

Re: House Bill 2126

Dear Governor Lee:

We regret that we are unable to approve House Bill 2126 as being constitutionally permissible.

Article III, Section 29, of the Constitution requires that every law enacted by the General Assembly shall be described in its title. This requirement has been interpreted by the Maryland Court of Appeals in Leonardo v. County Commissioners, 214 Md. 287 (1957), as mandating that the title of legislation fairly advise the General Assembly and the public of the real nature and subject matter of the legislation sought to be enacted. The title of House Bill 2126 indicates that its purpose is to extend the open season for hunting and trapping muskrats. However, the bill amends Section 10-406(a) of the Natural Resources Article to extend the hunting season for all fur-bearing mammals, not just muskrats. See Natural Resources Article, Section 10-101(g), which defines fur-bearing mammals to include: "any raccoon, opossum, beaver, mink, muskrat and otter." Accordingly, the effect of House Bill 2126 is considerably broader than its title would indicate.

Thus, we must regretfully advise that the measure appears to be constitutionally impermissible.

Very truly yours,  
Francis Bill Burch  
Attorney General

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House Bill No. 2128 - Surveillance Regulation - Cecil  
County

AN ACT concerning

Surveillance Regulation - Cecil County

FOR the purpose of regulating surveillance activities of law enforcement agents of sister states and jurisdictions in Cecil County; creating a penalty in the form of losing registration or registration rights for violating laws relating to surveillance regulation; and providing the alternative of both a penitentiary sentence and fine.

May 29, 1978

Honorable John Hanson Briscoe