as set forth in this subtitle." (Emphasis added).

The mandatory language in subpart 3 clearly requires a dealer's "heirs" to step into the deceased dealer's shoes. The word "heir" under Maryland estate law is a term of art. Section 1-101(f) of the Estates and Trusts Article provides: "'Heir' is a person entitled to property of an intestate decedent pursuant to §§ 3-101 through 3-110." Since House Bill 1813 deals generally with the operation of a service station upon the dealer's death, the definition of heir in the Estates and Trusts Article would seem to be applicable. Consequently, subpart 3 of proposed subsection (m) requires
