

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed Senate Bill 293.

That bill would alter the license fee and impose an 18 month residency requirement for fortune tellers and spiritualists wishing to pursue their trade or occupation in Dorchester County.

The Attorney General has determined in the attached letter that the residency requirement violates the Privileges and Immunities Clause of the Federal Constitution and that, therefore, the bill is unconstitutional.

For that reason, I have vetoed Senate Bill 293.

Sincerely,
Harry Hughes
Governor

May 25, 1983

Honorable Harry Hughes
Governor of Maryland
State House
Annapolis, Maryland 21401

Re: Senate Bill 293

Dear Governor Hughes:

This is to advise you that we have reviewed for constitutionality and legal sufficiency Senate Bill 293, a bill which amends the current licensing law for fortune tellers and spiritualists in Dorchester County. As amended, this law would reduce the annual license fee and require that an applicant for a license have been "a resident, taxpayer and property owner of Dorchester County for at least 18 months..." Because this residency requirement violates the Privileges and Immunities Clause of the Federal Constitution, and because it is an integral part of the bill, we are unable to approve the bill.

Article IV, Section 2 of the Federal Constitution provides that "[t]he Citizens of each State shall be entitled to all Privileges and Immunities of Citizens of the several States." This clause "establishes a norm of comity" among the States in their treatment of the residents 1 / of other states. Hicklin v. Orbeck, 437 U.S. 518, 523-24 (1978), and Austin v. New Hampshire, 420 U.S. 656, 660 (1975). Essentially, it requires that each state treat all citizens, residents and nonresidents equally with respect to those "privileges" and "immunities" bearing upon the vitality of the Nation as a single entity. Baldwin v. Fish and Game Commission, 436 U.S. 371, 383 (1978). It has long been established that one of the privileges and immunities protected by this clause is the pursuit of a trade,