

pending in the Court of Appeals requiring an interpretation of the scope of certain of the State's gambling laws, including the prohibition against possession and operation of slot machines set forth in Article 27 § 264B of the Annotated Code.

The issues raised by Senate Bill 774 and discussed in this veto message reflect my view of its legal, philosophical and regulatory implications. As recent memory reminds us, the history of slot machines in Maryland is not without its color or its passion.

Slot machine gambling has frequently been before the General Assembly, at least since the Great Depression, when it was first legalized as a temporary revenue raising measure in 1937. During the 1940's, the legislature authorized slot machines in four Southern Maryland counties. Slot machines proliferated, raising fears of the potential for corruption and involvement by organized crime. In 1962, Governor J. Millard Tawes commissioned the Slot Machine Study Committee to review the impact of mechanized gambling in the State. Chaired by Richard W. Emory, Esquire, the Committee issued its recommendations (the so called "Emory Commission Report") on how to effect the elimination of slot machine gambling in those counties. Those recommendations formed the basis for legislation (House Bill 475) enacted during the 1963 Session phasing out slot machine gambling and, with very limited exceptions, absolutely prohibiting the possession of the machines (Chapter 617 of the Acts of 1963). As a member of the State Senate in 1963, I vividly recall the floor debates on this issue. Many legislators, including myself, believed that elimination of slot machine gambling in Southern Maryland would, in the long term, result in that region developing a sounder economic foundation based on the virtues of its historic and natural resources as well as its proximity to the Nation's Capital. Without question, Southern Maryland is now fulfilling its economic development potential and its quality of life is envied elsewhere.

The policy considerations underlying Senate Bill 774 cannot be separated from its legal framework and associated legislative history. Senate Bill 774 amends Article 27, § 264B of the Code to create a new exception to the nearly absolute prohibition against possession of slot machines. This is a distinct provision from Article 27 § 255(b) (still in effect and unamended) which is the basis for recent contentions that Senate Bill 774 "clarifies" or "tightens" ambiguities in existing law.

The origin of Article 27, § 255 of the Code, governing gambling at carnivals, bazaars and raffles of volunteer fire companies and other nonprofit organizations was a local Caroline County bill enacted as Chapter 679 of the Acts of 1949. The provisions of that law and subsequent amendments adding other counties are limited to gambling under those types of circumstances. Section 255(b), applicable in 18 counties, states: