

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1984.

May 29, 1984

The Honorable Benjamin L. Cardin
Speaker of the House of Delegates
State House
Annapolis, Maryland 21404

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed House Bill 315.

This bill, and identical Senate Bill 66 which I have also vetoed today, expressly preempts the authority of any county, municipal corporation or special taxing district to enact local legislation concerning the purchase, sale, taxation, transfer, manufacture, repair, ownership, possession or transportation of certain weapons, ammunition, or explosives. While I understand 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 §