

against possession of slot machines. This is a distinct provision from Article 27 § 266(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 non profit 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:

"(b)(1) This subtitle may not be construed to make it unlawful for any volunteer fire company or bona fide fraternal, civic, war veterans', religious or charitable organization or corporation to conduct or hold a carnival, bazaar, or raffle for the exclusive benefit of any such volunteer fire company or fraternal, civic, war veterans', religious or charitable organization or corporation, if no individual or group of individuals benefits financially from the holding of any bazaar, carnival, or raffle or receives or is paid any of the proceeds from any carnival, bazaar, or raffle, for personal use or benefit.

(2) The organization or corporation may award prizes in cash or in merchandise by such devices as are commonly designated as paddle wheels, wheels of fortune, chance books, bingo, or any other gaming device.

(3) However, carnivals, bazaars, or raffles shall be managed by the members of such group, organization or corporation personally through its members. In Carroll County the use of paddle wheels shall be subject to the restrictions of § 258 of this article." (Emphasis supplied)

The phrases "this subtitle" and "any other gaming device" were contained in the 1949 law and predate the enactment of § 264B by Chapter 617 of the Acts of 1963. The Emory Commission Report strongly suggests that, for enforcement reasons, and, but for certain limited exceptions such as free play pinball machines contained in Chapter 617 itself, the possessory prohibition on slot machines was intended to be complete. Indeed, to the extent any ambiguity existed, the 1963 Act contained an uncodified express repealer provision to the extent of any inconsistency in other laws. Similarly, the 1963 House Journal reflects a proffered floor amendment that failed which would have allowed slot machines in nonprofit clubs. Consequently, the issue presented by Senate Bill 774 was expressly before the 1963 General Assembly and rejected.

It has been suggested that amendments attributed to the late Thomas Hunter Lowe adding Talbot and Kent Counties to the list of counties covered by § 255 in Chapter 345 of the Acts of 1968 substantively had the effect of authorizing the use of slot