

2348

VETOES

4-1208.

UPON THE FAILURE OF ANY PERSON TO APPEAR IN A COURT OF THIS STATE AS REQUIRED BY ANY CHARGING DOCUMENT ACCUSING THE PERSON OF COMMITTING ANY OFFENSE UNDER THIS TITLE, IN ADDITION TO ANY OTHER APPROPRIATE ACTION TAKEN BY THE COURT OR THE DEPARTMENT, ~~THE COURT--AND THE DEPARTMENT SHALL~~ MAY SUSPEND AUTOMATICALLY IMMEDIATELY AND WITHOUT HEARING ANY LICENSE ISSUED TO THE PERSON UNDER THIS TITLE. THE DEPARTMENT MAY NOT ISSUE -A- ANY NEW LICENSE UNDER THIS SUBTITLE TO THE PERSON UNTIL THE PERSON APPEARS IN COURT TO ANSWER THE CHARGING DOCUMENT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1983.

May 31, 1983

The Honorable Melvin A. Steinberg
President of the Senate
State House
Annapolis, Maryland 21404

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed Senate Bill 327.

This bill provides a criminal penalty for out-of-county truck vendors in Garrett County who fail to purchase an itinerant peddler's license, as required by present law.

The Attorney General has advised me that although there is no constitutional objection to the penalty, as such, he regards the existing licensing law as unconstitutional. Since the bill adds a criminal penalty to a law of doubtful constitutionality, and attempts to render more enforceable those existing provisions, the Attorney General has not approved Senate Bill 327. A copy of the Opinion of the Attorney General is attached and should be considered to be a part of this letter.

The Attorney General has questioned the validity of this law under both the Commerce Clause, Article I, Section 8, Clause 3, and the Privileges and Immunities Clause, Article IV, Section 2, Clause 1, of the U. S. Constitution.

For these reasons, I am vetoing Senate Bill 327.

Sincerely,
Harry Hughes