

SECTION 2, 3 AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1994.

May 26, 1994

The Honorable Casper R. Taylor, Jr.
Speaker of the House of Delegates
State House
Annapolis, Maryland 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed House Bill 349.

House Bill 349 would alter the burden of proof the District Court must use in adjudicating an alleged violation of a zoning ordinance. The bill would require the government to prove the defendant's guilt by clear and convincing evidence.

The title of House Bill 349 states that the bill's purpose is to alter the "standard of proof for ~~the conviction~~ a violation of certain civil zoning ~~violations~~ provisions from a criminal ~~burden~~ standard to a preponderance of evidence standard". However, the body of the bill changes the burden of proof to clear and convincing evidence.

Article III, Section 29 of the Maryland Constitution provides that 'every Law enacted by the General Assembly shall embrace but one subject, and that shall be described in its title.' The test for determining whether the title of an act is so faulty that it violates this provision is whether there is a likelihood that the title may have led to a misconception of the enactment. Pressman v. State Tax Commission, 204 Md. 78 (1959). (Attorney General Bill Review Letter May 18, 1994.)

According to the Attorney General, the contradiction between the title and the body of the bill violates Article III, Section 29 of the Maryland Constitution and advises that the unconstitutional nature of the bill warrants my veto.

For these reasons, I have vetoed House Bill 349.

Sincerely,
William Donald Schaefer
Governor

May 18, 1994

The Honorable William Donald Schaefer
Governor of Maryland
State House
Annapolis, Maryland 21401

Re: House Bill 349

Dear Governor Schaefer: