

that the premise underlying this legislation is to provide greater statewide uniformity in these areas, the possibility exists that the broad sweep of this bill will invalidate beneficial existing local legislation without any corresponding statewide substitute and, contrary to the sponsor's intent, may undermine public safety.

I have received veto requests expressing that same concern from, among others, the Mayor of Baltimore City, the County Executive of Prince George's County and the County Council of Montgomery County. Significantly, Section 2 of the bill contains a repealer clause with respect to all public general or public local laws that are inconsistent with exclusive State authority to regulate or otherwise legislate in the areas specified in the legislation. Recently, the Court of Appeals in the case of Town of Forest Heights v. Frank, 291 Md. 331, 350 (1981), held that "public local law" included local ordinances adopted by a home rule jurisdiction. While by no means exhaustive, examples of local legislation that would be invalidated were this bill to become law are as follows:

1. Prince George's County Code § 14-140(a) prohibits, among other things, possession of any rifle, shotgun or similar mechanism, while loaded within 1,000 feet of any home or residence other than the possessor's own, or any school or school grounds (public or private), church or church grounds, places of public assembly, and public parks and playgrounds within the county. See also, Howard County Code §§ 19.200 and 19.504 relating to the possession of firearms in recreation areas and parks and Anne Arundel County Code § 6-107A regarding possession of firearms around private property;
2. Baltimore County Code § 18-9(a) which makes it unlawful for a person under 21 to purchase, trade, acquire or possess certain weapons except under certain circumstances. See also Prince George's County Code § 14-141 relating to the transfer of weapons to minors;
3. Montgomery County Code §§ 57-7 and 57-8 regulating the possession and carrying of certain firearms on the person or in a motor vehicle where it is readily available for use; see also Baltimore City Code, Article 19 § 97 relating to unlawful possession and transportation of rifles and shotguns under certain circumstances.
4. Anne Arundel County Code §§ 6-109 and 6-110 prohibiting the storage (except in place for blasting) of gunpowder exceeding 100 pounds or any dynamite or nitroglycerine or other explosives in any quantity whatsoever within 3 miles of any city or town; See also, Baltimore City Code, Art. 9 §§ 21 et seq. concerning the manufacture, storage and permit requirements relating to explosives.