

subtitle "Practitioners of Medicine," subheading "Abortion," repealing IN PART the abortion laws of the State AND STATING THE EFFECT THEREOF ON THE COMMON LAW.

May 26, 1970.

Honorable Thomas Hunter Lowe
Speaker of the House of Delegates
State House
Annapolis, Maryland

Dear Mr. Speaker

In accordance with Article II, Section 17, of the Maryland Constitution, I have today vetoed House Bill 489.

Two years ago, Maryland was hailed as being in the vanguard of states that enacted liberal abortion laws.

Now Maryland is once again being asked to take another legal step that would leave us with no abortion law at all.

This, in effect, is what the legislation before me would do. It has been referred to as an abortion bill. But for all practical purposes it is a negative law. The legislation enacted by the 1970 Maryland General Assembly would remove all laws, all controls over abortion, from the lawbooks.

At the outset, let me state that the decision I am making today is mine—and mine alone. I share the burden of this responsibility with no one. The General Assembly has acted. And now I must act, and I must act on the legislation as it was written and presented to me by the General Assembly.

I have before me today companion bills enacted by the 1970 Maryland General Assembly. The first is Senate Bill No. 257, the "Medical Practices Act." The second is House Bill No. 489, the so-called "Abortion Bill."

Both of these measures were subjected to exhaustive public hearings on April 23, 1970, and extensive legal review by the Attorney General of Maryland.

The Attorney General advised me in a 76-page opinion that both bills meet the test of constitutionality despite legal vagueness and confusion. Furthermore, his opinion stated that the Medical Practices Act, by itself, meets all tests of legal sufficiency. However, the Attorney General and his assistant who researched the legal questions could not agree—and so stated—on whether the bill would become effective. The action I am taking today is not a reflection of personal attitude or philosophy, but rather is based on a thorough consideration of the merits of the legislation before me.

Immediately after enactment of the bill to repeal all abortion laws, I expressed concern about its legal merits on three separate grounds.

First, I noted that the bill contained no residency requirement.

Second, I expressed concern that the measure made no provision for the knowledge of a husband prior to the performing of an abor-