

(ii) A radio communication that is transmitted on frequencies allocated under Subpart D of Part 74 of the Rules of the Federal Communications Commission that is not scrambled or encrypted and the conduct in violation of this subtitle is not for a tortious or illegal purpose or for purpose of direct or indirect commercial advantage or private commercial gain.

(2) (i) The State is entitled to appropriate injunctive relief in an action under this subsection if the violation is the person's first offense under subsection (e)(1) of this section and the person has not been found liable in a prior civil action under § 10-410 of this subtitle.

(ii) In an action under this subsection, if the violation is a second or subsequent offense under subsection (e)(1) of this section or if the person has been found liable in a prior civil action under § 10-410 of this subtitle, the person is subject to a mandatory civil fine of not less than \$500.

(3) The court may use any means within its authority to enforce an injunction issued under paragraph (2)(i) of this subsection, and shall impose a civil fine of not less than \$500 for each violation of an injunction issued under paragraph (2)(i) of this subsection.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2005.

---

May 26, 2005

The Honorable Michael E. Busch  
Speaker of the House  
State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 611 – *Health Occupations – Podiatrists – Scope of Practice*.

This bill allows specified surgical procedures performed by licensed podiatrists to be performed in a licensed ambulatory surgical center under specified circumstances. Moreover, House Bill 611 requires a licensed podiatrist who performs specified surgical procedures in a licensed ambulatory surgical center to have specified surgical privileges at a licensed hospital and meet specified requirements.

Senate Bill 304, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 611.

Very truly yours,  
Robert L. Ehrlich, Jr.  
Governor