

Honorable Marvin Mandel  
Speaker of the House  
State House  
Annapolis, Maryland

April 7, 1964.

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I am returning herewith House Bill No. 8, Special Session, which has been vetoed by me today.

This bill changes the description of "establishments" which are prohibited from making sales on Sunday in Anne Arundel County. Under existing law, as recently interpreted and upheld by the Court of Appeals of Maryland in the case of *Richards Furniture Co. v. Board of County Commissioners* (Certiorari denied by the Supreme Court of the United States), retail establishments in Anne Arundel County, the operation of which does not entail the employment of more than one person, not including the owner or proprietor, may sell any and all items at retail in Anne Arundel County on Sunday. Also, under existing law, every market or department store, in which stalls or departments are rented or concessions given to individual merchants or vendors, is considered as one establishment and each stall or department thereof is not considered a separate establishment.

House Bill No. 8 changes this latter concept, so that as changed, every stall or department which is rented, or concession given, to individual merchants or vendors in markets or department stores, is to be considered as one establishment. Should House Bill No. 8 become law, a limited number of large discount type stores or "markets" in Anne Arundel which are presently so constructed (viz., they are compartmentalized into numerous stalls which are rented or placed out on concession) as to permit their operation on Sunday, without restriction, for the sale of any and all items at retail. In other words, whereas under existing law such compartmentalized establishments are considered as being "one establishment," under House Bill No. 8, every stall or department therein will be considered as "one establishment" (rather than the main establishment itself being considered as "one establishment"). The bill, therefore, would enable a very limited number of establishments in Anne Arundel County to sell at retail on Sunday any and all items of merchandise and at the same time deny this same privilege to other retail stores and outlets which are unable to avail themselves of the privilege afforded in this bill.

Although on the surface House Bill No. 8 would appear to be essentially a local bill, an analysis thereof reveals that it has far reaching effects that extend well beyond the boundaries of Anne Arundel County. In reality, it would create an unfair and inequitable competitive advantage to a very limited number of establishments in Anne Arundel County at the expense of innumerable retail stores and outlets in Baltimore City and the counties throughout the State.

In view of the foregoing and the fact that the Senator and Chairman of the Anne Arundel County Delegation recommended that the bill be vetoed, I feel that I have no other alternative than to do so.

With kindest personal regards, I am

Sincerely yours,

(s) J. MILLARD TAWES,  
Governor.