

Re: Senate Bill 64

Dear Governor Lee:

According to its title, the sole purpose of Senate Bill 64 is to add "the metric equivalent to the existing measurement concerning liquor containers in Allegany County." (Emphasis supplied). The two affected sections are Code, Article 2B, §§ 6(b)(2) and 25(1), both of which presently restrict the use of containers for alcoholic beverages smaller than 4/5 quart.

As introduced, the bill merely would have added 750 milliliters, as the approximate metric equivalent of 4/5 quarts in both of these sections. However, the bill was amended to also change "4/5 quart" to "23 ounces" and 750 milliliters to 680 milliliters in both sections.

Thus, as amended the bill does considerably more than add a metric equivalent, viz., it effectively allows the use of containers which are smaller in size than previously permitted, and we are advised that this reduction is not academic, i.e., some producers are using such containers.

Article III, Sec. 29 of the Constitution requires, inter alia, that every law enacted by the General Assembly shall embrace but one subject, and that shall be described in its title.

"The objects designed to be attained by the constitutional provisions are twofold: The first is to prevent the combination in one act of several distinct and incongruous subjects; and the second is, that the Legislature and the people of the State may be fairly advised of the real nature of pending legislation."

State v. Norris, 70 Md. 91, 95 (1889).

In Stiefel v. Md. Insitution for Blind, 61 Md. 144, 148 (1884), the Court of Appeals examined Chapter 403 of the Acts of 1880 under the requirements of this Section. Finding that the measure enacted affirmative legislation under a title which indicated only that an earlier statute was being repealed, the Court held that the title was misleading in contravention of Article III, Sec. 29, supra. However, the Court also held that the act was unconstitutional and void only insofar as it attempted to enact affirmative substantive legislation, thus, its repeal of the earlier statute was held to be valid.

Certainly the title of Senate Bill 64 in no way indicates the substantive change it would work. Moreover, unlike the act at bar in Stiefel, Senate Bill 64 merely establishes new substantive law (i.e., a reduced minimum requirement stated in both the existing system of