REPORT TO

THE GENERAL ASSEMBLY OF 1952

PROPOSED BILLS

VOLUME 1

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LETTER OF TRANSMITTAL

December 28, 1951.

To the Members of the General Assembly:

There is submitted herewith the Report and Recommendations of the Legislative Council of Maryland to the General Assembly of 1952. It covers the first half of the two-year period between the ninety-day sessions of 1951 and 1953. Many of the proposals which have been submitted to the Council since the 1951 session have been deferred for consideration until after the "short" session of 1952; and recommendations on these proposals, if any are made, will be made to the General Assembly of 1953.

Among the more important bills in this volume are those concerning teachers' salaries, Lord Campbell's Act, removal of criminal cases, amendments to the motor vehicle laws, electrical voting in the House of Delegates, the payment of State Police from the general funds budget, and the amendment of the Uniform Acknowledgments Act.

A supplementary report will be issued early in January, 1952.

Respectfully submitted,

GEORGE W. DELLA, Chairman.
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PART I

REPORT AND RECOMMENDATIONS
REPORT AND RECOMMENDATIONS

December 28, 1951.

To the Members of the General Assembly:

The Legislative Council herewith submits its report for the 30-day session of the General Assembly which begins on February 6, 1952.

The Legislative Council met on fourteen separate days after the session of 1951 and up to December 19, 1951. Much of its detailed work was done in committees, the Council being divided into two large committees along the lines of those in the Senate of Maryland.

The Council engaged in an unusual amount of investigative work during the period covered by this report. Its Judiciary Committee devoted a number of hearings to an investigation of the relation between organized crime and government, and its first report on this subject is printed with the Minutes in this volume.

In addition, there was a sub-committee from the Budget and Finance Committee of the Council which studied the question of teachers' salaries, and its report also is printed with the Minutes.

A third special study was by a committee appointed to study the sale of the Havre de Grace racetrack. The report of this committee is to be printed in the supplementary report issued by the Council.

During the period covered by this report, the Legislative Council received a total of sixty-nine sets of proposals, some of which contained a number of separate matters for study. Following the custom established prior to the "short" session of the Legislature in 1950, the Council decided to defer active consideration of some of these proposals until after the 1952 session; so that its reports on these recommendations, if any, will be made to the General Assembly of 1953.

The Legislative Council submits the following bills for the consideration of the General Assembly at its regular 30-day session of 1952 (all references to the Code being to the 1951 Edition):

ACKNOWLEDGMENTS

The Council is proposing a bill to place all laws as to acknowledgments in Article 18 of the Code and to bring the Maryland statutes into line with the uniform state laws on this subject; the bill also contains a clarifying amendment to Section 1 of Article 21.

BANKS AND BANKING

On the recommendation of the State Banking Department, a bill is submitted to amend Section 6 of Article 11 of the Code to have the Department's examinations made twice in every eighteen months.

CLERKS OF COURT

There is a bill to repeal Section 33 of Article 17 of the Code; it concerns the transcribing of certain docket books by the Clerk of the Court, and is thought to be obsolete and unnecessary.
CRIMES AND PUNISHMENTS

The Council is recommending a bill to amend Sections 405, 406, 407 and 420 of Article 27 of the Code, raising the distinction between petit larceny and grand larceny from $25 to $100.

Another bill would amend Section 109 of Article 75, providing for the possible removal of criminal cases whenever the penalty on conviction may involve confinement in the Pententary.

Another bill would repeal Section 23 of Article 26 of the Code; it concerns stays of execution, and is thought to be obsolete and unnecessary.

GENERAL ASSEMBLY

The Legislative Council is submitting four proposals concerning the workings of the Legislature. First, there are two proposals relating to the use of the electrical voting system in the House Chamber. One would make it a criminal offense for any person not a member of the House to operate the voting mechanism belonging to a member; and the second proposal is for the amendment of the House Rules to make the necessary changes in procedure.

Another bill recommended by the Council is to amend Section 17 of Article 2 and Section 30 of Article 3 of the Constitution, revising the time and manner of voting on bills vetoed by the Governor following the adjournment of the General Assembly.

Finally, a change is submitted in House and Senate Rules No. 38, concerning the work of the Rules Committee at the 30-day budgetary sessions of the General Assembly.

HEALTH

A bill is proposed to add Section 576 to Article 48 of the Code, requiring the examination of dogs suspected of having rabies.

LORD CAMPBELL'S ACT

The Council is proposing a bill to amend Section 4 of Article 67 of the Code, concerning the right to recover for death caused by negligence, giving a right of action to any person who as a matter of fact was dependent upon the person killed.

MOTOR VEHICLES

A number of bills are submitted involving amendments to the motor vehicle laws. One set of these bills are recommended by the Commissioner of Motor Vehicles. The first would amend Section 35(a) of Article 66½ of the Code, to clarify the laws as to the time of expiration of motor vehicle registrations. Another would amend Section 34(b) of Article 66½, to clarify the laws as to the time new tags may be displayed on motor vehicles. There is a bill to amend Section 83 of Article 66½, concerning the refunds which may be made on unused license tags. Also, there is a bill to amend Section 15 of Article 66½, permitting the Department to destroy records of the Financial Responsibility Division after three years. Another bill would amend Section 22(a) of Article 66½, to clarify the laws as to the issue of free tags to certain disabled veterans. Finally, there is a bill to amend Section 82 of Article 66½, concerning registration of motor vehicles for part of a year.

Several other bills are submitted after having been proposed by the Automobile Trade Association. One would amend Sec-
tion 60 of Article 66½ of the Code, to permit dealers to use their dealers’ tags on vehicles used mainly in the course of their business, even if the particular use is a personal one. Another bill would amend Section 61 and repeal Section 64 of Article 66½, to permit used car dealers to use the temporary paper tags on used cars sold by them. Also, there is a bill to amend Section 28 of Article 66½ and Section 322 of Article 81, to clarify the application of the sales and title taxes to the sale of motor vehicles.

Another bill submitted by the Legislative Council would amend Section 80 of Article 66½, adding a class of registration for small motor vehicles used for the transportation of school children.

STATE POLICE
The Council recommends a bill to amend Section 303 of Article 66½, to pay the expenses of the State Police out of general funds, rather than from motor vehicle revenue.

SUPPORT DECREES
A bill is submitted to amend Section 7 of Article 89C of the Code, to correct an error in terminology.

TAXES AND ASSESSMENTS
There is a bill to amend Section 277A of Article 81 of the Code, to clarify the use of the optional standard deduction in the payment of State income taxes.

Another bill would defer uniformly for all the political subdivisions, the application of the new law for three-year assessment cycles, so that it would become effective in 1954.

TEACHERS’ SALARIES
The Council is submitting a Joint Resolution to provide for the appointment of a commission to study and re-evaluate the public school system. There also is a bill to provide that the annual increments in teachers’ salaries shall be $200 for eight years. A third proposal is to increase teachers’ salaries by $300 annually, with the State to pay the increased cost; this does not require any additional bill, since the Council has recommended that H. B. 610 of 1951 be re-passed over the Governor’s veto.

WATER POLLUTION
The Council submits a bill to repeal Section 44 of Article 66C and Section 375 of Article 43 of the Code, and to amend Sections 34, 35, 36, 39, 41 and 42 of Article 66C, amending generally the laws relating to water pollution.
PART II

PROPOSED BILLS

SUBMITTED TO

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Teachers' Salaries
Title Tax
Veterans
Vetoes
Water Pollution
This bill is similar to H. B. No. 14 as introduced in the 1951 Session upon recommendation of the Maryland Commissioners on Uniform State Laws. It would amend the Uniform Act on Acknowledgments. Maryland adopted such an Act in 1941, so the present bill is simply to amend the earlier one. In addition, the Maryland Commissioners on Uniform Laws have suggested that for purposes of clarity and brevity, several sections in Article 21 of the Code should be repealed and one other section should be transferred to Article 18, in which the Uniform Act is codified. The entire bill would bring the Maryland law on acknowledgments in line with the latest proposals of the Commissioners on Uniform State Laws, would place all the laws on this subject in one part of the Code, and would repeal a number of sections thought to be unnecessary in view of this more recent law.

Item No. 11

A BILL

ENTITLED

AN ACT to repeal and re-enact, with amendments, Section 1 of Article 21 of the Annotated Code of Maryland (1951 Edition—being also Section 1 in the 1939 Edition), title "Conveyancing", sub-title "Conveyances in General", to repeal Sections 4, 5, 6, 7, 8, 10, 11 and 12 of said Article 21 (1951 Edition—being Sections 3, 4, 5, 6, 6A, 7, 8 and 9 in the 1939 Edition and 1947 Supplement); to transfer Section 9 of said Article 21 to Article 18 of the Annotated Code of Maryland (1951 Edition—being Section 6B in the 1947 Supplement), title "Acknowledgments", sub-title "Uniform Acknowledgments Act", the said section so transferred to be known as Section 22 of said Article 18; to repeal Sections 1 to 8, inclusive, of said Article 18 (being also Sections 1 to 8 in the 1939 Edition), to repeal and re-enact, with amendments, Sections 9, 11, 17(b) and 18 of said Article 18 (being Sections 10, 12, 18(b) and 19 in the 1939 Edition), and to add a new section to said Article 18, said, section to be known as Section 18A and to follow immediately after Section 18 of said Article, all relating to acknowledgments.

1. Be it enacted by the General Assembly of Maryland, That Sections 4, 5, 6, 7, 8, 10, 11 and 12 of Article 21 of the Annotated Code of Maryland (1951 Edition—being Sections 3, 4, 5, 6, 6A, 7, 8 and 9 in the 1939 Edition and 1947 Supplement), title "Conveyances", sub-title "Conveyances in General", be and they are hereby repealed and that Section 1 of said Article 21, (being also Section 1 in the 1939 Edition), be and it is hereby repealed and re-enacted, with amendments, to read as follows:

1. No estate of inheritance or freehold, or any declaration or limitation of use, or any estate above seven years, shall pass or take effect unless the deed conveying the same be executed, acknowledged and recorded as herein provided; except that whenever a lease of an initial term of not more than seven years contains an option or options
of renewal entitling any party to said lease to extend the
total duration thereof to a period of more than seven years
from the original date of the initial term, this section shall
apply, but no provision for a renewal, automatic or other-
wise, in a lease shall make this section applicable if it may
be terminated by either party within seven years after the
original date of the initial term. All such deeds shall be
acknowledged before some one of the officers named in
Sections 10, 11 and 12 of Article 18, [three, four, five and
six of this article] and any unmarried woman between the
age of eighteen years and twenty-one years, shall have
power to make a deed of trust of her property, real, per-
sonal or mixed; provided, the same shall be approved and
sanctioned by a court having equity jurisdiction in the city
or county where the grantor resides, upon the petition of
said grantor, and such proof as the court in its discretion
may require.

2

1. [Sec. 2. And be it further enacted, That Sections 1 to 8,
inclusive, of Article 18 of the Annotated Code of Maryland
(1951 Edition—being also Sections 1 to 8 in the 1939 Edi-
tion), title “Acknowledgments”, be and they are hereby
repealed and that Sections 9, 11, 17(b) and 18 of said
Article 18 (1951 Edition—being Sections 10, 12, 18(b)
and 19 in the 1939 Edition), sub-title “Uniform Acknow-
ledgments Acts”, be and they are hereby repealed and re-
acted, with amendments, and that a new section be and
it is hereby added to said Article 18, said new section to be
known as Section 18A, to follow immediately after Section
18 of said Article, and all to read as follows:

9. (Acknowledgment of Instruments.) Any instrument
may be acknowledged in the manner and form [now pro-
vided by the laws of this State, or as] provided by this
sub-title.

11. (Acknowledgment Within the United States.) The
acknowledgment of any instrument may be made without
the State but within the United States or a territory or
insular possession of the United States or the District of
Columbia [or the Philippine Islands] and within the juris-
diction of the officer, before:

(1) A Clerk or Deputy Clerk of any Federal Court;
(2) A Clerk or Deputy Clerk of any court of record of
any State or other jurisdiction;
(3) A Notary Public;
(4) A Commissioner of Deeds;

17. (Authentication of Acknowledgments.)
(b) If the acknowledgment is taken without this State,
but in the United States, a territory or insular possession
of the United States, or the District of Columbia [or the
Philippine Islands], the certificate shall be authenticated
by a certificate as to the official character of such officer,
executed, if the acknowledgment is taken by a Clerk or
Deputy Clerk of a court, by the presiding judge of the court
or, if the acknowledgment is taken by a Notary Public,
by a Clerk of a Court of Record of the County, Parish or
District in which the acknowledgment is taken. The signa-
ture to such authenticating certificate may be a facsimile
printed, stamped, photographed or engraved thereon when
the certificate bears the seal of the authenticating officer.

18. (Acknowledgments Under Laws of Other States.)
Notwithstanding any provision in this sub-title contained,
the acknowledgment of any instrument without this State
in compliance with the manner and form prescribed by the
laws of the place of its execution, if in a State, a Territory
or insular possession of the United States, or in the Dis-

tribute of Columbia, [or in the Philippine Islands.] verified
by the official seal of the officer before whom it is ac-
knowledged, and authenticated in the manner provided by
Section 18, sub-section (b), hereof, shall have the same
effect as an acknowledgment in the manner and form
prescribed by the laws of this State for instruments exe-
cuted within the State.

18A. (Acknowledgments by Persons Serving in or with
the Armed Forces of the United States Within or Without
the United States.) In addition to the acknowledgment of
instruments in the manner and form as otherwise au-
thorized by this sub-title, any person serving in or with the
armed forces of the United States may acknowledge the
same wherever located before any commissioned officer in
active service of the armed forces of the United States with
the rank of Second Lieutenant or higher in the Army or
Marine Corps, or Ensign or higher in the Navy or United
States Coast Guard. The instrument shall not be rendered
invalid by the failure to state therein the place of execution
or acknowledgment. No authentication of the officers' cer-
tificate of acknowledgment shall be required but the officer
taking the acknowledgment shall indorse thereon or attach
thereto a certificate substantially in the following form:

On this the ............ day of ............., 19........, before me,
the undersigned officer, personally
appeared ........................................, known to me (or
satisfactorily proven) to be serving in or with the armed
forces of the United States and to be the person whose
name is subscribed to the within instrument and ac-
knowledged that ................. he ................. executed the
same for the purposes therein contained. And the under-
signed does further certify that he is at the date of this
certificate a commissioned officer of the rank stated below
and is in the active service of the Armed Forces of the
United States.

........................................

Signature of Officer.

........................................

Rank of Officer and Command
to which attached.

Sec. 3. And be it further enacted, That Section 9 of
Article 21 of the Annotated Code of Maryland (1951
Edition—being Section 6B in the 1947 Supplement), title
"Conveyancing", sub-title "Conveyances in General", be
and it is hereby transferred and added to Article 18 of the
Annotated Code of Maryland (1951 Edition), title "Ac-
knowledgments", said section to be known as Section 22
and to follow immediately after Section 21 of said Article.

Sec. 4. And be it further enacted. That this Act shall
take effect June 1, 1952.
Explanation

This bill is recommended by the Deputy Bank Commissioner. It would provide for examinations of State banks at least twice in every period of eighteen months, rather than twice in every year. The Deputy Commissioner points out that during the decade from 1940 to 1950, only three new bank examiners were added to the staff of the Banking Department. In the same period, total resources of all institutions under the Banking Department increased by 120% and loans in these institutions increased by 118%. These increases make the task of examinations much more difficult. With the present force of examiners, it is not possible to make two examinations every year, as the statute now requires. It is the feeling of the Banking Department that with the present force of examiners it could make two examinations within eighteen months, and that these examinations could be done adequately and without in any way relaxing the standards or abridging the safety afforded to the general public.

Item No. 61.

A BILL

ENTITLED

AN ACT to repeal and re-enact, with amendments, Section 6 of Article 11 of the Annotated Code of Maryland (1951 Edition—being Section 7 of the 1939 Code), title “Banks and Trust Companies,” sub-title “Bank Commissioner,” relating to the examination of banking institutions in the State.

SECTION 1. Be it enacted by the General Assembly of Maryland, That Section 6 of Article 11 of the Annotated Code of Maryland (1951—being Section 7 of the 1939 Code), title “Banks and Trust Companies,” sub-title “Bank Commissioner,” be and it is hereby repealed and re-enacted, with amendments, to read as follows:

6. The Commissioner, Deputy Commissioner, or an Examiner appointed by the Commissioner shall at least twice in each [year] eighteen months, and whenever he considers it expedient, visit each banking institution in this State, other than National Banks. At such visits he shall in the presence of one of the officers of the institution, have free access to the vaults, books and papers, and he shall inspect and examine the affairs of the institution, to ascertain its condition and see whether it complies with the provisions of law.

SEC. 2. And be it further enacted, That this Act shall take effect June 1, 1952.
Explanation

This bill was originally recommended by one of the Clerks of Court, and concurred in by a majority of the Clerks in the several courts of this State. It would repeal Section 28 of Article 17 in the 1939 Code, which requires the clerks of court to transcribe docket entries in separate books after each term of court. The Rules of the Court of Appeals and the Rules of some of the Circuit Courts make the transcribing of such dockets unnecessary. There seems to be sufficient provision in other sections of Article 17 and in the Rules of the Courts, to permit the keeping of such dockets if desired.

Item No. 30.

A BILL

ENTITLED

AN ACT to repeal Section 33 of Article 17 of the Annotated Code of Maryland (1951 Edition—being Section 28 in the 1939 Edition), title "Clerks of Courts," sub-title "Docket and Docket Entries," said section requiring the clerks of courts to transcribe certain docket entries in separate books after each term.

1 WHEREAS, the rules of the Court of Appeals provide that
2 the several clerks of courts shall keep substantial dockets
3 and make docket entries to show the real condition and
4 progress of proceedings, hereby making it unnecessary to
5 transcribe and keep separate dockets, as required by Sec-
6 tion 33; and

7 WHEREAS, a majority of the clerks do not at the present
8 time keep such dockets; now therefore

1 SECTION 1. Be it enacted by the General Assembly of
2 Maryland, That Section 33 of Article 17 of the Annotated
3 Code of Maryland (1951 Edition—being Section 28 in the
4 1939 Edition), title "Clerks of Courts", sub-title "Docket
5 and Docket Entries," be and it is hereby repealed.

1 SEC. 2. And be it further enacted, That this Act shall
2 take effect June 1, 1952.
A BILL

ENTITLED

AN ACT to repeal and re-enact, with amendments, Sections 405, 406 and 407 of Article 27 of the Annotated Code of Maryland (1951 Edition), title "Crimes and Punishments," sub-title "Larceny," and Section 420 of said Article, sub-title "Larceny after Trust," (being respectively Sections 387, 388, 389 and 401A in the 1939 Edition and 1947 Supplement), increasing to $100.00 the distinction between petit larceny and grand larceny, amending generally the laws concerning larceny and removing certain obsolete or unnecessary provisions from said sections.

SECTION 1. Be it enacted by the General Assembly of Maryland, That Sections 405, 406 and 407 of Article 27 of the Annotated Code of Maryland (1951 Edition), title "Crimes and Punishments," sub-title "Larceny," and Section 420 of said Article, sub-title "Larceny after Trust," (being respectively Sections 387, 388, 389 and 401A in the 1939 Edition and 1947 Supplement), be and they are hereby repealed and re-enacted, with amendments, to read as follows:

405. Every person convicted of the crime of larceny to the value of [Twenty-five] One Hundred Dollars or upwards, or as accessory thereto before the fact shall be deemed guilty of a felony, and shall restore the money, goods or things taken to the owner, or shall pay him the full value thereof, and be sentenced to the penitentiary for not more than fifteen years, or to the House of Correction or Jail for not more than ten years.

406. (a). If any person shall steal, take or carry away personal goods of another under the value of [Twenty-five] One Hundred Dollars and being thereof convicted he shall be deemed guilty of a misdemeanor, and shall restore the goods and chattels so stolen or pay the full value thereof to the owner thereof, and be fined not more than Fifty Dollars or imprisoned for not more than eighteen months in the House of Correction or jail, or both fined and im-
prisoned; provided that all actions or prosecutions here-
under shall be commenced within two years after the com-
mission of said offense.

(b). All prosecutions for violations of the provisions of
this section may be either upon presentment and indict-
ment in any court having criminal jurisdiction in this
State, or by trial before any justice of the peace in and for
the county or the City of Baltimore, as the case may be,
where the offense occurs, and jurisdiction original and
concurrent with the said courts having criminal jurisdic-
tion is hereby given to the said justices of the peace, and
they shall have power to issue all processes and do all acts
which may be necessary for the exercise of said jurisdic-
tion; and may try and determine all such cases and may
pronounce judgment and impose sentence therein to the
same extent as the aforesaid courts having criminal juris-
diction could do in such cases, if such cases were tried be-
fore such court without a jury; provided, however, that if
any person when brought before any such justice having
jurisdiction of the case, shall, before the trial for the
alleged offense, pray a jury trial, or if the State's Attorney
for the county where the offense occurs shall, before the
trial of such alleged offense, pray a jury trial on behalf of
the State, it shall be the duty of such justice to commit
such alleged offender for trial, or to hold him to bail to
appear for trial in the court having criminal jurisdiction
in the case, at its then or next session, and to transmit
said commitment or recognizance, with the names and
residences of the witnesses for the prosecution endorsed
thereon, forthwith to the Clerk of such Court; and the
justice of the peace, before whom the accused is brought
for trial, shall inform him seasonably of his right to de-
mand a trial by jury.

[Provided further that nothing in these sections shall
be construed to change, enlarge or diminish the jurisdic-
tion of Justices of the Peace in any of the Counties of the
State or City of Baltimore who are herein specifically vest-
ed with authority to hear, try, and determine cases under
Section 388 of this Article, but that only such justices are
vested with authority herein as would have jurisdiction
and authority to hear, try and determine cases of violation
of the law before June 1, 1941.

Provided that nothing in this section shall be construed
to interfere with any prosecution that has or may here-
after be commenced for any violation of this section here-
by repealed and re-enacted happening previous to June
1, 1941.]

407. If any person shall break into any shop, storehouse,
tobacco house, warehouse, or other building, although the
same be not contiguous to or used with any mansion house,
with intent to steal any money, goods or chattels under
the value of [Twenty-five] One Hundred Dollars, or if any
person shall break into any shop, storehouse, tobacco house,
warehouse, or other building, although the same be not
contiguous to or used with any mansion house, and steals
from thence any money, goods or chattels under the value
of [One Dollar] Five Dollars, he, his aiders, abettors and
counsellors shall be deemed guilty of a misdemeanor and
shall be tried before the Circuit Court of the County where-
in the offense may have been committed or the Criminal
Court of Baltimore City, if the offense be committed in
the City of Baltimore, and being thereof convicted, shall
restore the goods and chattels so stolen, or pay the full
value thereof to the owner thereof, and be further sent-
enced to the Penitentiary or House of Correction, or to
the Jail of the County in which the offense may have been
committed, or of the City of Baltimore, if the offense be
committed in said City, in the discretion of the Circuit
Court of the County or the Criminal Court of Baltimore
City, wherever the offense may have been committed, for
not more than eighteen months.

[Provided that nothing in these sections shall be con-
strued to interfere with any prosecution that has or may
hereafter be commenced for any violation of these sections
byre repealed or added happening previous to June
1, 1941.]

420. Any person who shall be entrusted with the posses-
sion of goods or things of value for the purpose of apply-
ing the same for the use and benefit of the owner or per-
son who delivered the goods and things who shall fraudu-
ently convert the same to his own use, shall, where the
value of the thing so converted is [Twenty-five] One
Hundred Dollars or more, be deemed guilty of a felony,
and shall restore the goods or things so converted or pay
the full value to the owner thereof or to the person who
delivered the goods and things and upon conviction be
fined not more than One Thousand Dollars or imprisoned
for not more than five years or both fined and imprisoned
and shall, where the value of the goods or things so con-
verted is less than [Twenty-five] One Hundred Dollars,
be deemed guilty of a misdemeanor and shall restore the
goods and things so converted or pay the full value thereof
to the owner thereof or to the person who delivered the
goods and things and upon conviction be fined not more
than Five Hundred Dollars or imprisoned in the House of
Correction or jail for not more than one year, or both fined
and imprisoned. Where the value of the goods or things
so converted is less than [Twenty-five] One Hundred
Dollars he shall be prosecuted in the manner prescribed in
Section 406 of this Article.

[Provided that nothing contained herein in this section
shall be construed to alter or repeal any section contained
in this Article.]

SEC. 2. And be it further enacted, That nothing in this
Act shall be construed to apply in any way to cases pend-
ing prior to June 1, 1952, or to offenses or alleged offenses
occurring prior to June 1, 1952.

SEC. 3. And be it further enacted, That this Act shall
take effect June 1, 1952.
This bill is recommended by the Hon. John Grason Turnbull, Senator from Baltimore County. It would permit a right of removal in criminal cases wherein confinement in the Maryland Penitentiary may be imposed as a penalty. At the present time, the only criminal cases in which there is a right of removal are those involving possible capital punishment. On the other hand, there is a right of removal in civil cases involving relatively slight sums of money. It is Senator Turnbull's contention that a case which may result in imprisonment in the Penitentiary is sufficiently important to warrant a right of removal if either of the parties feels there cannot be a fair and impartial trial in the court of original jurisdiction.

Item No. 42,

A BILL

ENTITLED

AN ACT to repeal and re-enact, with amendments, Section 109 of Article 75 of the Annotated Code of Maryland (1951 Edition—being the same section in the 1939 Edition), title "Pleadings, Practice and Process of Law," sub-title "Removal of Cases," providing for the removal of criminal cases where the penalty on conviction is or may be by confinement in the Penitentiary.

SECTION 1. Be it enacted by the General Assembly of Maryland, That Section 109 of Article 75 of the Annotated Code of Maryland (1951 Edition—being the same section in the 1939 Edition), title "Pleadings, Practice and Process of Law," sub-title "Removal of Cases," be and it is hereby repealed and re-enacted, with amendments, to read as follows:

109. The parties to any cause may submit the same to the court for determination without the aid of the jury; and in all suits or actions at law, issues from the orphans' court, or from any court sitting in equity, and in all cases of presentments of indictments for offenses which are or may be punishable by death or by imprisonment in the Maryland Penitentiary, pending in any of the courts of law in this State having jurisdiction thereof, upon suggestion in writing, under oath, of either of the parties to said proceedings, that such party cannot have a fair and impartial trial in the court in which the same may be pending, the said court shall order and direct the record of proceedings in such suit or action, issue, presentment or indictment, to be transmitted to some other court having jurisdiction in such case for trial; but in all other cases of presentment or indictment pending in any of the courts of law in this State having jurisdiction thereof, in addition to the suggestion in writing of either of the parties to such presentment or indictment that such party cannot have a fair and impartial trial in the court in which the same may be pending, it shall be necessary for the party making such suggestion to make it satisfactorily appear
to the court that such suggestion is true, or that there is
reasonable ground for the same; and thereupon the said
court shall order and direct the record of proceedings in
such presentment or indictment to be transmitted to some
other court having jurisdiction in such cases for trial; and
such right of removal shall exist upon suggestion in cases
when all the judges of said court may be disqualified, under
the provisions of the constitution, to sit in any such case;
and said court to which the record of proceedings in such
suit or action, issue, presentment or indictment may be so
transmitted, shall hear and determine the same in like
manner as if such suit or action, issue, presentment or in-
dictment had been originally instituted therein.

1 Sec. 2. And be it further enacted, That this Act shall
2 take effect June 1, 1952.
Explanation

This bill is recommended by Mr. Charles McC. Mathias, Jr., a member of the Bar of Frederick County. It would repeal a section of the laws concerning stays of execution to which defendants are declared to be entitled. This section is no longer followed by the Courts, and its being continued on the statute books is the cause of difference of opinion as to whether, and in what instances, it has any applicability. It is the suggestion of Mr. Mathias that this subject could be referred to the Court of Appeals to be handled by Rule, if some written provisions are deemed necessary.

Item No. 58.

A BILL

ENTITLED

AN ACT to repeal Section 23 of Article 26 of the Annotated Code of Maryland (1951 Edition—being the same section number in the 1939 Edition), title “Courts,” sub-title “Judgments,” said section relating to stay of execution in cases of judgments rendered at the second term after defendant has been summoned until the next ensuing term.

1 WHEREAS, the provisions of said section seem to be based on a legal practice no longer generally followed by the courts, thereby resulting in considerable confusion and difference of opinion as to its application to any particular type of judgment; and

6 WHEREAS, there would seem to be no need for continuing the provisions of said section; now therefore

1 SECTION 1. Be it enacted by the General Assembly of Maryland, That Section 23 of Article 26 of the Annotated Code of Maryland (1951 Edition—being the same section number in the 1939 Edition), title “Courts,” sub-title “Judgments,” be and it is hereby repealed.

1 Sec. 2. And be it further enacted, That this Act shall take effect June 1, 1952.
Explanation

This bill is recommended by a sub-committee of the Legislative Council, composed of Messrs. Luber, Boone, Lofstrand, Dempsey and Derr. This sub-committee was appointed to make recommendations for changes in the Rules of the House which may be required for the use of the electrical voting system, and its suggestions were made by unanimous action. The sub-committee drafted proposed changes in the Rules, and also submitted this bill to make it a criminal offense for any non-member of the House of Delegates to use the voting mechanism belonging to any member so as to cast a vote on any question or proposition before the House. The proposed Rules also treat this subject, but it was thought best by the sub-committee to recommend the enactment of a criminal statute in addition to the Rules.

Item No. 51(1)

A BILL

ENTITLED

AN ACT to add a new section to Article 40 of the Annotated Code of Maryland (1951 Edition), title "General Assembly," said new section to be known as Section 41 and to follow immediately after Section 40 of said Article, to be under the sub-title "Electrical Voting Machine," providing penalties for any non-member who shall cast a vote on any question or proposition before the House of Delegates by using the electrical voting machine belonging to any member thereof.

SEC. 1. Be it enacted by the General Assembly of Maryland, That a new section be and it is hereby added to Article 40 of the Annotated Code of Maryland (1951 Edition), title "General Assembly," said new section to be known as Section 41, to follow immediately after Section 40 of said Article, to be under the sub-title "Electrical Voting Machine," and to read as follows:

ELECTRICAL VOTING MACHINE

SEC. 1. No person not a member of the House of Delegates shall operate the electrical voting machine mechanism belonging to any member, so as to cast a vote on any question or proposition before the House. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction of such offense shall be sentenced by the Court to imprisonment for a period of five years. Such penalty shall be in addition to any penalty that may be provided by the House of Delegates for such offense.

SEC. 2. And be it further enacted, That this Act is hereby declared to be an emergency measure and necessary for the immediate preservation of the public health and safety and having been passed by a yea and nay vote, supported by three-fifths of all the members elected to each of the two Houses of the General Assembly of Maryland, the same shall take effect from the date of its passage.
Explanation

This proposal is to amend the Rules of the House of Delegates in order to provide for the new system of electrical voting. These Rules were unanimously recommended by a sub-committee of the Legislative Council, composed of Messrs. Luder, Boone, Lofstrand, Dempsey and Derr. The substance of the proposals is contained in the new Rule No. 88A. It was the aim of the sub-committee to make as little change as possible in the traditional procedures and practices of the House of Delegates, consistently with the new manner of recording yea and nay votes. The sub-committee also recommended amendments to the present Rules 6, 19 and 19A, but these amendments are mainly for clarification by inserting in these present rules cross references to pertinent provisions in the new Rule No. 88A.

Item No. 51 (2)

Proposed Changes in the Rules of the House of Delegates for the Use of the Electrical Voting System

ORDERED, by the House of Delegates, That Rules 6, 19 and 19A be repealed and re-enacted with amendments, and that a new Rule 88A be added to the Rules of the House, all to read as follows:

6. Prerogatives. The Speaker may speak on points of order in preference to other members. He shall decide on all points of order, and his decision shall be final unless upon an appeal therefrom it is reversed on a yea and nay vote by a majority of the members present. His title shall be called first whenever the roll of the House is called or whenever a yea and nay vote is recorded under the provisions of Rule 88A below, and unless he excuses himself he shall vote on all questions except on an appeal from his decision on a question of order.

19. Voting. Every member present shall vote on every question put to the House unless he shall excuse himself, in which event his name shall be entered on the Journal as having been excused from voting. A member excusing himself from a yea and nay vote taken under Rule 88A below shall be subject to the provisions thereof. Provided, however, that no member shall vote on any question in the result of which he has an immediate personal or financial interest.

19A. Explanation of Vote. Any member who shall rise to explain his vote on any Bill or other question shall be limited to three minutes for each such explanation. If the explanation is made during the recording of a yea and nay vote, it shall be according to the provisions of Rule 88A below.

88A. Electric Voting System. (a) In recording the yea and nay votes on any question or proposition, the vote shall be taken by the electrical voting machine. If at any time the electrical voting machine is out of order or not operating properly, the Speaker may order the yea and nay votes on any question or proposition to be tallied on a paper roll call. There shall be no difference in the force and effect of the
two methods of recording the yeas and nays. Names of the 
members shall be arranged on the electrical voting machine 
panel, by alphabetical order within counties, with the coun-
ties to be listed according to seniority.

(b) When the House is ready to vote upon any question 
requiring the recording of the yeas and nays, the Speaker 
shall announce the question before the House and instruct 
the members to record their votes. The Reading Clerk shall 
then call the Speaker's name, and after the Speaker has 
anounced his vote and recorded it upon the electrical vot-
ing machine, the other members shall proceed to record 
their votes.

c) When sufficient time has been allowed the members 
to vote, the Speaker shall inquire whether all members 
present have voted. After a short pause he shall close the 
electrical voting machine and announce the vote. In his 
discretion at any time, the Speaker may operate the elec-
trical voting machine to show continuous totalization or 
roll-call.

d) After the Speaker shall have inquired whether all 
member's present have voted, and before the electoral vot-
ing machine shall have been closed, any member may ex-
cuse himself from voting subject to the provisions of Rule 
19 above, or rise to explain his vote, subject to the provi-
sions of Rule 19A above.

e) Up until the time that the electrical voting machine 
is closed by the Speaker, any member may change his vote.

(f) No person not a member shall operate the voting 
mechanism belonging to any member so as to cast a vote 
on any question or proposition before the House. Any per-
son who shall thus cast a vote for a member shall be sub-
ject to such punishment as the House may deem proper, 
in addition to such penalties as may be prescribed by law 
and he shall also be barred from the floor of the House for 
the remainder of the legislative session.

(g) No member shall operate the voting mechanism be-
longing to any other member, so as to cast a vote on any 
question or proposition before the House. The House may 
punish any member for so using the voting mechanism be-
longing to any other member.
This proposal is to amend Senate and House Rules No. 38, concerning the procedure at the 30-day budgetary session of the General Assembly. The Rules now provide that every bill except the Budget Bill shall upon introduction be referred to the Rules Committee, for screening as to whether the subject matter may properly be considered within the constitutional provisions regulating these sessions. These Rules were interpreted in 1950 to mean that once a bill had been screened by the Rules Committee in the House of introduction, it did not have to go to the Rules Committee in the other House. This proposed change would require every bill except the Budget Bill to go to the Rules Committee in each House. The purpose is to try to stop the consideration of some of the very doubtful types of legislation which were passed in 1950 and which subsequently the Court of Appeals has declared to be unconstitutional when enacted at a 30-day session.

Item No. 51(3)

PROPOSED AMENDMENTS TO
HOUSE & SENATE RULES

1 Ordered by the House of Delegates of Maryland, that House Rule No. 38 be amended to read as follows:

38. Thirty-Day Sessions. In any of the thirty-day sessions in even years, the House shall consider no bills other than (1) bills having to do with budgetary, revenue and financial matters of the State government, (2) legislation which deals with an acute emergency, and (3) legislation in the general public welfare. Upon introduction first reading, every House and Senate bill, except the Budget Bill, shall be referred to the Rules Committee. The Rules Committee shall consider each such bill and shall promptly report to the House every bill which comes within the terms of this Rule, with the recommendation that it be recommitted to the appropriate standing or special committee; any bill which in subject matter does not come within the terms of this Rule shall be held in the Rules Committee.

Ordered by the Senate of Maryland, that Senate Rule No. 38 be amended to read as follows:

38. Thirty-Day Sessions. In any of the thirty-day sessions in even years, the Senate shall consider no bills other than (1) bills having to do with budgetary, revenue and financial matters of the State government, (2) legislation which deals with an acute emergency and (3) legislation in the general public welfare. Upon introduction first reading, every Senate and House bill, except the Budget Bill, shall be referred to the Rules Committee. The Rules Committee shall consider each such bill and shall promptly report to the Senate every bill which comes within the terms of this Rule, with the recommendation that it be recommitted to the appropriate standing or special committee; any bill which in subject matter does not come within the terms of this Rule shall be held in the Rules Committee.
Explanation

This bill was recommended to the Legislative Council by Messrs. Luber, Boone, Lofstrand and Derr, all members of the House of Delegates. It would amend the Constitution to change the manner of acting on bills vetoed following the adjournment of the General Assembly. At the present time, by a constitutional provision adopted in 1950, all such bills are returned to the House of origin at the regular or special session next following, for a vote on overriding the veto. This can mean a delay of nearly a year in the final consideration of the vetoed bills, as occurred following the 1951 session. More seriously, when an election is held during the interim, it can mean that a new General Assembly and perhaps a new Governor will be in office, to re-consider bills acted upon and vetoed by officials no longer in office. The present bill would provide instead that the General Assembly would automatically convene in special session about six weeks following adjournment, for the sole purpose of acting upon vetoed bills. The bill also incorporates into the Constitution the substance of House and Senate Rules No. 59, in order that the time of presentation of bills to the Governor will not be left to mere legislative rule; otherwise it would be possible simply by amending the rules to defeat the workings of the new system of acting upon vetoes.

Item No. 56

A BILL

ENTITLED

AN ACT to propose amendments to Section 17 of Article 2 of the Constitution of the State of Maryland, title “Executive Department,” and to Section 30 of Article 3 of said Constitution, title “Legislative Department,” requiring the General Assembly to convene in special session for the sole purpose of considering vetoed bills and relating generally to the procedure to be followed as to such bills.

1 Section 1. Be it enacted by the General Assembly of Maryland, (Three-fifths of all the members elected to each of the two Houses concurring), That the following be and the same are hereby proposed as amendments to Section 17 of Article 2 of the Constitution of the State of Maryland, title “Executive Department,” and to Section 30 of Article 3 of said Constitution, title “Legislative Department,” the same, if adopted by the legally qualified voters of the State, as herein provided, to become Section 17 of Article 2 and Section 30 of Article 3 of the Constitution of the State of Maryland:

17. To guard against hasty or partial legislation and encroachments of the Legislative Department upon the coordinate Executive and Judicial Departments, every Bill which shall have passed the House of Delegates, and the Senate shall, before it becomes a law, be presented to the Governor of the State; if he approves he shall sign it, but if not he shall return it with his objections to the House in which it originated, which House shall enter the objections at large on its Journal and proceed to reconsider the Bill; if, after such reconsideration, three-fifths of the members elected to that House shall pass the Bill, it shall be
sent with the objections to the other House, by which it
shall likewise be reconsidered, and if it pass by three-fifths
of the members elected to that House it shall become a law;
but in all such cases the votes of both Houses shall be de-
termined by yeas and nays, and the names of the persons
voting for and against the Bill shall be entered on the
Journal of each House respectively. If any Bill shall not
be returned by the Governor within six days (Sundays
excepted), after it shall have been presented to him, the
same shall be a law in like manner as if he signed it, unless
the General Assembly shall, by adjournment, prevent its
return, in which case it shall not be a law. [Any bill which
is vetoed by the Governor following the adjournment of
the General Assembly, or any bill which fails to become a
law by reason of not having been signed by the Governor
following the adjournment of the General Assembly, shall
be returned to the House in which it originated, immedi-
ately after said House shall have organized at the next
regular or special session of the General Assembly. Said
bill may then be reconsidered according to the procedure
specified hereinabove. If the bill is passed over the veto
of the Governor, it shall take effect on June 1 following,
unless the bill is an emergency measure to take effect when
passed.] The General Assembly shall convene in special
session, without call or proclamation, at twelve o'clock
noon on the third Wednesday in May in every year follow-
ing a regular ninety-day session, and at twelve o'clock
noon on the third Wednesday in April in every year follow-
ing a regular thirty-day session, if any bill or bills have
been vetoed by the Governor following the adjournment of
the General Assembly at any such session, or if any bill or
bills have failed to become law by reason of not having been
signed by the Governor following the adjournment of the
General Assembly at any such regular session. Such special
session of the General Assembly shall convene for the sole
purpose of reconsidering such bill or bills, in the manner
provided hereinabove in this section. When the General
Assembly has so reconvened in special session, the Gover-
nor shall return to the House in which it originated, every
such bill which he has vetoed following the adjournment
of the General Assembly, and every such bill which has
failed to become law by reason of not having been signed
following the adjournment of the General Assembly, to-
gether with his objections, for reconsideration as provided
hereinabove. Any bill which shall be passed by three-fifths
of the members elected to each House shall become a law.
Any bill passed over the veto of the Governor which by its
terms was to take effect on the first day of June following,
or subsequent thereto, shall become effective at the stated
time. Any bill passed over the veto of the Governor which
by its terms was to take effect from the date of its passage
shall become effective immediately upon passage over the
veto. Any bill passed over the veto of the Governor which
by its terms was to take effect on a specified day prior to
the said third Wednesday in May or third Wednesday in
April, as the case may be, shall become effective immedi-
ately upon passage over the veto; but if such a bill con-
tains a specific provision directing or authorizing the doing
of some act or thing at a specified time prior to the day
it is passed over the Governor's veto, it shall not become
a law.
The Governor shall have power to disapprove of any item or items of any Bills making appropriations of money embracing distinct items, and the part or parts of the Bill approved shall be the law, and the item or items of appropriations disapproved shall be void unless repassed according to the rules or limitations prescribed for the passage of other Bills over the Executive veto.

30. Every bill, when passed by the General Assembly, and sealed with the Great Seal, shall be presented to the Governor. The Chief Clerks of the Senate and House of Delegates shall date every bill originating in the Senate and House, respectively, seal it with the Great Seal, and present it to the Governor for his approval, within seven days, excluding Sundays, after final passage by the General Assembly. Provided, however, that bills passed from the eighty-first to the ninetieth days of a regular ninety-day session may be dated, sealed and presented to the Governor after the adjournment of the General Assembly, but in no event later than the first day of May following such adjournment; and bills passed from the twenty-first to the thirtieth days of a regular thirty-day session may be dated, sealed and presented to the Governor after the adjournment of the General Assembly, but in no event later than the first day of April following such adjournment. The Governor, if he approves it, shall sign the same in the presence of the presiding officers and chief clerks of the Senate and House of Delegates. Every law shall be recorded in the office of the Court of Appeals, and in due time be printed, published and certified under the Great Seal, to the several courts, in the same manner as has been heretofore usual in this State.

Sec. 2. And be it further enacted, That said foregoing sections hereby proposed as an amendment to the Constitution of the State of Maryland shall, at the next general election to be held in November, 1952, be submitted to the legal and qualified voters of the State, for their adoption or rejection, in pursuance of the directions contained in Article 14 of the Constitution of the State of Maryland, and at the said general election the vote on the said proposed amendment to the Constitution shall be by ballot, and upon each ballot there shall be printed the words “For the Constitutional Amendment,” and “Against the Constitutional Amendment,” as now provided by law, and immediately after said election due returns shall be made to the Governor of the vote for and against the said proposed amendment, as directed by said Fourteenth Article of the Constitution, and further proceedings had in accordance with said Article.
Explanation

This bill is recommended by Mr. Walter L. Green, a member of the Bar of Prince George’s County. It would provide that any person having knowledge or suspicion of the presence of rabies in a dog shall report the same to the County Health Officer, in order that the Health Officer may confine and examine the animal. The recommendation stems from an instance in which a child was bitten by a dog suspected of having rabies. Since the physician attending the child deemed the giving of rabies shots so serious that it should not be done unnecessarily, the parents of the child were anxious to have the dog examined. The owners would not cooperate, however, so that the dog could not be found for examination. The State Health Department subsequently by regulation required such an examination, but this bill would make it a matter of law.

Item No. 46

A BILL

ENTITLED

AN ACT to add a new section to Article 43 of the Annotated Code of Maryland (1951 Edition), title “Health,” sub-title “Rabies,” said new section to be known as Section 576, and to follow immediately after Section 575 of said Article, relating to dogs or other animals subject to rabies and suspected of having rabies and the procedure to be followed in certain cases.

SECTION 1. Be it enacted by the General Assembly of Maryland, That a new section be and it is hereby added to Article 43 of the Annotated Code of Maryland (1951 Edition), title “Health,” sub-title “Rabies,” said new section to be known as Section 576, to follow immediately after Section 575 of said Article, and to read as follows:

1 576. In any county when any dog or other animal subject to rabies has bitten or attacked any person or when any dog or other animal is suspected of having rabies, it shall be the duty of any person having a knowledge of such facts to report the same immediately to the County Health Officer. Such animal shall not be killed but shall be confined in such way and for such period as said County Health Officer shall direct, and such confinement shall only be terminated with the consent of such Health Officer. The confinement of such animal shall be at the expense of the owner, or custodian of such animal unless county funds are available to pay for such confinement. If the animal dies or has been killed, its head shall be removed and sent immediately to the laboratory of the State Department of Health or the laboratory of the Livestock Sanitary Service of the State Department of Agriculture for examination.

Any person refusing or failing to comply with the provisions of this section or with the orders or directives of the County Health Officer relating thereto, shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500 for every such offense.

Sec. 2. And be it further enacted, That this Act shall take effect June 1, 1952.
Explanation

This bill is an outgrowth of the Legislative Council's re-study of House Bill 16 of 1951, which proposed amendments to Lord Campbell's Act concerning recovery for death by negligence. House Bill 16 failed in 1951. The Council now is recommending a shorter and simpler bill, which would provide only that any person who as a matter of fact was wholly dependent upon the person whose death was caused by negligence, shall have a right of action. The law now limits recovery in such cases to the wife, husband, parent or child of the decedent.

Item No. 13

A BILL

ENTITLED

AN ACT to repeal and re-enact, with amendments, Section 4 of Article 67 of the Annotated Code of Maryland (1951 Edition—being Section 3 of the 1939 Edition, as amended by Chapter 89 of 1950), title "Negligence Causing Death," providing that persons wholly dependent on a person whose death shall have been caused by negligence shall be entitled to damages.

SECTION 1. Be it enacted by the General Assembly of Maryland, That Section 4 of Article 67 of the Annotated Code of Maryland (1951 Edition—being Section 3 of the 1939 Edition, as amended by Chapter 89 of 1950), title "Negligence Causing Death," be and it is hereby repealed and re-enacted, with amendments, to read as follows:

4. Every such action shall be for the benefit of the wife, husband, parent and child of the person whose death shall have been so caused or any person who, as a matter of fact, was wholly dependent upon the person whose death shall have been so caused. [And] Every such action shall be brought by and in the name of the State of Maryland for the use of the person entitled to damages; "parent" shall include the mother of an illegitimate child whose death shall have been so caused; "child" shall include an illegitimate child whenever the person whose death is so caused is the mother of such child; and in every such action the jury may give such damages as they may think proportioned to the injury resulting from such death to the parties respectively for whom and for whose benefit such action shall be brought, and the amount so recovered, after deducting the costs not recovered from the defendant, shall be divided amongst the above-mentioned parties, in such shares as the jury by their verdict shall find and direct; provided, that not more than one action shall lie for and in respect of the same subject-matter of complaint; and that every such action shall be commenced within eighteen months after the death of the deceased person.

Sec. 2. And be it further enacted, That this Act shall take effect June 1, 1952.
Explanation

This bill is recommended by the Commissioner of Motor Vehicles. It would clarify the motor vehicle laws as to the time at which all truck and bus registrations will expire in 1952. For several years, the registration of pleasure vehicles has expired on March 31, and of all other vehicles, on April 30. However, in the amendment of a section of the laws by Chapter 438 of the Acts of 1951, this distinction was inadvertently overlooked. Unless this clarification is enacted, therefore, truck and bus registrations issued in April, 1951, would be good only for eleven months and would expire at the end of March, 1952. This bill thus would simply restore the wording of the laws to what it had been for several years prior to 1951.

Item No. 36(1)

A BILL

ENTITLED

AN ACT to repeal Sub-section 33(a) of Article 66½ of the Annotated Code of Maryland (1951 Edition—being Sub-section 29(a) in the 1947 Supplement), title "Motor Vehicles," sub-title "Administration—Registration—Titling," and to enact a new Sub-section 33(a) in lieu thereof, to stand in the place and stead of the sub-section so repealed, relating generally to the time at which the several classes of motor vehicle registrations in this State shall expire.

WHEREAS, Sub-section 33(a) of Article 66½ of the Annotated Code of Maryland, title "Motor Vehicles," was amended by Chapter 438 of the Acts of 1951, said bill being introduced as House Bill No. 734; and

WHEREAS, in preparation of House Bill 734, no account was taken of the amendments adopted to said Sub-section 33(a) by Chapters 116 and 191 of the Acts of 1949; and

WHEREAS, there may now be some doubt as to the provisions contained in said sub-section and it is desirable to clarify the status of this law; now therefore

SECTION 1. Be it enacted by the General Assembly of Maryland, That Sub-section 33(a) of Article 66½ of the Annotated Code of Maryland (1951 Edition—being Sub-section 29(a) in the 1947 Supplement), title "Motor Vehicles," sub-title "Administration—Registration—Titling," be and it is hereby repealed and that a new Sub-section 33(a) be and it is hereby enacted in lieu thereof, to stand in the place and stead of the sub-section so repealed and to read as follows:

(a). Every Class A and Class D vehicle registration under this Article and every registration card and registration plate for said classes issued hereunder shall expire at midnight on the thirty-first day of March of the registra-
tion year for which issued. The registration of all other
classes of motor vehicles and the registration cards and
plates for the same issued hereunder shall expire at mid-
night on the thirtieth day of April of the registration year
for which issued.

SEC. 2. And be it further enacted, That this Act is here-
by declared to be an emergency measure and necessary for
the immediate preservation of the public health and safety
and having been passed by a yea and nay vote, supported
by three-fifths of all the members elected to each of the
two Houses of the General Assembly of Maryland, the
same shall take effect from the date of its passage.
Explanation

This bill is recommended by the Commissioner of Motor Vehicles. It would provide uniformity as to a small detail in the motor vehicle laws. The provision now is that new license tags may be displayed on a vehicle as much as thirty days prior to the expiration of the previous registration period. Thus, since the registration for trucks and busses expires on April 30, new tags may be displayed from April 1. However, since the registration of pleasure cars expires on March 31, the strict wording of the law requires that new tags can be displayed only from March 2. This bill would specifically permit all new tags to be displayed from the first day of the month, either in March or April, as the case may be.

Item No. 36(2)

A BILL

ENTITLED

AN ACT to repeal and re-enact, with amendments, Subsection 34(b) of Article 66½ of the Annotated Code of Maryland (1951 Edition—being Subsection 30(b) in the 1947 Supplement), title “Motor Vehicles,” Subtitle “Administration—Registration—Titling,” specifying the time during which new registration plates may be displayed on motor vehicles prior to the expiration of the previous registration period.

SECTION 1. Be it enacted by the General Assembly of Maryland, That Subsection 34(b) of Article 66½ of the Annotated Code of Maryland (1951 Edition—being Subsection 30(b) in the 1947 Supplement), title “Motor Vehicles,” Subtitle “Administration—Registration—Titling,” be and it is hereby repealed and re-enacted, with amendments, to read as follows:

(b). The Department may receive applications for renewal of registration and grant the same and issue new registration cards and plates at any time prior to expiration of registration, but no person shall display upon a vehicle the new registration plates [for more than thirty days prior to the expiration of the registration period] prior to April 1 for those registrations which expire on April 30, nor prior to March 1 for those registrations which expire on March 31.

SEC. 2. And be it further enacted, That this Act is hereby declared to be an emergency measure and necessary for the immediate preservation of the public health and safety and having been passed by a yea and nay vote, supported by three-fifths of all the members elected to each of the two Houses of the General Assembly of Maryland, the same shall take effect from the date of its passage.
Explanation

This bill is recommended by the Commissioner of Motor Vehicles. It would eliminate all refunds on motor vehicle license tags returned to the Department, unless the tags are unused and are returned within thirty days after issue. At the present time the Department pays a refund for the unused portion of the registration year calculated on a semi-annual basis. Approximately One Hundred Thousand Dollars is paid out in such refunds. It is a difficult transaction to handle and to explain to the applicant, particularly since that portion of the original fee which was paid to the political sub-division for taxes cannot be refunded. It is the recommendation of the Commissioner of Motor Vehicles that the refunds be eliminated, except as to tags returned unused within thirty days after issue.

Item No. 36(3)

A BILL
ENTITLED

AN ACT to repeal and re-enact, with amendments, Section 83 of Article 661/2 of the Annotated Code of Maryland (1951 Edition—being Section 76 in the 1947 Supplement), title "Motor Vehicles," sub-title "Administration—Registration—Titling," relating generally to the refunds of registration fees for motor vehicles and specifying the conditions under which such refunds may be made.

SECTION 1. Be it enacted by the General Assembly of Maryland, That Section 83 of Article 661/2 of the Annotated Code of Maryland (1951—being Section 76 in the 1947 Supplement), title "Motor Vehicles," sub-title "Administration—Registration—Titling," be and it is hereby repealed and re-enacted, with amendments, to read as follows:

1 83. (Refunds on Semi-Annual Basis.) Upon the surrender of the certificates and registration plates provided for in Classes A, B, C, D, E, F, G, H, I and J, and upon application made therefor, the original owner shall be entitled to refund of the amount paid for such certificates and registration plates for the unused portion of the registration year calculated on a semi-annual basis with no allowance for fractional portions of a half-year period; provided, however, that in the case of Class A, the refund shall be $5.00 where the fee is $15.00 and $7.50 where the fee is $23.00, and in the case of Class D the refund shall be $1.50 and in all other cases, the refund shall be one-half of the license fee for each type or class of motor vehicles before the increase becomes effective in 1949; provided further, that refund of the entire fee shall be allowed on unused license plates for the year beginning April 1, 1949, and each year thereafter, when returned to the Department within thirty days after date of issuance, or returned prior to April 1st, where secured between February 15th and 29th preceding entire fee on unused license plates...
when returned to the Department within thirty days after date of issuance; and except as herein expressly provided, no refund shall be made of any registration fee, or part thereof.

Sec. 2. And be it further enacted, That this Act shall take effect June 1, 1952.
Explanation

This bill is recommended by the Commissioner of Motor Vehicles. It would permit the Department to destroy the records of the Financial Responsibility Division after three years. At present the general provision is that obsolete records may be destroyed after five years, although already motor vehicle registration records may be destroyed after three years. The recommendation is that the time be shortened also for the records of the Financial Responsibility Division.

Item No. 36(4)

A BILL

ENTITLED

AN ACT to repeal and re-enact, with amendments, Section 15 of Article 66½ of the Annotated Code of Maryland (1951 Edition—being Section 14 in the 1947 Supplement), title "Motor Vehicles," sub-title "Administration—Registration—Titling," relating to the destruction of the records in the Financial Responsibility Division after three years.

SECTION 1. Be it enacted by the General Assembly of Maryland, That Section 15 of Article 66½ of the Annotated Code of Maryland (1951 Edition—being Section 14 of the 1947 Supplement), title "Motor Vehicles," sub-title "Administration—Registration—Titling," be and it is hereby repealed and re-enacted, with amendments, to read as follows:

15. (Destruction of Records.) The Commissioner may destroy any records of the Department, which have been maintained on file for five (5) years, which he may deem obsolete and of no further service in carrying out the powers and duties of the department except records of criminal and motor vehicle violations. Motor vehicle registration records and all records in the Financial Responsibility Division may be destroyed after three (3) years.

SEC. 2. And be it further enacted, That this Act shall take effect June 1, 1952.
Explanation

This bill is recommended by the Commissioner of Motor Vehicles. It would correct an unexpected situation concerning the issue of free automobile license tags to veterans who have lost or lost the use of one or both legs. The present law is phrased so broadly that it has been used to require the free registration of vehicles used in a commercial business operated by such a veteran. All that the law originally intended was to grant free tags for the private passenger vehicles owned and used by him. This bill would restrict the free tags to these passenger vehicles.

Item No. 36(5)

A BILL

ENTITLED

AN ACT to repeal and re-enact, with amendments, Section 22 (a) (4) of Article 66 1/2 of the Annotated Code of Maryland (1951 Edition—being Section 21 in the 1947 Supplement), title “Motor Vehicles,” sub-title “Administration—Registration—Titling,” relating to the exemption of the Class A private passenger motor vehicles of certain veterans from the provisions requiring the payment of registration fees.

SECTION 1. Be it enacted by the General Assembly of Maryland, That Section 22 (a) (4) of Article 66 1/2 of the Annotated Code of Maryland (1951 Edition—being Section 21 in the 1947 Supplement), title “Motor Vehicles,” “Administration—Registration—Titling,” as said section was amended by Chapter 34 of the Acts of 1950, be and it is hereby repealed and re-enacted, with amendments, to read as follows:

22 (a).

(4). All motor vehicles owned and used by the Government of the United States, State of Maryland, or any city, town, village or county of this State, and all motor vehicles owned and used for personal or official purposes by accredited consular or diplomatic officers of foreign governments, which officers are nationals of the state by which they are appointed and are not citizens of the United States and by any incorporated volunteer fire company incorporated in this State or rescue squad and used for firefighting or ambulance purposes and [all] one Class A private passenger motor vehicle owned and used personally by veterans who have either lost or lost the use of one or both legs are hereby exempted from the provisions of this sub-
title requiring the payment of registration fees, but all such vehicles shall display identification markers approved by the Commissioner of Motor Vehicles, and the identification markers or other insignia on the vehicles of veterans who have either lost or lost the use of one or both legs shall indicate that they have been so designated or classified by the Veterans' Administration.

SEC. 2. And be it further enacted, That this Act shall take effect June 1, 1952.
Explanation

This bill is recommended by the Commissioner of Motor Vehicles. It would make the law uniform with regard to the cost of license tags for periods of less than one year. The regular practice has been to issue tags for full price in the spring and summer months, and then to issue them for half price if bought after October 1. However, this was predicated upon the issue of all tags in March. Several years ago there was a change in the time of issue, so that passenger vehicles would get their tags in March, and busses and trucks, in April. This meant a discrimination in favor of the latter category, in permitting them to get tags for half price after five months, while requiring a six-month period for passenger vehicles. This bill would establish uniform provisions, by starting the half-price rate for passenger vehicles on October 1 and for all other vehicles on November 1.

Item No. 36(7)

A BILL

ENTITLED

AN ACT to repeal and re-enact, with amendments, Section 82 of Article 66 1/2 of the Annotated Code of Maryland (1951 Edition—being Section 75 in the 1947 Supplement), title “Motor Vehicles,” sub-title “Administration—Registration—Titling,” relating to the annual registration fee for motor vehicles for periods less than twelve months in length.

SECTION 1. Be it enacted by the General Assembly of Maryland, That Section 82 of Article 66 1/2 of the Annotated Code of Maryland (1951 Edition—being Section 75 in the 1947 Supplement), title “Motor Vehicles,” sub-title “Administration—Registration—Titling,” be and it is hereby repealed and re-enacted, with amendments, to read as follows:

82. (Fees on Semi-Annual Basis.) The charges prescribed in Section 80 shall be for the entire twelve months of the registration year except as hereinafter provided. If a certificate provided for any Class A or Class D vehicle licensed under Section 80 be issued on or before October first in any year, the regular annual registration fee shall be paid, and if issued after October 1st in any year, one-half of the regular annual registration fee shall be paid. If a certificate provided for any other class of vehicle licensed under Section 80 be issued on or before November 1st in any year, the regular annual registration fee shall be paid and if issued after November 1st in any year, one-half of the regular annual registration fee shall be paid.

SEC. 2. And be it further enacted, That this Act shall take effect June 1, 1952.
Explanation

This bill is recommended by the Automobile Trade Association. It would remove some of the present restrictions upon the use of dealers' motor vehicle tags. The Association points out that these restrictions originally were imposed at a time when there had been some abuse in the use of dealers' tags. However, these abuses were ended by tightening up the definition of "dealers" and thus permitting only bona fide business firms to get dealers' tags. The present bill would remove the restriction now contained in the law which says that dealers' tags may be used only on vehicles being used in connection with business. Thus it would permit the use of these tags when the dealer is operating a vehicle for other than business purposes.

Item No. 36(8)

A BILL

ENTITLED

AN ACT to repeal and re-enact, with amendments, Subsections (d) and (e) of Section 60 of Article 66½ of the Annotated Code of Maryland (1951 Edition—being Section 55 of the 1947 Supplement), title "Motor Vehicles," sub-title "Administration—Registration—Titling," relating generally to the use which may be made of so-called "dealer plates" issued to registered dealers in motor vehicles.

SECTION 1. Be it enacted by the General Assembly of Maryland, That Sub-sections (d) and (e) of Section 60 of Article 66½ of the Annotated Code of Maryland (1951 Edition—being Section 55 of the 1947 Supplement), title "Motor Vehicles," sub-title "Administration—Registration—Titling," be and they are hereby repealed and re-enacted, with amendments, to read as follows:

(c). [Registered dealers may use their dealer registration plates upon vehicles, owned by them, for the purpose of towing other motor vehicles and for all other purposes incidental to the dealer's business including the use of said registration plates on substitute vehicles owned by a dealer but loaned to an owner when the dealer is engaged in repairing said owner's vehicle.] Registered dealers may attach dealer plates to any vehicle owned by them which is chiefly used in their business.

(e). [Except when used by a purchaser, or otherwise in accordance with the provisions of this section, dealer registration plates and used car dealer registration plates shall not be used on any motor vehicles while such vehicle is being used in connection with any business other than the business of the registrant as set forth in his application for registration; nor shall the same be used after such registrant shall have been notified by the Department that such registration plates are forfeited because of violation of the provisions of this section.] Dealer plates shall not

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be used by such manufacturer, distributor or dealer after notification by the Department that such plates are forfeited because of violation of the provisions of this Article.

SEC. 2. And be it further enacted, That this Act shall take effect June 1, 1952.
Explanation

This bill is the result of a recommendation made by the Automobile Trade Association. The proposal was that used car dealers be permitted to use the temporary license plates for which provision was made by act of 1951. There has been some doubt whether this law was phrased broadly enough to cover used car dealers as well as new car dealers. The bill specifies that temporary tags may be used by used car dealers and also repeals an existing section of the motor vehicle laws having to do with dealers' plates, since this section would no longer be necessary.

Item No. 36(9a)

A BILL

ENTITLED

AN ACT to add a new sub-section to Section 61 of Article 66½ of the Annotated Code of Maryland (1951 Edition—being Section 55A in the 1947 Supplement, as enacted by Chapter 655 of the Acts of 1951), title “Motor Vehicles,” sub-title “Administration—Registration—Titling,” said new sub-section to be known as Sub-section (i-i) and to follow immediately after Sub-section (i) of said section; to repeal and re-enact, with amendments, Sub-section (d) of said Section 61 and to repeal Section 64 of said Article and sub-title (being Section 58 of the 1947 Supplement), providing that the so-called temporary registration plates or markers may be used by used car dealers as well as other registered dealers in motor vehicles; making provision for the use of such markers; and repealing the section of the motor vehicle laws having to do with the use of used car dealer registration plates, which section henceforth would be unnecessary.

1 SECTION 1. Be it enacted by the General Assembly of Maryland, That a new sub-section be and it is hereby added to Section 61 of Article 66½ of the Annotated Code of Maryland (1951 Edition—being Section 55A of the 1947 Supplement, as enacted by Chapter 655 of the Acts of 1951), title “Motor Vehicles,” sub-title “Administration—Registration—Titling,” said new sub-section to be known as Sub-section (i-i), to follow immediately after Sub-section (i) of said section; and that Sub-section (d) of said Section 61 be and it is hereby repealed and re-enacted, with amendments, all to read as follows:

61.

1 (d) A dealer may issue, assign, transfer, or deliver temporary registration plates or markers only to the bona fide purchaser or owner of the vehicle whether or not the vehicle is to be registered in Maryland to be registered; nor shall a dealer issue temporary registration plates or markers without first ob-
taining from said purchaser or owner a written application for the annual titling and registration of the purchased vehicle with the prescribed fees therefor, which application and fee the said dealer shall immediately forward to the Department by mail or messenger; for whom the dealer shall, on request, transmit forthwith to the Department a written application for the annual titling and registration of the purchased vehicle with the prescribed fees therefor. If a dealer so issuing such temporary registration plates or markers be not requested to so forward such application for annual titling and registration of the vehicles sold such dealer shall forthwith notify the Department of such issuance in the manner provided in Section 61(c) of this Article. [Nor shall a] A dealer shall not issue temporary registration plates or markers to any one possessed of annual registration plates for a vehicle that has been sold or exchanged; nor shall any dealer lend to any one or use on any vehicle that he may own, temporary registration plates or markers. It shall be unlawful for any person to issue any temporary registration plate or marker, or plates or markers, containing any misstatement of fact, or knowingly to insert any false information upon the face thereof.

1 (i-i). The provisions of this section shall apply both to registered dealers and to registered used-car dealers, as those terms are used in this Article.

1 SEC. 2. And be it further enacted, That Section 64 of said Article and sub-title, (being Section 58 of the 1947 Supplement), be and it is hereby repealed.

1 SEC. 3. And be it further enacted, That this Act shall take effect June 1, 1952.
Explanation

This bill is recommended by the Council as an indirect result of a proposal made to it by the Automobile Trade Association. The original proposal was that the use of the so-called temporary automobile tags be extended to instances in which dealers sell cars which are to be driven outside the State and not titled in Maryland. During the consideration of this proposal, it was learned that there is an apparent ambiguity in the sales tax and title tax laws applicable in such a situation. This bill is to clarify the relationship between the two laws. It would make the title tax law applicable whenever an original certificate of title is issued, except as to a house or an office trailer. It would exempt from the sales tax all new or used motor vehicles and all commercial motor vehicles purchased for road use. However, this exemption would not apply to house or office trailers.

Item No. 36(9b)

A BILL

ENTITLED

AN ACT to repeal and re-enact, with amendments, Sub-section (a) of Section 28 of Article 66½ of the Annotated Code of Maryland (1951 Edition—being Section 25A of the 1947 Supplement, as amended), title “Motor Vehicles,” sub-title “Administration—Registration—Titling,” and to repeal and re-enact, with amendments, Sub-section (g) of Section 322 of Article 81 of said Code (being Section 261 in the 1947 Supplement, as amended), title “Revenue and Taxes,” sub-title “Retail Sales Tax Act,” relating to the excise tax for the issuance of certificates of title for motor vehicles and commercial motor vehicles, excluding house and office trailers and clarifying the application of the retail sales tax law to the sale of new and used motor vehicles and house and office trailers.

SEC. 1. Be it enacted by the General Assembly of Maryland, That Sub-section (a) of Section 28 of Article 66½ of the Annotated Code of Maryland (1951 Edition—being Section 25A of the 1947 Supplement, as amended), title “Motor Vehicles,” sub-title “Administration—Registration—Titling,” and Sub-section (g) of Section 322 of Article 81 of said Code (being Section 261 of the 1947 Supplement, as amended), title “Revenue and Taxes,” sub-title “Retail Sales Tax Act,” be and they are hereby repealed and re-enacted, with amendments, to read as follows:

28.

(a). In addition to the charges prescribed by this Article there is hereby levied and imposed an excise tax for the issuance of every original certificate of title for motor vehicles and commercial motor vehicles, excluding house and office trailers, in this State and for the issuance of every subsequent certificate of title for such motor vehicles and commercial motor vehicles in this State in the case of sales or resales thereof, and on and after July 1, [1947,] 1952 the Department of Motor Vehicles shall collect said tax upon the issuance of every such certificate of
title of a motor vehicle or commercial motor vehicle, excluding house and office trailers, at the rate of two per centum of the fair market value of every such motor vehicle or commercial motor vehicle, excluding house and office trailers, for which such certificate of title is applied for and issued.

322.

(g). Sales of new or used motor vehicles upon which the excise tax of 2%, levied and imposed by Section 28 of Article 66½ of the Annotated Code of Maryland, is collected by the Department of Motor Vehicles and commercial motor vehicles purchased for road use. This exemption shall not apply to house or office trailers.

SEC. 2. And be it further enacted, That this Act shall take effect July 1, 1952.
An act to add a new paragraph to Section 80 of Article 66½ of the Annotated Code of Maryland (1951 Edition—being Section 74 in the 1947 Supplement), title “Motor Vehicles,” sub-title “Administration—Registration—Titling,” said new paragraph to be known as Paragraph (Class H-1. Pneumatic Tires) and to follow immediately after Paragraph (Class H. Pneumatic Tires) of Section 80, relating to the registration of motor vehicles having a seating capacity of ten persons or less for the transportation of school children.

1. Section 1. Be it enacted by the General Assembly of Maryland, That a new paragraph be and it is hereby added to Section 80 of Article 66½ of the Annotated Code of Maryland (1951 Edition—being Section 74 in the 1947 Supplement), title “Motor Vehicles,” sub-title “Administration—Registration—Titling,” said new paragraph to be known as Paragraph (Class H-1. Pneumatic Tires), and to follow immediately after Paragraph (Class H. Pneumatic Tires), and to read as follows:

80.

(Class H-1. Pneumatic Tires). All motor vehicles having a seating capacity of ten (10) or less, when operating for hire and used for the transportation of children to or from public or private schools, shall pay a registration fee of $3.00 per year in addition to the usual registration fee as provided by law, and a distinctive marker shall be issued by the Department of Motor Vehicles, and be displayed on such vehicle in such manner as the Department may designate.

2. Sec. 2. And be it further enacted, That this Act shall take effect June 1, 1952.
Explanation

This bill stems from a recommendation made to the Legislative Council by the Hon. Louis L. Goldstein, of Calvert County, and the Hon. Jerome Robinson, Fourth District of Baltimore City. It would in effect repeal Chapter 411 (House Bill 590) of 1951, this being the Act which placed the State Police budget under motor vehicle revenues. The expenses of the State Police traditionally were paid from such revenues, until by an Act of 1947 the General Assembly provided that they should be taken from the general funds of the State. Another change was made in 1951, to return to the use of motor vehicle revenues, and this bill would provide once more that State Police expenses would be taken from general funds.

Item No. 59

A BILL

ENTITLED

AN ACT to repeal and re-enact, with amendments, subsection (e) of Section 303 of Article 66½ of the Annotated Code of Maryland (1951 Edition—being Section 285 in the 1947 Supplement), title "Motor Vehicles," sub-title 'Operation of Vehicles Upon Highways," to provide that the expenses of the Department of Maryland State Police and the State Police Retirement System shall not be paid out of Special Funds collected by the Department of Motor Vehicles, so that the said expenses shall be paid from the General Funds of the State.

1 SECTION 1. Be it enacted by the General Assembly of Maryland, That Sub-section (e) of Section 303 of Article 66½ of the Annotated Code of Maryland (1951 Edition—being Section 285 in the 1947 Supplement), title "Motor Vehicles," sub-title "Operation of Vehicles Upon Highways," be and it is hereby repealed and re-enacted, with amendments, to read as follows:

1 303.
2 (e). Subject to the provisions of Sections 28, 70, 80 and 124 of this Article, all monies received by the Department pursuant to the provisions of this Article shall be accounted for and remitted by the Department to the State Treasurer who, after first paying, or retaining a sufficient amount thereof to pay, all refunds of motor vehicle registration fees in this Article provided, all the salaries and expenses of the Department and of the Traffic Court of Baltimore City, [the Department of Maryland State Police and of the State Police Retirement System of the State of Maryland] and costs in dismissed cases pursuant to Section 292 of this Article, shall hold the balance of said monies in a special fund hereby created and known as the Motor Vehicle Revenue Fund, said fund to be thereafter held and distributed in accordance with the provisions applicable to said fund contained in Article 88B of the Annotated Code of Maryland.

1 Sec. 2. And be it further enacted, That this Act shall take effect July 1, 1952.
Explanations

This bill is recommended by Mr. Vernon Eney, a member of the Bar of Baltimore City. It would amend an obvious error in Section 7 of Article 89C of the Code. This Article was enacted by Chapter 301 of the Acts of 1951 and makes provision for reciprocity with states having similar acts, concerning the civil and criminal enforcement of support decrees. The error was in the use of the word “obligee” where “obligor” was intended, and this bill simply would correct that mistake.

Item No. 9

A BILL

ENTITLED

AN ACT to repeal and re-enact, with amendments, Section 7 of Article 89C of the Annotated Code of Maryland (1951 Edition), title “Support of Dependents,” sub-title “Civil Enforcement,” as said Article was enacted by Chapter 301 of the Acts of 1951, to correct an error in said section.

1 SECTION 1. Be it enacted by the General Assembly of Maryland, That Section 7 of Article 89C of the Annotated Code of Maryland (1951 Edition), title “Support of Dependents,” sub-title “Civil Enforcement,” as said Article was enacted by Chapter 301 of the Acts of 1951, be and it is hereby repealed and re-enacted, with amendments, to read as follows:

1 7. What Duties Are Enforceable. Duties of support enforceable under this Article are those imposed or imposable under the laws of Maryland upon the alleged obligee of obligor during the period for which support is sought.

1 SEC. 2. And be it further enacted, That this Act shall take effect June 1, 1952.
This bill is recommended by the Chief Deputy Comptroller of the State. It would clarify a section of the State income tax laws concerning the optional standard deduction for individuals. This law was last amended in 1951, but the Attorney General has given an opinion that the present provisions require the optional standard deduction to be in lieu of all deductions, and that it cannot be used by individuals who claim deductions for expenses arising out of a trade or business, from rents and royalties, or paid or incurred in acquisition of income or for the care of income-producing property. The effect of the ruling is to nullify the advantage that would have accrued to thousand of taxpayers. The recommendation is that the law be so amended as to make the optional standard deduction available to all individuals who elect to use it in lieu of itemizing their deduction for items of a personal or non-business nature.

Item No. 1A

A BILL

ENTITLED

AN ACT to repeal and re-enact, with amendments, Section 277A of Article 81 of the Annotated Code of Maryland (1951 Edition—being Section 224A of the 1939 Edition), title “Revenue and Taxes,” sub-title “Income Tax,” relating to the optional standard deduction for individuals paying a State income tax and clarifying the provisions as to said deduction.

1 SECTION 1. Be it enacted by the General Assembly of Maryland, That Section 277A of Article 81 of the Annotated Code of Maryland (1951 Edition—being Section 224A of the 1939 Edition), title “Revenue and Taxes,” sub-title “Income Tax,” be and it is hereby repealed and re-enacted, with amendments, to read as follows:

1 277A. Optional Standard Deduction for Individuals. [In the case of an individual, at his election, a standard deduction shall be allowed which deduction shall be in lieu of deductions provided for in Section 277 of this sub-title.] For all calendar years beginning after December 31, 1950, and for all fiscal years ending after said date, an individual, excluding, however, fiduciaries to the extent included under sub-section (e) and defined under sub-section (f) of Section 277 of this sub-title, shall be allowed a standard deduction, which shall be allowed only if the individual elects to claim it. Where the individual elects to claim the optional standard deduction here provided, such deduction shall be in lieu of all non-business ground rents and interest paid or incurred, taxes, casualty losses, including theft, non-business contributions, medical expenses, alimony and losses to the extent provided in Section 277 (d)-(1) of this sub-title. The standard deduction herein provided for shall not be in lieu of the deductions provided in Section 277 of this sub-title to the extent paid or incurred in carrying on a trade or business, including traveling expenses deductible in sub-section (r) of Section 277 and expenses, including losses paid or incurred in the acquisition of or care of income-producing property to the extent under...
sub-sections (d)-(l) and (m) of Section 277. The standard
deduction provided for by this section shall be in an amount
equal to ten percent (10%) of the gross income of the tax-
payer as computed in accordance with the provisions of
this sub-title but in no event shall the standard deduction
exceed Five Hundred Dollars ($500.00). In the case of
husband and wife filing a joint return, said return, for the
purposes of this section, shall be considered the return of
two taxpayers; however, the standard deduction provided
for in this section shall not be allowed to either if the net
income of one of the spouses is determined without regard
to such standard deduction or without regard to Section
285 hereof, anything to the contrary in said Section 285
notwithstanding.

1 Sec. 2. And be it further enacted, That this Act is hereby
declared to be an emergency measure and necessary for
the immediate preservation of the public health and safety
and having been passed by a yea and nay vote, supported
by three-fifths of all the members elected to each of the
two Houses of the General Assembly of Maryland, the same
shall take effect from the date of its passage.
Explanation

This bill is recommended by the Harford County Delegation in the General Assembly. It would amend the law passed in 1951 to establish the three-year assessment system, by providing that the new system would begin uniformly throughout the State on January 1, 1954. The present law would require that any county in which a five-year cycle ends prior to 1954 would change to a three-year cycle at that time, and this would require Harford County to make the change in 1952. The assessment aids which are an integral part of the three-year plan are not yet ready, and officials of Harford County do not want to incur the difficulties and expense of making the change in 1952. This bill would simply make a uniform State-wide provision that the three-year assessment system would begin in 1954.

Item No. 58.

A BILL

ENTITLED


1 SECTION 1. Be it enacted by the General Assembly of Maryland, That Sub-section 230 (8) (a) of Article 81 of the Annotated Code of Maryland (1951 Edition—being Section 175 in the 1947 Supplement), title “Revenue and Taxes,” sub-title “General Provisions,” sub-heading “State Tax Commission,” be and it is hereby repealed and re-enacted, with amendments, to read as follows:

1 230 (8).

2 (a). To continue the present rotational system of re-assessing properties once in every five years by districts or classes [until the completion of the present five year cycle, or until January 1, 1954, whichever shall first occur]; provided, however, that either the Commission, or the assessing authority of any county or the Department of Assessments or Board of Municipal and Zoning Appeals of Baltimore City, shall have power to order and enforce a review and reassessment at any time before [the expiration of said cycle] said date of all assessable property in such county or city, or all property of any class or district or part of a district therein.

Sec. 2. And be it further enacted, That this Act is hereby declared to be an emergency measure and necessary for the immediate preservation of the public health and safety and having been passed by a yea and nay vote, supported by three-fifths of all the members elected to each of the two Houses of the General Assembly of Maryland, the same shall take effect from the date of its passage.
Explanation

This Joint Resolution is submitted as part of the recommendations originating with the Legislative Council's Sub-committee on Teachers' Salaries. It would provide for the appointment of a special commission to study and re-evaluate the public school system of this State. The commission would be requested to give particular consideration to the purposes and functions of public schools, their curriculum and physical facilities, and the proper division of responsibility as to the administration and financing of the public schools, between the State and the several political sub-divisions. The commission would be asked to report its conclusions and recommendations to the Governor, the General Assembly and the Legislative Council.

Item No. 28(1)

JOINT RESOLUTION

Joint Resolution Requesting the Appointment of a Commission to Study and Re-evaluate the Public School System of this State.

1 WHEREAS, problems concerning the public school system have required the close consideration of the people of this State during the past several years, as new and unprecedented difficulties have been encountered; and

2 WHEREAS, these difficulties have included a rapidly expanding school population, requiring additional teachers and new buildings, and also a series of readjustments in salary levels in order to assure teachers a decent standard of living and to meet salary competition from the Federal government and from private industry; and

3 WHEREAS, to assist in meeting these pressing problems, the State has increased its expenditures for operating the public schools and also for the first time has inaugurated a policy of assisting the political sub-divisions in the construction and enlargement of school buildings; and

4 WHEREAS, the passage of H. B. 610 of 1951, known generally as the "Teacher's Salary Bill," its veto by the Governor, and its subsequent reconsideration by the General Assembly have raised sharp questions of public policy as to the future administration and financing of the public school system; and

5 WHEREAS, independently of the matters raised in H. B. 610 of 1951, other questions of equal importance are being discussed throughout the State, concerning the purposes and functions of public schools, their curriculum and physical facilities, and related matters; and

6 WHEREAS, there is need for a fresh study and reconsideration of the entire structure and operation of the public school system of this State, to cover all phases of the curriculum, physical plant, workings and administration of...
the public schools; and to determine in particular the
proper division of responsibility as to the administration
and financing of the public schools, between the State and
the several political sub-divisions; now therefore be it

Resolved by the General Assembly of Maryland, That the
Governor of Maryland, the President of the Senate and
the Speaker of the House of Delegates be requested jointly
to appoint a commission to study and re-evaluate the public
school system of this State, this commission to include in
its study and re-evaluation such topics as curriculum, phy-
sical facilities, administration, salaries and others; and
be it further

Resolved, That said commission shall have the use in its
work of such funds as may be provided therefor in the
Budget or as may be allocated thereto by the Governor
from contingent funds at his disposal; and be it further

Resolved, that all departments and agencies of the State
government be directed to extend such cooperation and
assistance to the said commission as may be in their power;
and be it further

Resolved, That said commission be requested at the con-
clusion of its studies to make its report and recommen-
dations to the Governor, the General Assembly and the Legis-
lative Council.
Explanation

This bill is recommended by the Legislative Council's sub-committee on teacher's salaries. It would give public school teachers an increment of $200 annually in their salaries for eight years after the first year of teaching. At the present time they receive annual increments of $100 for sixteen years after the first year of teaching. It was the conclusion of the sub-committee that more persons could be induced to enter the teaching profession, and those now in it could more readily be retained, if the salary increments were increased. This bill will cut in half the time required to go from the minimum to the maximum in any salary classification.

Item No. 28(2)

A BILL

ENTITLED

AN ACT to repeal and re-enact, with amendments, Section 102 of Article 77 of the Annotated Code of Maryland (1951 Edition—being Section 93 in the 1947 Supplement and having been amended by House Bill 610 of 1951, which was passed over the Governor's veto to become Chapter ...... of the Acts of 1952), title “Public Education,” sub-title “Chapter 8. Teachers' Certificates, Salaries and Pensions,” providing for $200 annual increments in the salaries of certain public school teachers; to repeal and re-enact, with amendments, Sub-section 283 of Article 81 of the Annotated Code of Maryland 1951 Edition—being Section 230(d-1) as added to the 1947 Supplement by House Bill 610 of 1951, which became Chapter ...... of the Acts of 1952), title “Revenue and Taxes,” sub-title “Income Tax,” relating to the disposition of the funds collected from the additional income tax on corporations.

SECTION 1. Be it enacted by the General Assembly of Maryland, That Section 102 of Article 77 of the Annotated Code of Maryland (1951 Edition—being Section 93 in the 1947 Supplement and having been amended by House Bill 610 of 1951, which was passed over the Governor's veto to become Chapter ...... of the Acts of 1952), title “Public Education,” sub-title “Chapter 8. Teachers' Certificates, Salaries and Pensions,” be and it is hereby repealed and re-enacted, with amendments, and that Section 283(d-1) of said Code (as added to the 1947 Supplement by House Bill 610 of 1951, which became Chapter ...... of the Acts of 1952), title “Revenue and Taxes,” sub-title “Income Tax,” be and it is hereby repealed and re-enacted, with amendments, both to read as follows:

1 102. (a) No teachers or principals regularly employed
2 in public schools in the counties and in Baltimore City [of
the State of Maryland shall receive salaries less than the amounts provided for in the following schedules for varying amounts of training and successful experience; provided that teachers and principals having fifteen years' or less experience prior to September 1, 1951 shall receive the salary in the new schedule corresponding with their years of experience, and teachers and principals having more than fifteen years' experience prior to September 1, 1951 shall be placed on the new schedule corresponding with the sixteenth year of experience; each subsequent year thereafter they shall receive one increment on the salary schedule; provided that each teacher or principal regularly employed in public schools in the counties and in Baltimore City during the year ending June 30, 1952, shall receive an increment of $200 during the following year; each subsequent year thereafter he shall receive one increment of $200 until the maximum salary permitted by the salary schedule is reached; provided that the last increment shall not exceed the maximum salary permitted by the schedule; provided further that each teacher or principal who enters the public school system of Maryland after June 30, 1952 shall receive a salary equal to that which is paid to a teacher or principal having equivalent experience and grade of certificate who is already in the Maryland Public School System; but no teacher or principal whose certificate is rated by the county superintendent as second class, as provided in Section 86 of Article 77, shall receive any salary increment based on experience.

(1) (b) No teacher, without a degree, holding a regular first grade or higher certificate shall receive a salary of less than $2,300 per school year during the first year of service; $2,400 per school year for the second year of service; $2,500 per school year for the third year of service; $2,600 per school year for the fourth year of service; $2,700 per school year for the fifth year of service; $2,800 per school year for the sixth year of service; $2,900 per school year for the seventh year of service; $3,000 per school year for the eighth year of service; $3,100 per school year for the ninth year of service; $3,200 per school year for the tenth year of service; $3,300 per school year for the eleventh year of service; $3,400 per school year for the twelfth year of service; $3,500 per school year for the thirteenth year of service; $3,600 per school year for the fourteenth year of service; $3,700 per school year for the fifteenth year of service; $3,800 per school year for the sixteenth year of service; $3,900 per school year for the seventeenth year and each succeeding year of service thereafter. the amount specified in the following table, for the school year applicable to him or her:

<table>
<thead>
<tr>
<th>Year of Teaching</th>
<th>Minimum Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>First</td>
<td>$2,300.00</td>
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<tr>
<td>Second</td>
<td>$2,500.00</td>
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<tr>
<td>Third</td>
<td>$2,700.00</td>
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<tr>
<td>Fourth</td>
<td>$2,900.00</td>
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<tr>
<td>Fifth</td>
<td>$3,100.00</td>
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<tr>
<td>Sixth</td>
<td>$3,300.00</td>
</tr>
<tr>
<td>Seventh</td>
<td>$3,500.00</td>
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<tr>
<td>Eighth</td>
<td>$3,700.00</td>
</tr>
<tr>
<td>Ninth and after</td>
<td>$3,900.00</td>
</tr>
</tbody>
</table>
[(2)](c) No teacher, with degree, holding a regular Bachelor of Science, Academic, Special, Vocational, or higher certificate, shall receive a salary less than the amount provided for in the following schedule for varying amounts of successful experience; no teacher, with degree, holding a regular certificate shall receive a salary less than 

<table>
<thead>
<tr>
<th>Year of Teaching</th>
<th>Minimum Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>First</td>
<td>$2,500.00</td>
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<tr>
<td>Second</td>
<td>$2,700.00</td>
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<td>Fourth</td>
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<td>Seventh</td>
<td>$3,700.00</td>
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<tr>
<td>Eighth</td>
<td>$3,900.00</td>
</tr>
<tr>
<td>Ninth and after</td>
<td>$4,100.00</td>
</tr>
</tbody>
</table>

[(3)] (d) Any such teacher having charge of a two-
teacher school, shall receive $200 per school year more than the appropriate foregoing schedule requires. A principal of a school holding a regular principal's certificate, shall receive the following amount in excess of the appropriate schedule required for teachers as provided in Sub-section [(1)](b) or Sub-section [(2)](c) of this Section [(93)] for schools with the following number of assistant teachers:

- Two to five assistants........................ $300
- Six to nine assistants........................ 400
- Ten or more assistants....................... 600

[(4)] (e) The principal of a school, holding a regular principal's certificate, who has completed at least one year of required work beyond the bachelor's degree shall receive the following amounts in excess of the schedule provided for teachers with degrees in Sub-section [(2)](c)
for schools with the following number of assistant teachers:

- One assistant ........................................... $400
- Two to five assistants................................. 500
- Six to nine assistants................................. 700
- Ten to fourteen assistants........................... 900
- Fifteen to nineteen assistants...................... 1000
- Twenty to twenty-nine assistants............... 1100
- Thirty or more assistants........................... 1200

(f) The salary of a teacher holding a regular second grade certificate shall be $1,600; and the salary of a teacher holding a regular third grade certificate shall be $1,400.

(g) The salary of a teacher or principal holding a provisional certificate shall be $200 less per school year than that required for teacher or principal holding a regular certificate for the same grade.

(h) The County Board of Education of any county and the Board of School Commissioners of Baltimore City may, in its discretion, pay to teachers and principals annual salaries in excess of the salaries provided for in this section.

(i) The County Commissioners of each county and the Mayor and City Council of Baltimore shall levy sufficient funds to meet the schedule of salaries herein established.

(d-1). There is hereby annually levied and imposed for each taxable year beginning after December 31, 1950, in addition to the tax imposed by sub-section (d) of this section, a tax on the net income of every corporation (domestic or foreign), at the rate of 1% of such portion thereof as is allocable to the State under the provisions of Section 312 hereof. The monies from the tax hereby imposed shall be used to the extent necessary to pay the salaries provided in Section 102 of Article 77 of the Annotated Code, as amended by this act and to the extent not so necessary shall remain in the General Funds of the State until subsequently reappropriated.

Sec. 2. And be it further enacted, That this Act shall take effect June 1, 1952.
Explanation

This bill is recommended as the result of further study of S. B. No. 264, as introduced into the 1951 Session by Senator Malkus of Dorchester County. The Agriculture and Natural Resources Committee of the Senate determined after hearings on S. B. 264 that it should be presented to the Legislative Council for further study. The bill provides in greater detail than now exists what acts will constitute violations of the Water Pollution Control Law, changes proceedings before the Water Pollution Control Commission, and generally modifies and amends the laws concerning water pollution.

Item No. 31

A BILL

ENTITLED

AN ACT to repeal Section 44 of Article 66C of the Annotated Code of Maryland (1951 Edition—being Section 37 of Article 19A in the 1947 Supplement), title “Natural Resources,” sub-title “Water Pollution Control Commission” and Section 375 of Article 43 of said Code (1951 Edition—being Section 382 in the 1939 Edition), title “Health,” sub-title “Water, Ice and Sewerage”; to repeal Sections 34, 36, 39 and 41 of Article 66C of said Code (1951 Edition—being Sections 28, 30, 33 and 34 in Article 19A of 1947 Supplement), title “Natural Resources,” sub-title “Water Pollution Control Commission,” and to enact in lieu thereof four new sections to be known as Sections 34, 36, 39 and 41 of said Article, title and sub-title, so as to broaden the definitions of “Pollution” and “Waters of the State,” to provide in more detail what acts will constitute violation of the Water Pollution Control Law and for the requirement, in specified cases, of permits to be issued by the Commission, and to change proceedings by and before the Commission involving violations of the Act; and to repeal and re-enact, with amendments, Sections 35 and 42 of said Article 66C (1951 Edition—being Sections 29 and 35 in Article 19A of the 1947 Supplement), title “Natural Resources,” sub-title “Water Pollution Control Commission,” so that the Director of the Department of Game and Inland Fish shall be an ex officio member of the Maryland Water Pollution Control Commission in lieu of the State Game Warden, to change the title of “Executive Secretary” to “Director” and to clarify the penal provisions of the sub-title.

SECTION 1. Be it enacted by the General Assembly of Maryland, That Section 44 of Article 66C of the Annotated Code of Maryland (1951 Edition—being Section 37 of Article 19A in the 1947 Supplement), title “Natural Resources,” sub-title “Water Pollution Control Commission” and Section 375 of Article 43 of said Code (1951 Edition—being Section 382 in the 1939 Edition), title “Health,” sub-
title "Water, Ice and Sewerage," be and they are hereby repealed.

SEC. 2. And be it further enacted, That Sections 34, 36, 39 and 41 of Article 66C of said Code (1951 Edition—being Section 28, 30, 33 and 34 of Article 19A in the 1947 Supp.), title "Natural Resources," sub-title "Water Pollution Control Commission," be and they are hereby repealed and that four new sections be and they are hereby enacted in lieu thereof, to be known as Sections 34, 36, 39 and 41 of said Article, title and sub-title, all to read as follows:

34. (a) "Pollution" means the discharge or deposit of any liquid, gaseous or solid substance into any waters of the State as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

(b) "Waters of the State" means that portion of the Atlantic Ocean and its tributaries within the State of Maryland, the Chesapeake Bay and its estuaries, all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this State or any portion thereof.

(c) "Person" means the State, any municipality, political sub-division, institution, public or private corporation, individual, co-partnership, or other entity.

36. The Commission shall have and may exercise the following powers and duties:

(a) To develop comprehensive programs for the prevention, control and abatement of new or existing pollution of the waters of the State;

(b) To advise, consult, and cooperate with other agencies of the State, the Federal Government, other States and interstate agencies, and with affected groups, political subdivisions, and industries in furtherance of the purposes of this sub-title;

(c) To accept and administer loans and grants from the Federal Government and from other sources, public or private, for carrying out any of its functions;

(d) To encourage, participate in, or conduct studies, investigations, research and demonstrations relating to water pollution and causes, prevention, control, and abatement thereof as it may deem advisable and necessary for the discharge of its duties under this Act;

(e) To collect and disseminate information relating to water pollution and the prevention, control and abatement thereof;

(f) To adopt, modify or repeal and promulgate standards of quality of the waters of the State and classify such waters according to their best uses in the interest of the public.
under such conditions as the Board may prescribe for the
prevention, control and abatement of pollution;

(g) To adopt, modify, repeal, promulgate and enforce
rules and regulations implementing or effectuating the
powers and duties of the Board under this sub-title;

(h) To issue, modify or revoke orders (1) prohibiting
or abating discharges of wastes into the waters of the
State; (2) requiring the construction of new disposal sys-
tems or any parts thereof or the modification, extension or
alteration of existing disposal systems or any parts thereof,
or the adoption of other remedial measures to prevent, con-
trol or abate pollution; and (3) setting standards of water
quality, classifying waters or evidencing any other deter-
mination by the Commission under this sub-title;

(i) To review plans, specifications or other data relative
to disposal systems or any part thereof in connection with
the issuance of such permits as are required by this sub-
title;

(j) To issue, continue in effect, revoke, modify or deny
(under such conditions as it may prescribe, to prevent, con-
trol or abate pollution) permits for the discharge of wastes
into the waters of the State, and for the installation, modi-
fication or operation of disposal systems or any parts
thereof;

(k) To exercise all incidental powers necessary to carry
out the purposes of this sub-title.

39. (a) It shall be unlawful for any person, in violation
of any duly authorized rule, regulation or order of the Com-
mmission, to cause pollution as defined in Section 34 of this
Article of any waters of the State or to place or cause to be
placed any wastes in a location where they are likely to
cause pollution of any waters of the State. Any such action
is hereby declared to be a public nuisance.

(b) It shall be unlawful for any person to carry on any
of the following activities without first securing such per-
mits from the Commission, as is required by it, for the dis-
posal of all wastes which are or may be discharged thereby
into the waters of the State: (1) the construction, instal-
lation, modification or operation of any disposal system
or part thereof or any extension or addition thereto; (2)
the increase in volume or strength of any wastes in ex-
cess of the permissive discharges specified under any ex-
isting permit; (3) the construction, installation, or opera-
tion of any industrial or commercial establishment or any
extension or modification thereof or addition thereto, the
operation of which would cause an increase in the dis-
charge of wastes into the waters of the State or would
otherwise alter the physical, chemical or biological prop-
erties of any waters of the State in any manner not al-
ready lawfully authorized; (4) the construction or use of
any new outlet for the discharge of any wastes into the
waters of the State. The Commission, under such condi-
tions as it may prescribe, may require the submission of
such plans, specifications and other information as it deems
relevant in connection with the issuance of such permits.

41. (a) Whenever the Commission determines there are
reasonable grounds to believe that there has been a viola-
tion of any of the provisions of this sub-title or of any duly
authorized rule, regulation or order of the Commission, it
may give written notice to the alleged violator or violators
specifying the causes of complaint. Such notice shall re-
quire that the matters complained of be corrected or that
the alleged violator appear before the Commission at a
time and place specified in the notice and answer the charges
complained of. The notice shall be delivered to the alleged
violator or violators in accordance with the provisions of
sub-section (e) of this section not less than fifteen days
before the time set for the hearing.

(b) The Commission shall afford an opportunity for a
fair hearing in accordance with the provisions of sub-
section (f) to the alleged violator or violators at the time
and place specified in the notice or any modification thereof.

On the basis of the evidence produced at the hearing, the
Commission shall make findings of fact and conclusions of
law and enter such order as in its opinion will best further
the purposes of this sub-title and shall give written notice
of such order to the alleged violator and to such other per-
sons as shall have appeared at the hearing and made written
request for notice of the order. The order of the Commissi-
ion shall become final and binding on all parties unless
appealed to the courts as provided in sub-section (g) within
thirty days after notice has been sent to the parties.

(c) Any person who is denied a permit by the Commissi-
ion or who has such permit revoked or modified shall be
afforded an opportunity for a hearing in connection there-
with upon written application within fifteen days after re-
ceipt of notice from the Commission of such denial, revo-
cation or modification.

(d) Whenever the Commission finds an emergency exists
requiring immediate action to protect the public health or
welfare, it may without notice or hearing issue an order
reciting the existence of such an emergency and requiring
that such action be taken as it deems necessary to meet the
emergency. Notwithstanding the provisions of sub-section
(b) of this section, such order shall be effective immediately.
Any person to whom such order is directed shall comply
therewith immediately but on application to the Commis-
sion shall be afforded a hearing as soon as possible. On the
basis of such hearing, the Commission shall continue such
order in effect, revoke it or modify it.

(e) Except as otherwise expressly provided, any notice,
order, or other instrument issued by or under authority of
the Commission may be served on any person affected
thereby personally or by publication, and proof of such
service may be made in like manner as in case of service of
a summons in a civil action, such proof to be filed in the
office of the Commission; or such service may be made by
mailing a copy of the notice, order, or other instrument by
registered mail, directed to the person affected at his last
known post office address as shown by the files or records
of the Commission, and proof thereof may be made by the
affidavit of the person who did the mailing, filed in the office
of the Commission. Every certificate or affidavit of service
made and filed as herein provided shall be prima facie evi-
dence of the facts therein stated, and a certified copy there-
of shall have like force and effect.
(f) The hearings herein provided may be conducted by the Commission itself at a regular or special meeting of the Commission. A record or summary of the proceedings of such hearings shall be taken and filed with the Commission, together with findings of fact and conclusions of law made by the Commission. In any such hearing a member of the Commission shall have the power to administer oaths, examine witnesses and issue in the name of the Commission notice of the hearings or subpoenas requiring the testimony of witnesses and the production of evidence relevant to any matter involved in such hearing. In case of contumacy or refusal to obey a notice of hearing or subpoena issued under this section, Circuit Courts for the several Counties and the equity courts for Baltimore City shall have jurisdiction upon application of the Commission or its representative, to issue an order requiring such person to appear and testify or produce evidence as the case may require and any failure to obey such order of the court may be punished by such court as contempt thereof.

(g) An appeal may be taken from any final order or other final determination of the Commission, by any person who is or may be adversely affected thereby, or by the Attorney General on behalf of the State, to the Circuit Court of the County in which the waters of the State involved in such order or determination are located, or to one of the equity courts for Baltimore City in the event that such waters are located within said City. Within thirty days after receiving copy of the final order, or other final determination, or after service of notice thereof by registered mail, the Appellant, or his attorney, shall serve a notice of appeal on the Commission, or, in the event of an appeal on behalf of the State, the Attorney General shall serve a notice of appeal on the other party to the proceeding. The notice of appeal shall refer to the action of the Commission appealed from, shall specify the grounds of appeal, including both points of law and fact which are asserted or questioned by the appellant. A copy of the original notice of appeal with proof of service shall be filed by the appellant or his attorney with the clerk of the court within ten days of the service of the notice and thereupon the court shall have jurisdiction of the appeal. The court shall hear the proceeding de novo, shall thereupon determine in writing all matters of law and fact, and render its decision approving, setting aside or modifying the rule, regulation or order complained of and the clerk of said court shall certify the same to the Commission. The Commission or any party aggrieved by any such final decision of the court shall have, regardless of the amount involved, the right of appeal to the Court of Appeals of Maryland. The procedure shall be the same as that provided by law concerning appeals in civil cases and such appeals shall have precedence over all cases except criminal cases.

Sec. 3. And be it further enacted, That Sections 35 and 42 of said Article 66C (1951 Edition—being Sections 29 and 35 in Article 19A of the 1947 Supplement), title "Natural Resources," sub-title "Water Pollution Control Commission," be and the same are hereby repealed and re-enacted, with amendments, to read as follows:
35. (a) There is hereby created a Maryland Water Pollution Control Commission, hereinafter referred to as the "Commission", which shall be composed of seven members, citizens and residents of the State as follows: The Director of the State Department of Health, the Chairman of the Board of Natural Resources, the [State Game Warden] Director of the Department of Game and Inland Fish, the Director of the Department of Research and Education and three members to be appointed by the Governor. The Governor shall designate one member among the appointed members to serve as Chairman of the Commission. The term of each appointed member shall be six years; provided, however, that the first three appointees shall hold office as follows: one for a period of two years, one for a period of four years and one for a period of six years. The Governor may for just cause remove any appointed member of the Commission and fill any vacancies for the unexpired portion of the term.

(b) No salary or compensation shall be allowed any member of the Commission for services rendered. Actual and necessary travel and other expenses incurred by the members in the discharge of their official duties as members of the Commission and by direction or request of the Commission shall be paid from any funds which are or may become available for the [purpose] purposes of this sub-title.

(c) The Commission shall organize and make its own rules, regulations and procedure, shall meet quarterly and shall keep a record of its proceedings which shall be open to the public for inspection. All rules, regulations or orders affecting more than one person shall be given such reasonable publication by the Commission as it shall determine. Special meetings may be called by the Chairman or by three members of the Commission by delivery of written notice to each member. Four members of the Commission shall constitute a quorum.

42. Any person found guilty of violating any provision of this sub-title or any duly authorized rule, regulation or order of the Commission shall be deemed guilty of a misdemeanor and upon conviction thereof, each violation shall be punished by fine [or] of not more than Five Hundred Dollars ($500.00) and costs of prosecution, or by imprisonment not to exceed ninety (90) days, or both such fine and imprisonment in the discretion of the trial magistrate or the court. Each day, upon which a violation of the provisions of this sub-title shall occur, may be deemed a separate and additional violation for the purpose of this sub-title. The trial magistrates of the several counties of the State and the police magistrates of Baltimore City shall have concurrent jurisdiction with the Circuit Courts of the several counties and the Criminal Court of Baltimore to hear and determine cases under this Section. It shall be the duty of the Attorney General of the State of Maryland to take charge of and prosecute all cases arising under the provisions of this sub-title, including the recovery of penalties.

SEC. 4. And be it further enacted, That this Act shall take effect June 1, 1952.
PART III

MINUTES OF THE MEETINGS

OF THE

LEGISLATIVE COUNCIL OF MARYLAND
MINUTES
FIRST MEETING
Baltimore, Md., May 16, 1951.

The first meeting of the Legislative Council of Maryland was held on Wednesday, May 16th, at 11:00 A.M. in the City Council Chamber, City Hall, Baltimore, with the following members present: Mr. Della, Chairman, presiding, and Messrs. Goldstein, Crothers, Kimble, Melnicove, Redden, Turnbull, McLaughlin, Monroe, Luber, Boone, Dempsey, Lofstrand, White, McNulty, Barnes and Derr.

The Chairman called the meeting to order and spoke briefly as to the work of the Council for the coming year. He asked the Council to make suggestions as to a regular meeting day and it was decided, after a short discussion, that meetings would be held on the second Wednesday and Thursday of each month, beginning on June 13th. The meetings are to start at 10:30 A.M.

A statement showing the disposition by the Legislature of the Legislative Council's 1951 Program was then submitted, together with a list of the subjects which had been referred to the Council for study by the 1951 Legislature. The Secretary was directed to place all those bills which failed to pass on the current agenda, referring them to the two major committees for further discussion and possible recommendation.

Mr. Luber, Vice-Chairman of the Council, read a letter from the Department of Public Improvements, asking that the House members of the Council meet with the Department at Annapolis to decide how best to distribute the microphones ordered at the 1951 session of the General Assembly. Representatives of the company which is installing the voting equipment as well as the company installing the microphones will be present in the State House on Thursday, May 17th.

The Secretary then read the following correspondence which had been received:

From the Bendix Radio Division, inviting the Council to visit the plant at Towson.

Mr. Boone, to whom the letter was directed, was asked to contact Mr. Foster, Vice-President of the Bendix Co., and make arrangements for the Council to visit the plant, if possible, on June 14th.

From Hon. A. Gordon Boone, relative to conditions at the Md. Training School for Boys, which had been brought to his attention.

Since this school was included in the investigation made by the State Fiscal Research Bureau of the State Department of Welfare, this item was ordered included in the general subject of this Report, which is to be studied by the Council.

From Hon. A. Gordon Boone, suggesting that the Council study the subject of automobile inspection stations. (Referred to Judiciary Committee).

From Jerrold V. Powers, Chairman, Juvenile Court Advisory Committee of Prince George's County, suggesting that consideration be given to establishing in Maryland a system of Domestic Relations Courts. (Judiciary Committee).
From A. Gordon Boone, forwarding a request by the Ways and Means Committee that the Council study H. B. 733 of the 1951 session, relative to changes in the Aeronautics laws. (Judiciary Committee).

From Hon. Theodore R. McKeldin, Governor of Maryland, forwarding House Resolution No. 17 of the Michigan House of Representatives, relative to exemptions from the Federal Income Tax Laws. (Finance Committee).

From Hon. John C. Luber, forwarding Michigan and Iowa proposals to amend the Federal Constitution as to taxing powers of the Federal Government. (Finance Committee).

From Hon. Theodore R. McKeldin and Hon. John C. Luber, relative to the Oklahoma Resolution proposing an amendment to the Federal Constitution relative to fiscal matters. (Finance Committee).

From Chief Clerk of the Oklahoma House of Representatives, forwarding resolution relative to amending Federal Social Security Laws as to restrictions on the disclosure of names of welfare recipients. (Judiciary Committee).

From Vernon Eney, Esq., one of the Maryland Commissioners on Uniform Laws, calling attention to several amendments to Chapter 301 of 1951, relative to Support of Dependents. (Judiciary Committee).

From Hon. Louis L. Goldstein, calling attention to the problem of teachers' salaries and the high turnover in teaching positions. (Finance Committee).

The Chairman suggested that Mr. Boone might arrange a hearing at which Dr. Pullen, the State Superintendent of Schools, would be invited to appear. Mr. Boone requested the Secretary to invite Dr. Pullen to appear at the next meeting of the Council to discuss this subject.


The Chairman informed Mr. Crothers, Chairman of the Judiciary Committee, that Mr. Anselm Sodaro, State's Attorney of Baltimore City, wished to appear before the Committee to discuss this report.

A list of the members of the Judiciary and Finance Committees was then distributed, the list being as follows:


The Chairman then referred the following resolutions directing the Council to make certain studies, as follows:

S. R. 21—Requesting the Legislative Council to consider the question of the restoration of the grade crossing at Berwyn on the road to Berwyn Heights. (Finance Committee).
S. R. 28—Requesting the Council to consider the proposal requesting Congress to amend the Constitution of the U. S. relative to income, inheritance and gift taxes. (Finance Committee).

H. R. 63—Requesting the Council to study the possibilities of providing off-track pari-mutuel betting facilities. (Finance Committee).

H. R. 66—Requesting the Council to make a study of the State’s Correctional System, with particular reference to youthful offenders. (Judiciary Committee).

A letter from Mr. James V. Bennett, of the Criminal Law Section of the American Bar Association, was read, relative to H. R. 66.

H. R. 72—Requesting the Legislative Council to investigate and make recommendations as to the relationship between organized crime and government. (Judiciary Committee).

H. R. 77—To provide that the Legislative Council shall study the subject of compulsory insurance for motor vehicles during the interim between the 1951 and 1952 sessions. (Judiciary Committee).

The Report of the State Fiscal Research Bureau on the State Department of Welfare (pursuant to H. R. 27 of the 1950 Session) was submitted and was referred to the Judiciary Committee.

Mr. Boone, Chairman of the Finance Committee, then announced a meeting of this Committee on Tuesday evening, June 12th, at 7:00 P. M. in Room 309, City Hall, Baltimore.

Senator Turnbull inquired about the possibility of having copies of the veto messages mimeographed for the use of the Council, since all vetoed bills automatically come up for further action at the 1952 session of the General Assembly. The Secretary suggested that arrangements could be made to have extra run-offs made and sent out to the members of the Council before the next meeting.

The Council then adjourned to meet on Wednesday, June 13th, at 10:30 A. M.

SECOND MEETING


The second meeting of the Legislative Council of Maryland was held on Wednesday, June 13th, at 10:30 A. M. in the City Council Chamber, City Hall, Baltimore, with the following members present: Mr. Della, Chairman, presiding, and Messrs. Goldstein, Kimble, Turner, Meneicove, Turnbull, McLaughlin, Monroe, Luber, Boone, Dempsey, Lofstrand, White, McNulty, Riggin, Robinson, Barnes and Derr.

Dr. Thomas G. Pullen, State Superintendent of Schools, was present at the invitation of the Council to discuss Item No. 28, relating to the increased teachers’ salaries. Mr. John Seidel, Assistant Superintendent of Schools, was also present.

Dr. Pullen submitted a written report, setting out briefly the principle of equalization and tracing the history of State support of the public school system. Informational data as to the
number of vacancies on the various teaching staffs, anticipated needs as to additional teachers and costs estimated as to raises which might be granted were included.

The Chairman then asked Dr. Pullen to discuss the general question of raising teachers salaries, with emphasis on the reasons as to why he felt it was the State's responsibility rather than a local one, since this was the basis on which the Governor had vetoed the bill.

Dr. Pullen called attention to the fact that the Constitution of 1867 provided that "the General Assembly, at its first session after the adoption of this Constitution, shall, by law, establish throughout the State a thorough and efficient system of free public schools; and shall provide by taxation or otherwise for their maintenance." He suggested that this placed the responsibility directly on the State to maintain the system at the same level of efficiency all over the State, the wealthier portions taking care of the poorer sections through the principle of equalization. He called attention to the fact that the State maintained the roads system, the welfare and health departments on a State-wide basis, large portions of the funds being supplied by the Federal government in some cases.

Senator Kimble commented on the fact that a teacher's retirement allowance depended on the salary received and that a meagre salary schedule would in turn bring an even more meagre retirement allowance.

Senator Turnbull questioned the statement that the underlying cause of teachers leaving their positions was the low salary schedule, calling attention to the fact that the percentage was fairly close all over the State, regardless of whether a county was providing large increases over the minimum salary scale. He asked Dr. Pullen whether it would not be wise to provide a maximum scale also, in addition to an increased minimum scale, in order to keep the situation equal all over the State. Dr. Pullen replied emphatically that this should not be done, since the cost of living was not the same in all portions of the State, the rural sections having a lower income than the urban sections.

Senator Turnbull suggested that this argument was questionable since a farmer's expenses were, in reality, not the same as a city dweller, taking into consideration lower taxes, home-produced food, etc., in the rural areas.

Senator Turner stated that the school-building program was laying an additional heavy burden on the poorer counties. He suggested that the building program was over-ambitious and stated that his county was not able at the present time to carry the burden of payments on principal and interest of the school bonds and in addition grant increased pay to the teachers.

Senator Turnbull also emphasized this point, calling attention to the fact that nearly a million dollars had been spent in his county on architects' fees for school buildings.

Dr. Pullen commented that the discussion should be limited to teachers' salaries, since the school building program was another subject altogether.

Mr. Boone questioned whether the counties might not take away the local increases should the State decide to underwrite the cost.
Mr. Robinson, Mr. Lofstrand and Senator Goldstein also commented on various phases of the subject.

The Council adjourned at 1:15 P. M. until Thursday, June 14th, at 10:30 A. M.

THIRD MEETING

Baltimore, Md., June 14th, 1951.

The third meeting of the Legislative Council of Maryland was held on Thursday, June 14th, at 10:30 A. M. in the City Council Chamber, City Hall, Baltimore, with the following members present: Mr. Della, Chairman, presiding, and Messrs. Goldstein, Kimble, Turner, Melnicove, Turnbull, McLaughlin, Monroe, Luber, Boore, Dempsey, Riggins, Derr, Barnes, White, McNulty and Robinson.

Mr. Thomas B. R. Mudd, Commissioner of Motor Vehicles, appeared before the Council to recommend several changes in the laws relating to motor vehicles. He suggested that every Class A and Class D registration should expire at midnight on the 31st of March and all others at midnight on the 30th day of April. He also suggested that new tags should not be displayed more than thirty days before the expiration date for those registrations which expire on April 30th and 31 days for those which expire on March 31. These recommendations were referred to the Judiciary Committee.

He said that he would have some further recommendations to make at a later date with reference to the issuance of temporary tags. He showed samples of the new temporary tags which were being issued to dealers and explained the procedure for issuing and using them. Mr. J. Cavendish Darrell, representing the Automobile Trade Association, also spoke briefly on this subject.

Mr. Mudd was asked about the veto of Senate Bill 71, relative to the issuance of special automobile tags for operators of vehicles equipped with mobile radio units, since in his veto message, the Governor stated that the Commissioner of Motor Vehicles agreed with him that this legislation was unwise and unnecessary. Mr. Mudd stated that he felt that the trend toward special tags for various special groups would gradually increase if this were done and he felt this would be a step in the wrong direction.

Senator Kimble suggested that these mobile radio operators would be of great help in a civil defense emergency and that he felt there was a great deal of justification for special identification of these mobile radio units as a public safety measure. Upon questioning, he said that there were at present about 20 such units in Maryland and that the number might increase to as high as thirty. The Chairman commented that the State Police cars also were equipped with 2-way radio units and were present on the road in greater numbers.

The Secretary then submitted the following correspondence:

Letter from Hon. John R. Jewell, relative to S. B. 264 of 1951, relating to water pollution (Judiciary Committee).

Letter from Joseph Kolodny, attorney at law, recommending certain changes in the financial responsibility laws (Judiciary).
Letter from Mr. R. J. Andrews of Elkton, Md., forwarded to the Council by Governor McKeldin, recommending the encouragement of industry in the State by special taxing and fire insurance rates (Finance).

Letter from Hon. Jerome Robinson, recommending that H. B. 139, relating to Judges Pensions, be studied, and also H. B. 679, relating to service on the bench by retired judges, under certain conditions. (H. B. 139 referred to Finance and H. B. 679 to Judiciary).

Senator Kimble was then asked to tell of the plans for the Council’s trip to Allegany and Garrett Counties. After a full discussion, it was decided to leave on Tuesday, June 26th, at 5:45 P. M. Daylight Time. Full arrangements for accommodations, etc., were to be taken care of by Senator Kimble and Mr. Luber.

The Council then adjourned to meet on Tuesday, June 26th, at 5:45 P. M.

FOURTH TO THE EIGHTH MEETINGS
(Alegany and Garrett Counties)

The fourth meeting of the Legislative Council was held at Fort Cumberland Hotel, Cumberland, at 10:30 P. M., Tuesday, June 26th. Those present were: Mr. Della, Chairman, presiding, and Messrs. Goldstein, Crothers, Kimble, Turner, Melnicove, Turnbull, McLaughlin, Monroe, Luber, Boone, Dempsey, Lofstrand, White, McNulty, Riggin, Robinson, Barnes and Derr.

The members had traveled from Baltimore to Cumberland on B. & O. Train No. 19, arriving in Cumberland at 10:00 P. M. to begin a five-day trip through Allegany and Garrett Counties.

The Chairman read a letter from Lawrence P. Wilder to Governor McKeldin on the subject of Unemployment Compensation. This was referred to the Finance Committee, as Item No. 37.

He also read a letter from the 29th Division Association, recommending a home for Maryland Veterans. This was referred to the Finance Committee as Item No. 38.

Senator Kimble explained the program for the Council on its visit to Western Maryland. Following inquiry from members of the Council, he went on to speak of economic conditions in Allegany County and of the great recreational potentialities ready for development in Western Maryland.

The meeting adjourned at 11:30 P. M.

At 8 A. M. on Wednesday, June 27th, the members of the Council were the breakfast guests of former Judge William C. Walsh at the Liberty Tavern. They went from there to inspect the new banking headquarters of the Liberty Trust Company in Cumberland, after which they toured the shops and facilities of the B. & O. R.R. in Cumberland.

At 12:30 P. M. the members of the Council were luncheon guests of the B. & O. RR at the Ali Ghan Shrine Club. At 2:30 P. M. on June 27th the Council met in the City Council Chamber, City Hall, Cumberland, to confer with the Mayor and City Council of Cumberland on local matters.
In the absence of Mayor Post who was out of the City, Commissioner William Buckholz welcomed the members of the Council and introduced Commissioners George Tederick and Mrs. Lucille Roeder. Mr. Thomas Dickson, resident engineer in charge of flood control work for the Corp of Engineers of the U. S. Army, explained to the Council in some detail the extensive program of flood control work under way in and about the City of Cumberland.

Mrs. Roeder spoke concerning the issues of Home Rule and stressed the need of conferences between citizens and the legislature as to legislative problems.

Messrs. Kimble, Dempsey and Buckholz took part in the discussion as to the problems of local legislation and home rule.

Delegates Reed, See and Driscoll also attended this meeting.

The meeting adjourned at 3:15 P. M.

At 6 o'clock P. M. the members of the Council were dinner guests of the Cumberland Brewing Company at the Ali Ghan Shrine Club. On Thursday, June 28th, the Council met for breakfast at State Teachers' College, Frostburg. They were welcomed by Miss Lillian C. Compton, President, and Dr. Ivan Diehl, Dean of Instruction. A number of residents and citizens of Frostburg were also present.

Miss Compton and two of the students discussed the problems and needs of the institution, after which the members of the Council inspected the buildings and grounds.

At noon, the members of the Council were the luncheon guests of the Celanese Corporation of America, after which they were taken on a tour of the large plant at Amcelle.

At 4 P. M. the Council returned to Cumberland for a meeting at the Fort Cumberland Hotel, concerning plans for the balance of the trip. The members then visited the Cumberland Brewing Company, after which they were dinner guests of former Senator William A. Gunter at his summer cottage on Evitts Creek.

At 9:30 A. M. on Friday, June 29th, the members of the Council left Cumberland to inspect the mine at Lonaconing, after which they went to Garrett County, stopping at the Savage River Dam. The balance of that day and all of Saturday, June 30th was spent in touring through and inspecting the several State parks in Garrett County.

The members of the Council met with Senator Neil Fraley of Garrett County and also Delegates Greene and Edwards. Others who joined with the Council were County Commissioners Stewart Stahl and Jonas Seims. Delegate Noel Spier Cook of Allegany County and Mr. Richard Pagenhart, Attorney to the Garrett County Commissioners were also present. Mr. John Trimmer, Head of the Department of Information and Mr. Joseph Kaylor, State Forester, also traveled with the Council in Garrett County.

Senator Fraley spoke particularly concerning the poor prospects of the timber industry and the coal industry in Garrett County and gave the Council much information concerning the recreational facilities.
Mr. Joseph Kaylor, State Forester, spoke generally as to the needs of the State forests and stated that many times the present number of cottages could be constructed if proper recreational facilities would be afforded. He said that for the total of 28 cottages in New Germany and at Herrington Manor, a total of more than 800 applications would be received during a season.

At noon on Saturday, June 30th, the members of the Council were the guests of Senator Fraley at the Garrett County Country Club for lunch.

The Council was accompanied on this trip by Mr. William H. Zander, Purchasing Agent, Department of Budget and Procurement, Delegate Daniel Brewster of Baltimore County, Mr. G. W. Becker, Public Relations Representative of the B. & O. RR and Mr. Frank Dixon, Photographer for the B. & O. RR.

The members left Oakland at 7:30 P. M. on June 30th for the return trip by train to Baltimore.

NINTH MEETING
Baltimore, Md., September 12, 1951.

The Legislative Council held its ninth meeting at 2 P. M. on Wednesday, September 12th, 1951, in Room 231, City Hall, Baltimore. Mr. Della, Chairman, presided, and all members of the Council were present.

The Council conducted a hearing on Item No. 29, concerning possible improvements in the Corrupt Practices Act. This matter was currently before the Judiciary Committee but because of its importance, the hearing was held before the entire Council.

Judge Joseph Sherbow of the Supreme Bench of Baltimore City, spoke of the Grand Jury investigation into election practices made some months earlier and of the interest this had created in the subject. He suggested a general tightening of the provisions of the Act. He recommended the establishment of a separate office divorced from both the legislative and executive departments, where all reports on election contributions and expenditures might be filed. He suggested that this office could audit these reports, be given power to subpoena any person and be responsible for the publication of the results of its work.

In answer to a question, he stated that there should be some limitation on expenditures, particularly as to the money spent for runners on election day.

Mr. W. Norris Weis, Foreman of the January 1951 Grand Jury, stated that during the course of its work, the Grand Jury had before it 110 district leaders and past candidates for office. The recommendations made by the Grand Jury, he said, were from a large number of suggestions that had come to the Grand Jury from these witnesses.

Mr. Richard W. Emory, former Deputy Attorney General, made a number of suggestions as to possible improvements in the Corrupt Practices Act:

1. There should be uniform forms provided for filing financial reports.

2. The source of all funds should be reported.
3. The treasurers should use a bank as a depository and spend money only by check.

4. Pre-election financial reports should be required.

5. There should be a post-election audit and an opportunity for public inspection of every candidate’s financial accounting.

6. There should be a central place for filing of reports.

7. Election day expenses should be limited.

8. The penalty provisions should be revised so that offenses would not be limited to those “knowingly” violating the law.

Mr. Harry T. Gross, Counsel to the Democratic State Central Committee, stated that the Corrupt Practices Act is being generally complied with. He suggested that the Grand Jury recommendations deserve full consideration but that corrupt practices in elections can be uncovered under the terms of the present law. He recommended:

1. Additional limitations on expenditures and contributions as under the Federal Corrupt Practices Act.

2. A central office for filing reports, which might be the Secretary of State.

   He opposed pre-election reports and thought that post-election audits might be very expensive.

Mr. Joseph L. Carter, Chairman, Republican State Central Committee, made the following suggestions:

1. Each party in a State-wide or City-wide campaign should designate a treasurer and all expenditures should be funnelled through this treasurer.

2. Expenditures should be limited, perhaps on such a formula as 10c per registered voter. All services and non-cash items should be estimated in terms of cash.

3. The number of workers and watchers should be limited and a maximum set for their remuneration.

4. Workers should give to the Police copies of any literature they are distributing.

5. Workers should receive their pay from the central party organization.

6. Printers should keep sample copies of all election material prepared by them, together with records as to who ordered such material, etc.

7. The entire election laws should be over-hauled in order to make such changes as having a recount for State-wide offices and requiring better accounting for unused and spoiled ballots.

Mr. J. Edgar Harvey, Deputy Attorney General, recommended that there be central filing of reports and that the Clerk of the Court of Appeals might be used for this job.

Secondly, he recommended that a ceiling be placed upon the amount a candidate can spend, including types of expenditures now exempt from all restrictions.

Finally, he recommended pre-election financial reports, with possible publishing of such reports.
Mr. Henry J. Ripperger, Clerk, Circuit Court No. 1 in Baltimore City, suggested that candidates for such offices as State Central Committees and the House of Delegates might be exempted from the requirement for filing financial reports. He stated that he favored a central filing office.

In order to conserve time, the Chairman asked the Council if it wished to have read out in full all correspondence which had been received since the last regular meeting in June. Upon motion, it was decided that the Chairman should examine the correspondence and make the necessary committee referrals.

At 4:20 P.M. on motion of Mr. Turner, the Council went into Executive Session. At 4:30 P.M., the Council returned to open session.

Mr. Goldstein invited the members and their wives to attend a fishing trip at Solomons Island beginning at 12 o'clock Noon on Sunday, September 30th, at Bowen's Inn.

The meeting adjourned at 4:30 P.M.

TENTH MEETING

Baltimore, Md., October 10, 1951.

The tenth meeting of the Legislative Council was held on Wednesday, October 10, 1951, in Room 302, City Hall, Baltimore with the following members present: Senator Della, Chairman, Presiding, and Messrs. Crothers, Turner, Redden, Turnbull, McLaughlin, Monroe, Luber, Boone, Dempsey, White, McNulty, Riggin, Barnes and Derr.

Senator Crothers presented the report from the Judiciary Committee, as follows: (all of which was adopted)

JUDICIARY COMMITTEE

REPORT

Baltimore, Md., October 9, 1951.

To the Members of the Legislative Council:

The Judiciary Committee met at 7:30 P.M. on October 9, 1951, with the following members present: Mr. Crothers, Chairman, presiding, and Messrs. Turnbull, Della, Dempsey, Derr, McLaughlin, Riggin, White and McNulty.

The Committee considered the several items on its agenda and makes the following report to the Legislative Council:

Item No. 1(4)—Licensing of Electricians Unfavorable report.

Item No. 1(5)—Licensing of Motion Picture Machine Operators. Unfavorable report.

Item No. 1(6)—Licensing of Plumbers. Unfavorable report.

Item No. 36(1)—Expiration of Registration for trucks. Favorable report.

Item No. 36(2)—Time for display of new auto tags. Favorable report.
Item No. 39—Study of grounds for divorce.

Unfavorable report.

Note: The Committee further recommends that the Council advise the Governor that in the original request for such a study made by the Maryland State Bar Assn., it was stressed that this subject be studied by a special committee "to be composed of representatives of all groups in the community who have knowledge and experience with the problem of domestic relations in Maryland."

Item No. 43—Raising to $100. the distinction between Petit Larceny and Grand Larceny.

Favorable report.

All these recommendations are made for the 1952 session of the General Assembly.

Respectfully submitted,

OMAR D. CROTHERS, JR.,

Chairman.

Letters were read from the following persons and referred to committees, as follows:

a. From Hon. A. Earl Shipley, Director, Division of Parole and Probation, concerning a recent case involving robbery with a broken pistol. (Judiciary Committee)

b. From Mr. Elmer M. Jackson, Jr., Vice-President and General Manager of the Evening Capital, concerning libel laws affecting newspapers. (Judiciary Committee)

c. From Speaker John C. Luber, concerning increased penalties for selling and distributing dope to minors. (Judiciary Committee)

d. From Mr. Walter L. Green, Attorney, Hyattsville, concerning the examination of dogs which have bitten people. (Judiciary Committee)

The Chairman appointed a committee to consider possible changes in the Rules of the House of Delegates by reason of the electric voting system. The members of the committee are Mr. Luber, Chairman, and Messrs. Boone, Lofstrand, Dempsey and Derr.

Mr. Crothers then presented a report of the Judiciary Committee on House Resolution No. 72, a copy of which report is appended to the end of these minutes.

Following the presentation of this report, Mr. Crothers moved for its adoption. After a general discussion of the provisions of the report, Mr. Monroe moved that it be made a special order for 2 P. M. on this day. This motion was defeated by a voice vote. The motion of Mr. Crothers that the report be adopted then was passed by a nine to five vote, as follows:

Ayes—Turner, Redden, Turnbull, McLaughlin, Monroe, Boone, Dempsey, Barnes and Derr.

Nays—Della, Crothers, White, McNulty and Riggin.

Mr. Boone presented a report from the Budget and Finance Committee, as follows:
BUDGET AND FINANCE COMMITTEE
REPORT
Baltimore, Md., June 12, 1951.

To the Members of the Legislative Council:

The Budget and Finance Committee met on June 12, 1951, with the following members present: Mr. Boone, Chairman, presiding, and Messrs. Luber, Kimble, Robinson, Barnes, Goldstein, Lofstrand and Monroe.

The Committee considered the several items on its agenda and makes the following recommendation to the Legislative Council:

Item No. 5—Private School Buses. Favorable report.
This recommendation is made for the 1952 session of the General Assembly.

Respectfully submitted,
GORDON BOONE, Chairman.

The favorable report on Item No. 5 was adopted by an eight to seven vote, as follows:

Ayes—Turnbull, McLaughlin, Monroe, Boone, Dempsey, Derr, White and Barnes.

Nays—Della, Crothers, Turner, Redden, Luber, McNulty and Riggin.

The Council then recessed until 2 P. M.

2 P. M.

Senator Goldstein was present for the afternoon session.

The Council held a hearing on Item No. 47, concerning increased State appropriations to public libraries. Those who appeared on behalf of the bill were Mr. Allan B. Lane, President, Maryland Association of Library Trustees, Mrs. Lewis P. Ditman, Secretary-Treasurer of the Association, Hon. L. Harold Sotheron, a member of the Board of Trustees of the Prince George's County Library, and Mr. C. Keating Bowie, a member of the Board of Trustees of the Enoch Pratt Free Library in Baltimore. The proposal was referred to the Budget and Finance Committee.

At 3 P. M., the Council adjourned to meet on November 14th.

FIRST REPORT ON INVESTIGATION OF CRIME
October 9, 1951.

To the Members of the Legislative Council:

The Judiciary Committee of the Legislative Council herewith submits its first report on its study of the relationship between organized crime and government. This topic was referred to the Legislative Council by House Resolution No. 72, approved by the House of Delegates on March 29, 1951. The resolution requested the Legislative Council to investigate and make recommendations as to the relationship, if any, between organized crime and government in Maryland. The Legislative Council was requested particularly to consider the following aspects of the problem:
To investigate generally the relationship between organized crime and any unit of government anywhere in this State;

To extend assistance to and receive assistance from all public officers engaged in the investigation or the prosecution of crime or corruption, including all State and local public officers and any Committee delegated by the Congress of the United States with the task of investigating organized crime;

To examine into the relationship between the Government of this State and local criminal law enforcement, with particular reference but not limited to the following problems:

1. To examine into the existing physical, legal and policy limitations on the functions of the State Police;

2. To examine into the existing powers of removal by the Governor and by other persons and bodies of local public officers with respect to the investigation of criminal justice;

3. To examine into the extent by which the power of the State government may or should properly be enlarged over local units of government in connection with law enforcement;

4. To determine whether any new State agency of investigation or supervision is desirable in order to keep a continuous check on criminal law enforcement throughout the State and the extent to which any such action by the State would violate the principles of home rule.

The Chairman of the Legislative Council referred this resolution to the Judiciary Committee for its study and report.

The committee has held a series of regional meetings throughout the State, meeting in Hagerstown on July 25, Easton on August 9, Salisbury on August 10, Annapolis on August 24, Baltimore on September 11, and Towson on September 20. At each of these several meetings the committee invited from the particular area all Circuit Court Judges, State's Attorneys, Sheriffs and County and Municipal Police. In addition, member of the State Police were invited to attend the several meetings and in Baltimore City the foremen of two Grand Juries were invited to meet with the committee. In each instance the committee held a long session with a representative group of law enforcement officers in order to make the investigations particularly requested in House Resolution No. 72.

It was the general consensus of opinion among these law enforcement officials that there has been little, if any, relationship between organized crime and government in Maryland. For the most part, the committee was told, criminal conditions are local, and there is a complete absence of what is usually described as "syndicated" crime. The committee was informed that in many parts of the State there are such criminal conditions as numbers games, bookmaking, illegal pinball machines, punch boards and liquor law violations. In a few instances, also, the committee was informed of violation of the narcotics laws. However, most of the law enforcement officers appearing before the committee were emphatic in stating that these conditions of crime are local in nature and are not part of any State-wide or regional syndicate. The only real exception to this generalization was found in the recommendations made to the committee by the Honorable Joseph Sherbow, Associate Judge of the Supreme Bench of Baltimore City. Judge Sherbow's suggestions are referred to among the recommendations listed below.

The law enforcement officials who appeared before the Judiciary Committee brought to it a series of suggestions and pro-
posals for possible improvements in the criminal laws of this State, all aimed at making law enforcement procedures more efficient. The recommendation most frequently made to the committee was that the Bouse Act should be repealed or at least modified on a State-wide basis to remove gambling and concealed weapons cases from its operation. The several State's Attorneys were practically unanimous in requesting the repeal of the Bouse Act. Many of the Judges throughout the State also recommended this action, although there were a number of Judges who testified that the Bouse Act in their opinion created no undue barriers to the enforcement of criminal laws. In several instances the point was made that police officers have used the Bouse Act as an excuse to cover their own lack of energy in enforcing laws. One Judge made the further point that a diligent police officer can ordinarily secure a search warrant in many types of criminal cases and thus take the case entirely out of the purview of the Bouse Act.

Search warrants themselves were the subject of a number of statements and recommendations made to the committee. There was some difference of opinion among those who testified before the committee as to whether or not the present search warrant law is efficient. One State's Attorney said that every search warrant issued in his county for the last several years had been held invalid if challenged in the Circuit Court. Another State's Attorney recommended a short form for search warrants. One of the Judges in Baltimore City recommended that search warrants be used as much as possible, and another stated that only a small percentage of police officers under the rank of sergeant know how to prepare a search warrant.

The Attorney General of the State appeared at the Baltimore meeting and recommended that the laws be amended to permit the taking of an appeal when a search warrant is quashed. The Police Commissioner of Baltimore City stated that any officer who did not know how to prepare a search warrant could have easy access to others who could help him.

A recommendation was made to the committee in a number of counties that there should be a special squad of plain clothes investigators added to the State Police, whose services could be available upon request to any county. The State's Attorneys emphasized that in small rural counties their officers and investigators are well-known and are therefore limited in their effectiveness in police work. In some counties, the State's Attorneys have requested the County Commissioners to appropriate funds for hiring private investigators on a temporary basis. One State's Attorney recommended that the counties could be required by statute to provide such special investigators, but it was recognized, of course, that this procedure would throw the cost of such work on the counties.

The committee was informed by members of the State Police that there already are plain clothes investigators in the State Police force who are available for such work. However, the number is small and would have to be increased for any widespread use of such investigators. The Superintendent of State Police told the committee that the use of plain clothes investigators by his organization frequently causes adverse comment. He said that out of the present total of 250 members in the Department, the maximum number that could be put out “on the road” for the enforcement of laws is 119. He stated his intention of requesting 100 additional troopers in the next budget.

As a rule, the County enforcement officers who requested additional assistance from the State Police wanted the work of the
State Police to be done in cooperation with local officials. One State's Attorney, however, recommended to the committee that the personnel of the State Police should be increased and that they should have full authority to go into any County and work independently of local officers. State's Attorneys and Sheriffs in general were complimentary to the work now being done by the State Police and if requesting any change, asked only for additional assistance. It was brought out that the largest single job handled by the State Police is traffic work, so that rather clearly additional officers would be required if there is to be any increase in the amount of criminal work done by them.

A long series of further suggestions for amendments to the laws were made to the committee. In brief, they were as follows:

1. That the State's Attorney's office be given the power to supervise and coordinate the work of the County's law enforcement agencies.

2. That criminal penalties be increased in order to deter the violation of law. Some Judges as a matter of policy now are giving prison sentences for gambling violations and are making penalties heavy whenever the amount of the penalty is discretionary. The committee received some suggestions that the penalties now found in the statutes also be increased by law. On the other hand, the question was raised whether sentences could be made so heavy as to increase the difficulty of getting convictions.

3. That greater care be given in probation cases in order to keep potential "repeaters" out of society.

4. That it be made the duty of the State Police to investigate violations of criminal laws within the corporate limits of towns, when requested to do so by the State's Attorney of the county, the Grand Jury or the Circuit Court. The law now prohibits such action except upon request of the Chief of Police or the Mayor of the town, or upon the order of the Governor.

5. That additional committing magistrates be provided in order that prosecuting witnesses might more easily make their complaints.

6. That the General Assembly should make a comprehensive re-evaluation of the gambling laws in order to make them conform in scope to the conditions and the thinking of the Twentieth Century. It was mentioned also that confusion is caused by the numerous exceptions and local differences found in the gambling laws and in the laws as to Sunday Observance.

7. That the State either should repeal laws permitting legalized betting at racetracks or it should legalize gambling at places other than racetracks.

8. That the racing laws should be amended to state specifically how bets are to be made at racetracks, in order to prevent the extensive illegal bookmaking which now prevails at some of the tracks.

9. That there should be a central bureau for all criminal records in the State, comparable to the records in the Commissioner of Motor Vehicles' office on traffic accidents.

10. That the Judiciary Committee should appoint a small sub-committee of three to five members to make a thorough and complete investigation of crime in this State. It was further recommended that the Council request from the Contingent Fund at the disposal of the Governor an appropriation of $50,000 in order to hire a staff of investigators, and that the Council use its broad power of subpoena to support this investigation. It was emphasized that the Legislative Council in such a probe could treat Baltimore City, Baltimore County and Anne Arundel County as one unit and that the result of such an investigation would be an "apheaval."
11. That wiretapping, under control, should be legalized.

12. That a Police Racket Division should be permanently established in the Police Department of Baltimore City. This Division ought to function separately from the present roving Vice Squad and give its particular attention to the apprehension of the large operators in crime.

13. That the Income Tax Division of the State Comptroller's Office should be directed to require any person who reports income from an apparently illegal source to disclose information adequate to enable the Income Tax Division to make an accurate audit of the report; and that the Income Tax Division should be directed to report the fact of such illegal income to the proper law enforcement authorities.

14. That the Legislature should clarify any doubt which may exist as to the power of the Public Service Commission to assume control and supervision over the news service agencies.

15. That the possibility of rewarding informers as the Federal government does, be studied.

16. That something should be done about witnesses pleading the constitutional right of self-incrimination, as to whether any public official should refuse to answer because of self-incrimination without subjecting himself to removal from office or the forfeiture of pension rights and credits.

17. That present laws are sufficient and all that is needed is more vigorous enforcement.

There was considerable discussion at the Baltimore City meeting concerning the work of the foot-officer on the beat. The particular question was whether officers of this type have made enough arrests and whether some of the arrests made by the Vice Squad should have been handled by the officer on the beat. Captain Emerson was questioned on this point and stated that he got some of his tips from Captains and Inspectors. He was not certain whether the Captains and Inspectors in turn would receive any tips from the patrolmen and sergeants. Captain Emerson also stated the opinion that some police-officers may not agree with the purpose of a particular law and therefore allow it to go unenforced.

The State's Attorney of Baltimore City called attention of the committee to a unique situation in that county. It concerns the Sparrows Point property of the Bethlehem Steel Company. The company maintains a private police force on its property even including the residential area of Sparrows Point. This situation was explained in connection with the statement that perhaps as much as $25,000 a week is involved in illegal gambling operations within the steel mills. The Baltimore County Police Force has no jurisdiction within this area and the matter of gambling within the mills has been the subject of conferences and correspondence between county authorities and company officers.

Except in one instance, the committee conferred only with law enforcement officers. The single exception was in the person of a lady from Prince George's County who attended one of the meetings of the committee to give testimony about illegal gambling operations in that County. The committee went into executive session to hear the testimony, and it was determined that the matter should be referred to the State's Attorney and Sheriff of the County for appropriate action by these law enforcement officers. The committee subsequently was informed by the State's Attorney of Prince George's County that the lady refused to convey any information as to gambling in that County.
At about the time that the committee concluded its series of regional meetings, it received a proposal from the Governor that any future work of the Legislative Council in conducting a crime investigation be done in conjunction with a Citizen's Commission he proposed to appoint. The Governor mentioned particularly the fact that his Commission would have no power of subpoena, so that the statutory powers of the Legislative Council could in this way be extended to the Citizen's Commission. The Governor also stated his intention of recommending to the other two members of the Board of Public Works that financial aid from the State Contingent Fund be extended for the carrying on of this investigation, provided that his Citizen's Commission was permitted to call witnesses and to interrogate them.

The committee also received a proposal from a majority of the Prince George's County Delegation in the General Assembly that the members of this delegation be constituted as a special sub-committee in order to investigate crime in that County. Following a ruling by the Attorney General that the Legislative Council could not constitutionally delegate its power of subpoena to any such sub-group, the Judiciary Committee determined not to accept the proposal made on behalf of the Prince George's Delegation.

The Judiciary Committee believes that the wide range of proposals and suggestions made to it amply justify the time and energy devoted to its series of hearings throughout the State. It plans to discuss and review all the proposals which involve possible amendments or improvements to the laws of this State, and to submit to the Legislative Council whatever recommendations may be forthcoming from such study.

Meanwhile, the committee has already acted upon what was perhaps the most unusual and striking suggestion made to it. This was the proposal that the entire committee, or perhaps a smaller sub-committee, should hire independent investigators to make an intensive search for persons who have violated the criminal laws of this State, as well as to conduct a thorough investigation of the Police Department of Baltimore City in order to ferret out any possible corruption therein. A majority of the committee has decided against any such investigation, unless the Legislative Council directs it. It believes its decision is buttressed by sound considerations of practicability and public policy, and by a due regard for the function and scope of the legislative process. Because of the wide public interest in the subject, the committee welcomes this opportunity to make a statement to the Legislative Council and to the people of Maryland.

The committee's decision and recommendation to the Council is supported first by this practical question: what could be done by a legislative investigation that cannot be done by state's attorneys and grand juries? The answer is that a legislative committee could not accomplish any more than these established agencies of law enforcement, and in one respect could not do as much. For, even if a legislative committee finds criminals and evidence of the violation of law, it ends its work by turning over all its findings to the state's attorney and grand jury, for prosecution. State's attorneys and grand juries have the widest investigatory and inquisitorial powers, plus the right of presentment. Perhaps in a given instance they may need additional private investigators; if so, the answer is to fill such need through these established and traditional agencies of law enforcement, and not to work through an outside agency.
Members of the committee frequently questioned the witnesses before it, as to what could be accomplished by a legislative investigation that could not be done by the State's attorneys and grand juries. The only answer which to the committee seemed to have any merit was that a legislative investigation would not be hampered by jurisdictional lines and could disregard the boundaries among the several political sub-divisions. This answer was predicated mainly upon the assertion that as to some forms of crime, Baltimore City and the adjacent parts of both Baltimore and Anne Arundel Counties are all part of one common problem. Even as to this assertion, the State's Attorney of Baltimore City stated that he has always enjoyed the cooperation and assistance of the State's Attorneys of both adjoining jurisdictions and saw no reason not to anticipate its continuation.

Secondly, the committee's decision to recommend to the Council that it not pursue the so-called crime investigation is founded upon well-recognized principles of legislative restraint and the separation of powers. Everyone recognizes that a legislative committee can and should conduct hearings and investigations insofar as they concern the improvement of the laws of the State. Beyond this point, a legislative committee should proceed only for the most compelling reasons. If there had been a virtual breakdown and failure in law enforcement in Maryland, this might constitute a condition sufficiently compelling for a legislative investigation. The committee does not feel that there has been such a breakdown. There is crime in the State, as there is in every society; yet the people of the State and of its communities are essentially law-abiding, and the regular avenues of law enforcement are open and operating.

For argument's sake, suppose that the Legislative Council or some other legislative group conducted a crime investigation, calling witnesses and papers before it in order to search for actual, individual violations of the laws of this State. Not only would anything uncovered during the investigation be turned over to the State's attorneys and grand juries for prosecution, but after the tumult and shouting had ceased, the State and its communities still would be looking to these regular law-enforcement agencies to protect the public against crime and criminals. These agencies are the organs for law enforcement; if they are not operating at top efficiency, there is ample authority in the executive and judicial branches of the State government to improve conditions.

This committee feels that it has performed the task to which House Resolution No. 72 called the Legislative Council's particular attention. It has gathered a set of serious and pertinent recommendations for changes in the criminal laws and procedures of this State. Some of the suggestions deserve serious consideration as possibilities for giving further assistance to the law enforcement officials and agencies of the State. This is a proper exercise of the familiar and traditional functions of a legislative body. To urge the committee and the Legislative Council to step outside the legislative domain, and to take over the duties of the coordinate branches of government is, in our opinion, to commit a travesty upon the legislative process. The machinery for adequate enforcement of the laws is in full operation. Elected and appointed officials who do not perform their sworn duty to the satisfaction of the people are subject to the will of either the appointing authority or the electorate. There is no break-down in the regular and normal functions of law enforcement in Maryland, and there is no justification for the
Legislative Council attempting to step outside the proper sphere of legislative action.

This report is submitted for the purpose of determining whether the Council desires a further investigation of crime in Maryland. In any event, there will be another report filed by the Judiciary Committee after consideration has been given to the recommendations for amendments to the criminal laws which now are before the committee.

Respectfully submitted,

OMAR D. CROTHERS, JR., Chairman,
Judiciary Committee.

ELEVENTH MEETING

The eleventh meeting of the Legislative Council was held in the City Council Chamber, City Hall, Baltimore, on Wednesday, November 14th, at 10:30 A. M., with the following members present: Mr. Della, Chairman, presiding; and Messrs. Goldstein, Crothers, Kimble, Turner, Melnicove, Redden, Turnbull, McLaughlin, Monroe, Luber, Boone, Dempsey, Lofstrand, White, McNulty, Riggin, Robinson Barnes and Derr.

Mr. Simon E. Sobeloff, Chairman of the Commission to study the Reorganization of the State Government, appeared before the Council to present the first interim report of that group. He introduced Mr. J. Theodore Wolfe, Vice-President of the Consolidated Gas, Electric Light and Power Company, who had acted as Chairman of the sub-committee which studied budgetary and fiscal procedures of the State government. Mr. Wolfe then summarized for the benefit of the Council the recommendations contained in the first interim report.

He explained in detail the eleven major recommendations contained in the printed report covering the form of the budget itself, the specific services available to the Legislature in considering the budget, the function of the Department of Budget and Procurement, and the actual operations of the State government as to business procedures, accounting, purchasing, stores, etc. He called attention to the fact that the printed report also contained three appendices, a sample of the budget procedure of the City of Richmond, Va., and two special reports on accounting systems of the State and purchasing procedures of the State.

Mr. Wolfe stated that Maryland was the first State in the country to adopt an executive type of budget. Because of it, the State has been kept on a sound financial basis; but during the thirty years from its inception, the amount of money involved has risen from approximately $12,000,000 to $160,000,000 and the scope of the State service has increased so materially that the individual item system, in which the budget is set out, has become unwieldy. Out of 5,000 line items in the last budget, 4,000 had to be amended during the fiscal year.

Mr. Wolfe explained what is meant by a "program" or "performance" budget, in which money is appropriated for the entire program of a department or institution, rather than a specific amount for each item of salary or expense. He also emphasized the need for setting out the complete financial program in the original budget bill, rather than submitting supplemental budget bills, retaining the supplemental budget bill only for the correc-
tion of errors in the original bill and providing for expenditures enacted by legislation during the current session.

Mr. Wolfe said that, after conferring with the Attorney General on the subject, it had been decided that a Constitutional amendment would be required to change over to the so-called "program" budget.

Mr. Wolfe further discussed the consideration of various types of special funds, modernization of procedures in the Budget and Procurement office and a central inventory system.

Mr. Robinson then offered, on behalf of the Council, an expression of thanks to Messrs. Sobeloff and Wolfe and their associates on the Commission for the time and effort spent on the study of the budgetary system of the State.

Mr. Sobeloff then explained briefly the scope of the work of his Commission and how they were attempting to study the wide variety of subjects before it. He was asked if the commission intended to study the educational system of the State, in view of the recommendation for a special study of this subject which had been mentioned by the Sub-committee on Teachers' Salaries. Mr. Sobeloff explained some of the problems incident to such a comprehensive study and said that there would not be any study of the subject ready for the 1952 session of the General Assembly.

The Council then recessed until 1:45 P. M.

1:45 P. M.

At 1:45 P. M., the Council re-convened.

Mr. John G. Schilpp, Chairman of the Board of Trustees of the Maryland Workshop for the Blind, and the Honorable Charles M. See, member of the House of Delegates from Allegany County, then spoke briefly of the work and the needs of the Maryland Workshop for the Blind and asked that a special sub-committee of the Council study the facilities and needs of that institution.

The following reports were then submitted by Mr. Boone, Chairman of the Budget and Finance Committee.

REPORT OF THE BUDGET AND FINANCE COMMITTEE

September 11, 1951.

To the Members of the Legislative Council:

The Budget and Finance Committee met on September 11, 1951, in Room 302, City Hall, Baltimore, with the following members present: Mr. Boone, Chairman, presiding, and Messrs. Barnes, Lofstrand, Luber, Monroe, Redden, Robinson and Turner.

A public hearing was held on Item No. 19, Off-track Pari-Mutuel Betting. This resolution was introduced by the Honorable George C. Wagner (2nd District, Baltimore City) and requested the Council to study and report on this subject.

Representatives of the various racetracks, members of the Judiciary, the State's Attorney's office and church and civic groups were present at the invitation of the Council to participate in the discussion.
After the hearing, a discussion of the subject was held by the committee and it is the opinion of this committee in view of the almost unanimous opposition to this proposal by those attending the hearing, that no further study should be made of this proposal.

Respectfully submitted,
A. GORDON BOONE, Chairman.

REPORT OF THE BUDGET AND FINANCE COMMITTEE
October 10, 1951.

To the Members of the Legislative Council:

The Budget and Finance Committee met on October 10th, 1951, in Room 302, City Hall, Baltimore. Those present were Mr. Boone, Chairman, presiding, and Messrs. Barnes, Luber, Monroe, Redden and Turner.

The Committee considered a number of the items on its agenda and makes the following report to the Legislative Council:

Item No. 33—Relating to the encouragement of industry.
Because of the wide implications of this proposal, the committee is recommending that it be referred to the Governor, with the added recommendation that it be turned over to some special commission or perhaps to the Sobeloff Commission.

Item No. 37—Payment of small contributions to unemployment compensation fund.
Unfavorable report.

Respectfully submitted,
A. GORDON BOONE, Chairman.

REPORT OF THE BUDGET AND FINANCE COMMITTEE

The Budget and Finance Committee met at 7:30 P. M. on Tuesday, November 13th, 1951, in Room 302, City Hall, Baltimore, with all members present and Mr. Boone, Chairman, presiding.

The Committee considered a number of items remaining on its agenda and makes the following report:

Item No. 28—Teachers Salaries.
(Report of Special Sub-committee follows:)

September 28, 1951.

Hon. A. Gordon Boone, Chairman,
Budget and Finance Committee,
Legislative Council of Maryland.

Dear Mr. Boone:

The Sub-committee on Teachers' Salaries herewith submits its report to the Budget and Finance Committee of the Legislative Council. The sub-committee was appointed by you on June 13, 1951 and was requested to complete its report prior to the October meeting of the Budget and Finance Committee.

There were two main questions immediately before the sub-committee. First, should there be an increase in the statutory
minimums set for teachers' salaries? and secondly, if an increase is to be provided, should it be financed by the State or by the individual political sub-divisions?

These two questions—particularly the latter one—raise issues that go to the heart of the philosophy of public school education in Maryland. The extent and the form of the State's participation in both the control and the financing of public schools have been raised time after time during the past several decades.

Traditionally, Maryland's public schools developed under the counties, with each county paying the cost of and largely controlling its own school system. However, State funds have been appropriated to the local school systems since 1867. The trend over these years has been toward an increased participation by the State, both as to controls and to finances.

Two dates have particular importance in relation to State contributions of money to the public schools. One is the year 1922, when the principle of the equalization fund was established; and the other is the year 1947, when State aid was widely expanded in both form and amount.

Equalization, as its name suggests, is a formula for equalizing educational standards in the so-called "richer" and "poorer" counties. It provides that the "poorer" counties shall receive, if necessary, enough State funds to enable them to achieve a set of minimum standards which are set on a State-wide basis. These standards cover salaries of teachers, transportation of students, and other operating expenses. Equalization says, in effect, that if a county levies sixty-five cents on its general tax rate (this being the current figure), and cannot thereby realize enough tax revenues to meet these standards, the State will make up the difference. Many counties have shared in equalization money ever since 1922, and other counties have been added to the list as the standards were successively raised; at the present time every political sub-division except Baltimore City receives money on this account.

Drastic changes in State aid were made at the 1947 Session of the General Assembly. First, one of the minimum standards was raised by setting teachers' salaries at a basic rate of from $2,200 to $3,800, for teachers with degrees. This is the present State minimum; each teacher over a period of sixteen years after the first moves from the lowest to the highest figure, receiving annual increments of $100 each.

At the same time, other forms of State aid were changed. Since 1947, the political sub-divisions have been getting State money annually at the rate of $20 for each pupil in attendance, and at the rate of $400 for each classroom unit in operation. The State also began after 1947 to make matching payments for school construction, from the Incentive Fund. This type of assistance for capital improvements was supplemented at the 1949 session by two large bond issues. First, the Legislature authorized the issue of State bonds in the amount of $50,000,000 the money to be lent to political sub-divisions for building schools; and secondly, a bond issue was authorized for $200,000,000, the proceeds to be given to the political sub-divisions for school facilities, on a 1-to-3 matching basis.

The result of the State's greater participation in financing the public schools has been a sharp increase in the State budgetary items for schools. For the fiscal year of 1947, about 11 1/2 million dollars was appropriated for direct State aid to the pub-
lic schools; the comparable figure in the State budget for the fiscal year ending in June, 1952, is more than 28½ million dollars. The Equalization Fund alone in this current budget amounts to more than 13 million dollars.

School expenses in the counties also have increased during the post-war years. The sub-committee is advised that from the year 1947-48 to the year 1950-51, local school expenses in the aggregate increased from $29,769,151 to $41,874,999, an increase of $12,105,848. Many of the counties have incurred bonded indebtedness for school construction, so that they have had to levy for the retirement of the bonds as well as for current expenses. Also, every county in the State has borrowed from the State loan fund, for the purpose of school construction. By the present year or by next year at the latest, practically every county will have to begin making payments on the principal and interest on these bonds.

During the early weeks of the 1951 session of the General Assembly, the State Board of Education recommended that school teachers throughout the State have their salaries increased by $500. The proposal was that the current scale of salaries ranging from $2,200 to $3,800 be raised so as to extend from $2,700 to $4,300, these figures being for school teachers with degrees; the scale for teachers without degrees is $200 below the scale for those with degrees. Bills were introduced both in the House and in the Senate to raise teachers' salaries. One of these bills, House Bill 610, finally passed both houses of the General Assembly. It had been amended, and its final form provided for an increase of $300 per year for school teachers. Under this bill, that is, the salary scale for teachers with degrees would have ranged from $2,500 to $4,100. The bill also provided funds for its cost by requiring that the income tax rate on corporations be increased by 1%.

House Bill 610 was vetoed by the Governor on April 13, 1951. He made this statement in his veto message:

"I believe that any increase in the salaries of teachers in the public schools of the City of Baltimore and in the public schools of the counties of Maryland should be provided by the City and county governments. The schools are City schools and county schools, not State schools. My other reason for vetoing this bill is the fact that it would increase the State corporation tax 1% if it became law. I am opposed to any increase in State taxes."

Pursuant to a Constitutional amendment adopted in 1950, House Bill 610, as well as all other bills vetoed by the Governor following the adjournment of the General Assembly of 1951, will be returned to the Legislature immediately after it has organized for its next regular or special session, in order that the two houses may vote upon whether or not to sustain the veto of the Governor. Unless there is a special session in the meantime, therefore, House Bill 610 will be placed before the General Assembly on the first or second day of the thirty-day session beginning on the first Wednesday in February, 1952.

Shortly after the veto by the Governor of House Bill 610, Senator Louis L. Goldstein of Calvert County requested that the Legislative Council study the general subject of teachers' salaries. Following this request, the Council held a long hearing on June 13, 1951, with Dr. Thomas G. Pullen, State Superintendent of Schools. Dr. Pullen related in some detail the financial history of the public schools in Maryland and explained the workings of the Equalization Fund; and he recommended strong-
ly that there be an increase in teachers’ salaries, with the added cost to be borne by the State.

Dr. Pullen stressed particularly the need for new teachers in the public school system. This need stems from the combined impact of (1) the normal turn-over of persons leaving the school system; (2) a current unusual trend of teachers leaving the school system to go into private industry; and (3) the need for new teaching positions to be filled as a result of an increasing school population. As he summarized these figures, the estimate was that by September 1, 1951, there would be needed throughout the State a total of 2,717 new teachers. This total of new teachers needed was more than one-fifth of the total of 12,387 teachers who were in the public school system throughout the State during the school year of 1950-51.

Following his appearance before the entire Council, Dr. Pullen subsequently appeared before the Budget and Finance Committee of the Council, to which the subject of teachers’ salaries had been referred for study. At that time the Chairman of the Committee appointed a sub-committee to consider the subject, with the request that it report back to the Committee prior to its meeting in October, 1951. The members of the special sub-committee were Senator Louis L. Goldstein, Chairman, Senator Robert B. Kimble and Speaker John C. Luber.

The sub-committee held a series of regional meetings throughout the State in order to sound out public sentiment on the question of teachers’ salaries. With all members present on each occasion, the sub-committee met in Salisbury on July 18th, Annapolis on July 25th, and Cumberland on August 2nd. Invitations for the several meetings were sent generally in each area to County Commissioners, Superintendents of Schools, County Boards of Education, Presidents of Teachers’ Colleges, Teachers’ organizations, Parents and Teachers Associations, and other interested citizens. Also, all members of the General Assembly were invited to attend the meetings in their respective areas.

As expressed before the sub-committee in these three meetings, the prevailing opinions can be quickly summarized. First, there was almost unanimity of opinion that teachers’ salaries should be increased over the present $2,200 minimum. If any figure was mentioned, it generally varied from $300 to $500 per year increase. Secondly, there was a very strong prevalence of opinion to the effect that the increase should be paid by the State government rather than by the respective political subdivisions. Many persons emphasized that local real estate taxes should not be further increased and that the political subdivisions do not have the unlimited sources of taxation enjoyed by the State.

In addition, other points of view were strongly urged upon the sub-committee during its several meetings. It was widely felt that the present policy of having sixteen $100 annual increments after the first year requires too long a period for achieving the maximum salary rating; a change to provide eight $200 annual increments was frequently suggested. It was the general opinion, also, that the State should continue its present policy of setting only the minimum salaries, with the political subdivisions empowered individually to set their schedules above the minimum; the only variation from this opinion was found in Montgomery County and is discussed below.

The County Commissioners were asked for recommendations as to the source of taxation which should be tapped by the State
to pay the added cost of teachers' salaries, as a question supplementary to their opinion that the State should assume the cost. About one-third of the several Boards of County Commissioners answered that the sales tax should be used. There was a specific suggestion from Queen Anne's County to restore the sales tax to all items valued at fifteen cents and over. One of the Commissioners from Washington County supported his opinion as to the use of the sales tax by citing that it is the sales tax which benefits most from the rising spiral of prices, and that this spiral is the immediate cause of the difficulties over teachers' salaries.

Officials representing Baltimore City and Montgomery County presented other points of view to the sub-committee.

The City Solicitor and the Budget Director of Baltimore City, in a joint statement, pointed out that the State Budget for fiscal 1952 contains a total of more than $28,500,000 in State aid for the public schools. Of this amount, a total of less than $4,400,000 was appropriated to Baltimore City. Baltimore's share of the total, therefore, is approximately 15 1/2%. Most of the money received by Baltimore City comes under the heading of "Aid Per Classroom Unit" and "Basic Aid to Pupils." The City receives nothing under the Equalization Fund. Messrs. Biddison and Fallin estimated that Baltimore's public school population is at least one-third of the total school population of the State. Continuing, they say, "an apportionment of only 15% of State aid for education to Baltimore City is grossly inequitable." The statement of Messrs Biddison and Fallin does not attempt to suggest what formula should be used by the State in distributing its monies. Their only proposal was to emphasize the "gross inequity" to the City in allowing it only 15 1/2 % of the total distributed by the State when it has the obligation for educating at least one-third of the total school population.

Dr. William H. Lemmel, Superintendent of Schools in Baltimore City, also appeared before the sub-committee. He emphasized the rapid increase in the number of school children in Baltimore, both recent and prospective, and stated that Baltimore City already was paying the highest real estate tax in the State. He suggested that the basis for equalization should be equalized, criticizing the unequal policy as to valuations for assessments throughout the State; assessments, he said, are based anywhere at from 25% to 80% of actual value, among the several political sub-divisions.

Mr. Alexander K. Hancock, Director of Finance for Montgomery County, presented a statement on behalf of the County Council of that County. He opposed any substantial increase in State aid for schools unless there is a change in the method of contribution, because "there are inequities in the present method which will make increased State distribution too burdensome upon the taxpayers of Montgomery County . . . It is submitted that a raising of the State minimum salary scale will be no solution of the teacher salary problem, unless variations from the minimum can be controlled by the application of two cost of living factors. These factors are: (1) The increase and decrease in salaries from time to time to offset changes in living costs applicable to the entire State (2) The variation of salaries from place to place to equalize for the living-cost differential existing in various parts of the State."

During all these regional meetings, the sub-committee was impressed with the general uncertainty as to one phase of the
philosophy of public school education in Maryland, that of where
to draw the line between State and local financing and control
of schools. The sub-committee gave considerable thought to the
possibility for a general re-study and re-evaluation of this
problem and perhaps other phases of public education in this
State.

Following the several regional meetings, the sub-committee
held a long session with Dr. Pullen, State Superintendent, and
Mr. John Seidel and Dr. David Zimmerman, all of the State De-
partment of Education. Dr. Pullen emphasized again the strong
inflationary trends during recent months and the very definite
probability that these trends will continue. Secondly, he empha-
sized the problem of teacher turn-over and the difficulty of secur-
ing enough teachers to fill all open positions. Thirdly, Dr. Pullen
gave to the sub-committee the estimated cost of “across the
board” increases of $300, $400 and $500, respectively. He also
gave to the sub-committee an estimate of the cost of changing
the policy as to annual increments, his figures being for annual
increments of $200 each over a period of eight years following
the first year of teaching. All of this information was submitted
by Dr. Pullen at the request of the sub-committee. Some of these
figures are given hereinbelow in this report.

The sub-committee held two further meetings. One was with
the Governor, to acquaint him with the sub-committee's tenta-
tive conclusions and to invite his joint sponsorship of such
recommendations. The other was with a group of State officials,
to secure their suggestions as to the most feasible and equitable
source of taxation to be used to supply the funds which the sub-
committee’s tentative recommendations would require.

The sub-committee also secured a number of sets of figures
and estimates, covering current tax rates in the several political
sub-divisions, the effect upon these tax rates of a salary raise for
teachers financed by local real estate taxes, and the salary
schedules in Baltimore City and the counties for the school year
of 1951-1952.

The first table gives the current tax rate in each of the political
sub-divisions and the effect upon this tax rate of an increase of
$300 and of an increase of $500 annually for teachers' salaries,
if the sub-divisions were paying the cost of the increase.

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<th>County</th>
<th>Current Tax Rate</th>
<th>Effect on Tax Rate of $300</th>
<th>Effect on Tax Rate of $500</th>
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<td>10.7</td>
</tr>
<tr>
<td>Allegany</td>
<td>1.82</td>
<td>12.9</td>
<td>21.5</td>
</tr>
<tr>
<td>Anne Arundel</td>
<td>1.71</td>
<td>14.0</td>
<td>23.3</td>
</tr>
<tr>
<td>Baltimore</td>
<td>1.60</td>
<td>8.2</td>
<td>13.6</td>
</tr>
<tr>
<td>Calvert</td>
<td>1.82</td>
<td>23.6</td>
<td>39.4</td>
</tr>
<tr>
<td>Caroline</td>
<td>1.80</td>
<td>18.5</td>
<td>30.8</td>
</tr>
<tr>
<td>Carroll</td>
<td>1.25</td>
<td>12.7</td>
<td>21.1</td>
</tr>
<tr>
<td>Cecil</td>
<td>1.28</td>
<td>10.6</td>
<td>17.6</td>
</tr>
<tr>
<td>Charles</td>
<td>1.30</td>
<td>26.4</td>
<td>44.1</td>
</tr>
<tr>
<td>Dorchester</td>
<td>1.35</td>
<td>14.1</td>
<td>23.6</td>
</tr>
<tr>
<td>Frederick</td>
<td>1.34</td>
<td>10.9</td>
<td>18.2</td>
</tr>
<tr>
<td>Garrett</td>
<td>1.95</td>
<td>21.2</td>
<td>35.3</td>
</tr>
<tr>
<td>Harford</td>
<td>1.32</td>
<td>9.7</td>
<td>16.2</td>
</tr>
<tr>
<td>Howard</td>
<td>1.70</td>
<td>16.3</td>
<td>27.3</td>
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<tr>
<td>Kent</td>
<td>1.50</td>
<td>13.8</td>
<td>23.0</td>
</tr>
</tbody>
</table>

* These figures were supplied to the sub-committee by the State Superin-
tendent of Schools.
The sub-committee also secured figures as to the salary scale in the several political sub-divisions for the school year of 1951-52.**

<table>
<thead>
<tr>
<th>County</th>
<th>Minimum</th>
<th>Maximum</th>
<th>Remarks</th>
</tr>
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<tbody>
<tr>
<td>Baltimore City...</td>
<td>$3,000</td>
<td>$5,400</td>
<td>Effective January, 1952</td>
</tr>
<tr>
<td>Allegany</td>
<td>2,500</td>
<td>3,900</td>
<td></td>
</tr>
<tr>
<td>Anne Arundel</td>
<td>2,600</td>
<td>4,200</td>
<td></td>
</tr>
<tr>
<td>Baltimore County</td>
<td>3,000</td>
<td>5,400</td>
<td>Some increments of $200</td>
</tr>
<tr>
<td>Calvert</td>
<td>2,400</td>
<td>4,000</td>
<td></td>
</tr>
<tr>
<td>Caroline</td>
<td>2,400</td>
<td>4,000</td>
<td></td>
</tr>
<tr>
<td>Carroll</td>
<td>2,600</td>
<td>4,200</td>
<td>$2550-$4150 for 1951-52</td>
</tr>
<tr>
<td>Cecil</td>
<td>2,450</td>
<td>4,050</td>
<td></td>
</tr>
<tr>
<td>Charles</td>
<td>2,500</td>
<td>3,800</td>
<td>First 8 steps increased</td>
</tr>
<tr>
<td>Dorchester</td>
<td>2,800</td>
<td>3,900</td>
<td></td>
</tr>
<tr>
<td>Frederick</td>
<td>2,600</td>
<td>4,200</td>
<td></td>
</tr>
<tr>
<td>Garrett</td>
<td>2,400</td>
<td>4,000</td>
<td>Retroactive from 1-1-52</td>
</tr>
<tr>
<td>Harford</td>
<td>2,800</td>
<td>4,200</td>
<td>Two increments of $200</td>
</tr>
<tr>
<td>Howard</td>
<td>2,400</td>
<td>4,000</td>
<td></td>
</tr>
<tr>
<td>Kent</td>
<td>2,600</td>
<td>4,200</td>
<td></td>
</tr>
<tr>
<td>Montgomery</td>
<td>2,800</td>
<td>5,000</td>
<td>$300 &amp; $200 increments</td>
</tr>
<tr>
<td>Prince George's</td>
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<td></td>
</tr>
<tr>
<td>Queen Anne's</td>
<td>2,500</td>
<td>3,800</td>
<td>Bonus payment June, '52</td>
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<td>St. Mary's</td>
<td>2,400</td>
<td>3,800</td>
<td>First 3 steps increased</td>
</tr>
<tr>
<td>Somerset</td>
<td>2,400</td>
<td>4,000</td>
<td></td>
</tr>
<tr>
<td>Talbot</td>
<td>2,400</td>
<td>3,800</td>
<td>First 5 steps increased</td>
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<tr>
<td>Washington</td>
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<td></td>
</tr>
<tr>
<td>Wicomico</td>
<td>2,400</td>
<td>4,000</td>
<td></td>
</tr>
<tr>
<td>Worcester</td>
<td>2,400</td>
<td>4,000</td>
<td></td>
</tr>
</tbody>
</table>

Two factors should be mentioned in relation to these tables. First, for the school year of 1951-52, every political sub-division in the State will pay salaries to teachers above the statutory minimum, at least among its lower salary brackets. Secondly, in most instances the two tables given above must be used together. The figures in the first table as to the effect on the tax rate of the particular salary increases have been computed as being increases over the amount paid in any county during the school year of 1950-51. Some of the counties will be paying the new salaries on the tax rates cited. In other words, part of the proposed State increase may already have been absorbed in any county in the present tax rate.

** Figures supplied by the State Department of Education, in early September, 1951.
As one final phase of its work, the sub-committee secured three rulings from the Attorney General on the effect of House Bill 610 of 1951, if the General Assembly should override the Governor's veto at the session in February, 1952. First, said the Attorney General, the Bill then would take effect as of June 1, 1952, under the provisions of Section 17 of Article 2 of the State Constitution as amended by Chapter 714 of the Acts of 1949 and approved by the voters in November, 1950.

Secondly, the Attorney General ruled that the increase in corporate income taxes would become effective retroactively, so that on June 1, 1952 the increased tax would be due for the taxable year beginning after December 31, 1950.

Finally, the Attorney General ruled that the increased salaries for teachers would become effective for the school year following June 1, 1952. This would mean that the new salary schedule would become effective for the school year beginning in September, 1952.

RECOMMENDATIONS

Against this broad background of hearings and investigation, the sub-committee makes the following recommendations to the Budget and Finance Committee of the Legislative Council, proposing also that they be endorsed by the Committee and by the entire Council, and ultimately be included as recommendations to the General Assembly when it convenes in February, 1952:

1. School teachers should be given a $300 across the board increase, so that the salary schedule for those with degrees would range from $2,500 to $4,100 and other schedules for those without degrees would be adjusted accordingly. The sub-committee is advised that the present cost of this increase would be $3,463,814 annually. While this expense may be expected to increase as additional teachers are required for an expanding school population, part or all of the increase will be offset by the increasing productivity of the 65-cent tax levies in the political sub-divisions, as the level of assessed valuations moves upward.

2. Salary increments should be given on the basis of $200 annually for each year after the first, for a total of eight years, so that the teacher at the beginning of the ninth year of teaching and thereafter would be in the highest bracket of the salary schedule. This would replace the present provision for sixteen $100 increments after the first year, under which the maximum is not reached until the seventeenth year of teaching. The sub-committee is advised that the cost of this change for the first year would be $1,056,125, thereafter decreasing slowly for a number of years.

3. The cost of these two recommendations should be borne by the State; it is the thought of the sub-committee that local real estate taxes should not further be burdened with this expense, and this is the only form of taxation available to most of the political sub-divisions. The sum of the two figures cited in the recommendations above would be $4,519,939 annually.

4. The State should levy this additional sum by way of an added tax of 1% on corporate income taxes. This tax now amounts to 4%. In response to questions put by it, the sub-committee was assured by responsible State officials that such a tax at the present time would not have any unduly bad effects upon corporations in this State. The current Federal excess profits
tax is a very high one, so that for any corporation which currently must pay this tax, the main effect of the Maryland tax would be simply a transfer of payments to the State of money now going to the Federal government. Even the ordinary Federal income taxes on corporations are now so high that half or more of any tax imposed in Maryland would represent for the corporation a decrease in taxes paid to the Federal government. The sub-committee is advised by the Chief of the Bureau of Revenue Estimates that on the current level of corporate income, an additional tax of 1% will yield $3,887,500. The sub-committee calls attention to one aspect of tax collections under House Bill 610. If it becomes effective as of June 1, 1952, within the near future thereafter the added tax will be collected for the taxable year beginning after December 31, 1950. Another year of the increased tax will be collected in the spring of 1953. Meanwhile during the school year of 1952-53, the amount required for one year's increase in salaries will be expended. From the collection of two years' taxes and the expenditure of one year's salary increase during this first year of operation under House Bill 610, there will be not only an adequate amount to pay the cost of the sub-committee's recommendations for this first year but also a reserve will be created for future years. Instalment payments may be expected to qualify this statement somewhat, but only by way of delaying some of the payments.

5. The General Assembly at the session in February, 1952, should pass House Bill 610 over the Governor's veto. This would accomplish the $300 across the board increase for teachers and also would impose the additional 1% in corporate income taxes. The proposal for $200 annual increments should be incorporated into a separate bill, and introduced and passed at this session.

6. The sub-committee gave considerable thought and study to the statement in the Governor's veto message that any increase in salaries should be a responsibility of the counties and Baltimore City. The sub-committee takes this opportunity to commend the Governor for raising this important and pertinent question; however the sub-committee feels that the question of over-all responsibility for the educational system has not been sufficiently determined. The State needs to have defined where the line should be drawn between the State and the political sub-divisions, as to the responsibility for schools. And, if it be determined that primary financial responsibility rests with the counties and Baltimore City, perhaps they should be granted additional taxing powers to supplement their reliance upon real estate taxes. Finally, therefore, the sub-committee recommends that the General Assembly request the Governor to appoint an able and competent commission to make a complete reappraisal and revaluation of the respective responsibilities and the inter-relationships in the administration and financing of the public schools, as between the State and the several political sub-divisions. This is a question of basic importance in the future treatment and consideration of legislative matters concerning the public schools; and a fresh determination of the State's policy will do much to avoid such a deadlock as has occurred over House Bill 610.

Respectfully submitted,

LOUIS L. GOLDSTEIN, Chairman
ROBERT B. KIMBLE,
JOHN C. LUBER
Sub-committee on Teachers' Salaries
This constitutes a favorable report on the report of the sub-committee on teachers' salaries, which was submitted to the Budget and Finance Committee on September 28, 1951 and printed immediately above.

The Committee is reporting favorably on this report, with one amendment. The amendment concerns Recommendation No. 6, as contained on Pages 10 and 11 of the mimeographed copy of the sub-committee's report, as follows:

Strike out all of Recommendation No. 6 as quoted above, and insert in lieu thereof the following:

'6. It is recommended finally that the Governor, the President of the Senate and the Speaker of the House of Delegates jointly appoint a committee to study and evaluate the public school system of this State, this committee to include in its study and re-evaluation such topics as curriculum, physical facilities, administration, salaries and others.'

Item No. 47 Aid to Libraries. Reported without recommendation.

Respectfully submitted,

A. GORDON BOONE, Chairman.

These reports were approved, with the exception of Item No. 47, in the Report of November 13th. This item was recommitted to the Budget and Finance Committee.

The report on Item No. 28, relative to the report on teachers' salaries, was adopted on a roll-call vote of 11 to 7, as follows:

Ayes—Goldstein, Crothers, Kimble, Turner, Melnicove, Redden, Luber, White, McNulty, Riggin and Robinson.

Nays—Turnbull, McLaughlin, Monroe, Lofstrand, Barnes, Derr and Boone.

Excused from voting—Della.

Hon. William S. James, Member of the House of Delegates from Harford County, then spoke briefly as to the date on which the new assessment procedure is to be put into effect in Harford County and asked that the law be amended to allow all the counties to put the new system into effect in 1954. (Item No. 53) This proposal was referred to the Budget and Finance Committee.

Hon. Mary E. W. Ristea, Hon. Rush Baldwin, Hon. Freeborn Brown and Hon. D. Paul McNabb, all of Harford County, expressed their approval of the proposal. It was also stated that the State Tax Commission had no objection to this change in the law.

Mr. Crothers, Chairman of the Judiciary Committee, then submitted the following report:

"REPORT OF THE JUDICIARY COMMITTEE


The Judiciary Committee of the Legislative Council met on Tuesday evening, November 13, 1951, in the City Council Chamber, City Hall, at 7:30 P. M. with all members present. Senator Crothers, Chairman, presided."
After discussion of those matters remaining on its agenda, the following action was taken:

Item No. 11—Relating to the Uniform Acknowledgements Act. Favorable Report

It is recommended that House Bill 14 of 1951 be amended by striking out Lines 12 and 13 of Sec. 12 and the words “or any other person authorized to take acknowledgments” in Lines 8 and 9 of Sec. 18(b).

It is further recommended that this bill be approved for introduction at the 1952 session.

Item No. 9—Clarification of law relative to support of dependents. Favorable report.

It is recommended that Sec. 7 of Art. 89C of the Code, as enacted by Chapter 301 of 1951, be amended by substituting the word “obligor” for the word “obligee” in said section.

Respectfully submitted,

OMAR D. CROTHERS, JR., Chairman

The report of the Judiciary Committee was approved.

Hon. Thomas B. R. Mudd, Commissioner of Motor Vehicles, and Messrs. Dana Rudy, Deputy Commissioner, and Owen McGeeley of the Department Staff, then appeared to present further recommendations with regard to the administration of the motor vehicles law (Item No. 36), as follows:

36(3)—relating to the refunds of registration fees on motor vehicles and specifying the conditions under which such refunds may be made.

36(4)—relating to the destruction of the records in the Financial Responsibility Division after three years.

36(5)—relating to the exemption of the Class A private passenger motor vehicles of certain veterans from the provisions requiring the payment of registration fees.

36(6)—relating to certain motor vehicles transporting children to and from public or private schools and relating to the financial responsibility of such vehicles.

36(7)—relating to the annual registration fee for motor vehicles for periods less than twelve months in length.

Mr. J. Cavendish Darrell of the Automobile Trade Association also appeared to present recommendations relative to motor vehicles, as follows:

36(8)—relating to change in the requirements for the use of dealers' plates.

36(9)—relating to the use of temporary plates by non-resident purchaser.

36(10)—relating to removal of titling tax on used cars from non-title registration states.

36(11)—relating to elimination of titling tax on vehicles to the extent of value of traded-in vehicles.

The above recommendations, under Item No. 36, were referred to the Budget and Finance Committee.
The Chairman announced the appointment of Mr. Luber as Chairman and Messrs. Melnicove, Boone, Monroe and Robinson as a Special Sub-committee to study the Maryland Workshop for the Blind, as requested by Messrs. Schilpp and See.

It was suggested that a member of the Department of Public Improvements be invited to accompany the Council committee on the visit.

Mr. Goldstein and Mr. Robinson both expressed the opinion that a further study of the subject of the transfer of funds for the State Police Department should be made, with a view to replacing them under the General Funds, rather than under Roads Funds, as was done by H. B. 590 of the 1951 session. This subject was referred to the Budget and Finance Committee.

The Council then adjourned until December 12th, 1951.

Twelfth Meeting

Baltimore, Md., December 12, 1951.

The twelfth meeting of the Legislative Council of Maryland was held on Wednesday, December 12th, at 10:30 A.M. in the City Council Chamber, City Hall, Baltimore, with the following members present: Mr. Della, Chairman, presiding, and Messrs. Goldstein, Crothers, Kimble, Turner, Melnicove, Redden, Turnbull, McLaughlin, Monroe, Luber, Boone, Dempsey, Lofstrand, White, McNulty, Riggin, Robinson, Barnes and Derr.

The Chairman asked the Secretary to read a letter from the Attorney General, Hon. Hall Hammond, relative to the fiscal and business functioning of the University of Maryland. This letter was referred to the Judiciary Committee.

Mr. Boone, Chairman of the Budget and Finance Committee, then submitted the following reports:

REPORT OF THE BUDGET AND FINANCE COMMITTEE

Baltimore, Md., November 29th, 1951.

To the Members of the Legislative Council:

The Budget and Finance Committee met in Room 302, City Hall, Baltimore, at 4 P.M. on November 29, 1951. Those present were Mr. Boone, Chairman, presiding, and Messrs. Luber, Barnes, Goldstein, Kimble, Lofstrand, Monroe, Redden, and Robinson.

The committee considered a number of the matters remaining on its agenda and makes the following report to the Legislative Council:

Item No. 53—Date for new assessment policy.
   Favorable Report.

Item No. 36(3)—Refunds and Registration Fees.
   Favorable Report.

Item No. 36(4)—Destruction of records of Financial Responsibility Division.
   Favorable Report.

Item No. 36(5)—Registration of motor vehicles for certain disabled veterans.
   Favorable Report.
Item No. 36(7)—Registration fee for motor vehicles for part of a year. Favorable Report.

Item No. 36(8)—Use of dealers' tags. Favorable Report.

Item No. 59—Transfer of State Police to General Funds Budget. Favorable Report.

Respectfully submitted,
A. GORDON BOONE, Chairman.

REPORT OF THE BUDGET AND FINANCE COMMITTEE
Baltimore, Md., November 30, 1951.

To the Members of the Legislative Council:

The Budget and Finance Committee met in Room 302, City Hall, Baltimore, at 10:00 A.M. on November 30, 1951. Those present were Mr. Boone, Chairman, and Messrs. Luber, Barnes, Goldstein, Kimble, Monroe, Redden, Robinson and Turner.

The committee considered a number of the items remaining on its agenda and makes the following report to the Legislative Council:

Item No. 1A—Use of Optional Form for State Income Tax. Favorable Report.

Respectfully submitted,
A. GORDON BOONE, Chairman.

REPORT OF THE BUDGET AND FINANCE COMMITTEE
Baltimore, Md., December 11th, 1951.

To the Members of the Legislative Council:

The Budget and Finance Committee met at 7:30 P.M. on Tuesday, December 11, 1951, with the following members present: Mr. Boone, Chairman, presiding, and Messrs. Luber, Barnes, Goldstein, Kimble, Monroe, Redden, Robinson and Turner.

The Committee considered the several matters remaining on its agenda and makes the following report to the Legislative Council:

Item No. 36(9a)—Use of temporary registration plates by used car dealers. Favorable Report.

Item No. 36(9b)—Clarification of sales tax and title tax laws as to sales of motor vehicles. Favorable Report.

Respectfully submitted,
A. GORDON BOONE, Chairman.

The above reports were approved by the Council, with proposed bills attached.
A roll call was called for on the consideration of Item No. 59, in the Report of November 29th, resulting in the following vote:

Ayes—Della, Goldstein, Crothers, Turner, Melnicove, Redden, Luber, Boone, Dempsey, White, McNulty, Riggin, Robinson.

Nays—Kimble, McLaughlin, Monroe, Lofstrand, Barnes, Derr.

Mr. Robinson then rose on a point of personal privilege and made a statement relative to his stand on the diversion of road funds to finance the State Police Budget, in view of a television broadcast by His Excellency, Governor McKeldin.

Mr. Riggin then presented a delegation from Crisfield, including Mr. Prentiss Evans, City Solicitor of Crisfield, acting on behalf of the Mayor, and Senator Harry T. Phoebus, Hon. J. Millard Tawes, Dr. Jarrett Ward, President of the Chamber of Commerce and Rev. E. E. Garland. Mr. Evans presented preliminary recommendations relative to the establishment of ferry service from Crisfield to some point on the Western Shore, using the ferries to be abandoned by the Roads Commission after the opening of the Chesapeake Bay Bridge next year.

Mr. Evans stressed the importance of keeping the ferries in reserve to be used in case of an emergency, such as storm or war damage to the Bridge. He stated that the Town of Crisfield had recently purchased the railroad pier in Crisfield and that there were pier facilities at the Potomac River Basin, so that with a few minor alterations to the bows of the ferries to allow for landing and loading automobiles in rough seas, there would be no additional investments needed to establish the ferry service.

He stated that in the sponsors' opinion, there would be no competition with the Bay Bridge, and that the service had been the subject of discussion for the last 25 years. It was stated that the longest route would entail a 26 mile trip across open water, 12 miles of which would be in the Bay and would take about two hours.

Mr. Evans stated that the sponsors had not had time to compile data as to potential traffic load, costs, etc., but would like to appear before the Council in January to present detailed information.

The Chairman referred the recommendation to the Budget and Finance Committee.

Mr. Robert Campbell Embrey, of Station WITH, representing Md. Assn. of Broadcasters and Tel. Sta., then appeared to ask consideration of proposed legislation relative to the immunity from suit of radio and television stations with regard to election speeches of candidates themselves. He stated that the Federal Communications Commission has ruled that stations cannot censor material presented over their facilities by candidates themselves but only for persons speaking for the various candidates. Thus, the stations become jointly responsible for any libelous or defamatory statements made by candidates themselves, with no right of censorship of such material before it is given out over the air.

Mr. Embrey stated that 15 states have already passed similar legislation to free the stations from responsibility for such broadcasts, in view of the Federal Communications Commission ruling.

This proposal was referred to the Judiciary Committee.
Mr. Crothers, Chairman of the Judiciary Committee, then presented the following report:

REPORT OF THE JUDICIARY COMMITTEE
Baltimore, Md., November 29th, 1951.

To the Members of the Legislative Council:

There was a meeting of the Judiciary Committee of the Legislative Council on November 29th, 1951 at 4 P. M. Those present were: Mr. Crothers, Chairman, presiding, and Messrs. Turnbull, Della, Dempsey, Derr, Melnicove, White and McNulty.

The committee considered the items remaining on its agenda and makes the following recommendations:

Item No. 13—Wrongful Death.
Amend Art. 67 to include persons wholly dependent upon the deceased among those entitled to damages.
Favorable Report.

Item No. 30—Docket entries of Court Clerks.
Repeal Sec. 28 of Art. 17.
Favorable Report.

Item No. 46—Examination of Dogs for Rabies.
Amend law in line with recent ruling of Health Dept. as to examination of dogs for rabies in certain cases.
Favorable Report.

Item No. 56—Constitutional amendment as to vetoes.
Favorable Report.

Item No. 58—Procedure as to Judgments.
Repeal Sec. 23 of Art. 26.
Favorable Report.

Bills are submitted herewith to carry out the recommendations of the committee on those items receiving a favorable report.

Respectfully submitted,
OMAR D. CROTHERS, JR., Chairman.

The above report of the Judiciary Committee was approved.

Mr. Boone then recommended that a hearing on Items Nos. 34 and 35, relating, respectively, to Judges’ Pensions, and the assignment of retired judges to court work, be held before the full Council.

The Council then adjourned until 10:00 A. M. Thursday December 13th, 1951.

THIRTEENTH MEETING
Baltimore, Md., December 13, 1951.

The Legislative Council met on Thursday, December 13th at 10:30 A. M. in the City Council Chamber, City Hall, Baltimore, with the following members present: Mr. Della, Chairman, presiding, and Messrs. Della, Goldstein, Crothers, Kimble, Turner, Redden, Turnbull, Monroe, Luber, Boone, Dempsey, Lofstrand, White, McNulty, Robinson, Barnes and Derr.
Mr. J. Theodore Wolfe, Chairman of the Sub-committee on Budgetary Procedure of the Commission on the Reorganization of the State Government, was present at the invitation of the Council to present tentative drafts of bills designed to carry out the recommendations relative to improved budget procedure which had been presented to the Council at a previous meeting.

Mr. Wolfe explained that the recommendations of the Commission (Item No. 55), relative to budgetary procedure, were covered in eight separate bills. They can be grouped under three main headings: First, the comprehensive “one-package” budget; Second, the change-over to a “program” type of budget; and Third, improvement in the business methods of the State through functioning of staff departments, scope of responsibility of the Department of Budget and Procurement, authority of the Board of Public Works and the reporting of Federal funds.

Under the first main heading (one-package budget), the three following bills are designed to carry out the recommendation as to one comprehensive budget:

Item 55(2)—adding Sec. 8A to Article 15A, declaring the legislative intent as to the submission of the Budget and Supplementary amendments to the Budget.

Item 55(6)—amends Sec. 4 of Art. 88C, providing that the State Planning Commission shall submit an annual capital improvement program, before Sept. 15, each year.

Item 55(5)—amends Sec. 18 of Art. 15A, providing for the inclusion in the tentative budget of proposed expenditures for capital improvements.

In answer to a question, Mr. Wolfe explained that the Legislature will have the opportunity to express itself during the session to the Governor as to any program or function which it thinks should be provided for and was not provided for in the Governor’s Budget.

Under the second main heading (change over to a “program” budget), the following bills are designed to carry out the recommendation:

Item 55(1)—amending the Constitution to prescribe that the Budget shall be in such form and detail as the Governor shall determine or as may be prescribed by law, in order to adopt a “program” budget.

Item 55(4)—provides that appropriations for the Department of Legislative Reference and the Fiscal Research Bureau shall be treated as a legislative expense.

Under the third main heading (improvement of business methods of the State), the following bills are submitted:

Item 55(8)—provides for the position of Chief Storekeeper in the Department of Budget and Procurement and for the setting up and maintaining of inventory control of materials, supplies and equipment. There is at present no central control over inventory and stores of the vast supplies and equipment belonging to the State but located all over the State in the various departments and agencies.

Item 55(3)—provides that requests for and accepting of Federal funds by the various departments or agencies of the State should be cleared through the Executive.
This is proposed in order that the Executive may determine whether the acceptance of such Federal funds will involve later expenditures of State funds.

Item No. 55(7)—provides that the Board of Public Works may adopt rules and regulations for more uniform and efficient business methods.

For efficient administration of the State's business, it is necessary to adopt uniform business policies on a variety of subjects, such as travel accommodations, travel allowances, use of State-owned vehicles, etc. At the present time, the law seems to put a technical limitation on the Board of Public Works by providing that all such recommendations must be initiated by the Controller. It is felt that the Board should have the authority to adopt rules and regulations for more efficient business administration, whether they are initiated by a department head or an individual taxpayer.

Mr. Wolfe stated that the Commission was not making any recommendations on Special Funds at this time, other than to express the opinion that there should be no changes with regard to road funds or game and fish funds. As to the approximately $300,000 of special funds involved in the various examining boards, regulatory agencies, etc., there are two other sub-committees working on these — one for the various examining and regulatory boards and the other on the number of people reporting to the Governor. It is felt that the reports from these two sub-committees should be received, in order to get a more complete picture.

Mr. Wolfe was asked whether, in view of the limitation on the items to be placed in the supplementary budget, an emergency situation could be taken care of under the proposed plans. He replied that there was ample authority to cover an emergency but he did not feel that it should be mentioned in the proposed legislation since the word was open to such a wide interpretation.

A member inquired whether Merit System employees would be affected by the proposed program budget, since individual jobs would not be mentioned in the Budget bill. Would employees be subject to dismissal if money was not appropriated for salary? Mr. Wolfe said that the number of employees would be flexible but employees would still have full merit system protection and preferment in re-employment in other State jobs. Those whose salary is not set by statute but "by the budget" would, of course, have to be set out in the Budget bill.

In answer to a question as to whether the Legislature could ascertain, under the program budget, how the money for a specific program is to be spent, it was stated that full information on the proposed expenditure of the funds requested under the various programs will be made available to the Fiscal Research Bureau and to the various committees considering the Budget. A member of the Council suggested that this be required by statute.

The Chairman then announced that a committee of the whole would consider the various bills and that the Budget Director and the Attorney General would be asked to attend the committee meeting. The meeting was set for Wednesday, December 19th, at 10:30 A. M. Mr. Wolfe was asked to attend and consented to do so.

The Secretary submitted a letter from Hon. Jerome Robinson, recommending that a study be made as to the State's obligation in the matter of payments to hospitals for indigent patients, in
view of the articles by Mr. Manchester in the *Sunpapers*. This subject was referred to the Budget and Finance Committee as Item No. 68.

Mr. Luber, Chairman of the Special Committee on House Rules for Electrical Voting, then presented a verbal report, with proposed amended rules and a bill making it a criminal offense for a person not a member to operate a member's voting key. The report and proposed legislation were approved for submission to the 1952 session.

The Secretary then submitted a proposed amendment to House and Senate Rules No. 38, to require that, at Budget sessions of the General Assembly, each bill, except the budget bill, be referred to the rules committee both in the house of origin and the opposite house. This proposed rule was approved for recommendation to the 1952 session.

A joint meeting of the Budget and Finance and Judiciary Committees will be held on Tuesday, December 18th, at 7:30 P. M. to consider Items 34 and 35—relating, respectively, to judges pensions and the assignment of retired judges to court work, under certain conditions.

The Council then adjourned until Wednesday, December 19th, at 10:30 A. M.

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**FOURTEENTH MEETING**

Baltimore, Md., December 19th, 1951.

The Legislative Council of Maryland met on Wednesday, December 19th, 1951, at 10:30 A. M. in the City Council Chamber, City Hall, Baltimore, with the following members present: Mr. Della, Chairman, presiding, and Messrs. Luber, Goldstein, Crothers, Kimble, Turner, Monroe, Melnicove, Turnbull, Boone, Dempsey, McNulty, Barnes and Robinson.

Hon. Hall Hammond, Attorney General, Mr. James G. Rennie, Director, Department of Budget and Procurement, Mr. James P. Slicher, Chief, Budget Bureau, and Mr. J. Theodore Wolfe, Chairman of the sub-committee on Budgetary Procedure of the Commission on the Reorganization of the State Government, were present at the invitation of the Council, to assist the Council in its consideration of Items 55(1)—55(8), relating to budgetary procedure.

Upon being asked to comment on the proposed bills, Mr. Hammond expressed the opinion that they were all constitutional and legal. He stated that he felt they were desirable and would be useful legislation, if enacted.

In answer to a further question, he said he felt it would be possible to have a one-package budget, since there was no present legislation requiring a supplemental budget but that it would require a firm stand on both the part of the Governor and the General Assembly in order to hold the line. He stated that it would require a Constitutional amendment to prevent the inclusion in the Supplemental Budget of anything other than the correction of errors or emergency appropriations. It was his opinion that the proposed legislation would have a marked effect on holding the line.
There was a lengthy discussion on Item No. 55(3), relating to the review and approval by the Executive of all requests for Federal funds by the various State departments or agencies. Instances were cited of the acceptance of Federal funds by State agencies or departments and consequent withdrawal of Federal aid, upon which the State was called upon to assume the financing of programs thus started.

It was suggested that, instead of the Governor passing on the requests, the Board of Public Works be the reviewing and approving agency.

There was a short discussion on Item 55(8)—relating to the appointment of a Chief Storekeeper and the setting up of a central inventory control in the Department of Budget and Procurement. It was explained, in answer to a question, that the new positions would be under the Merit System.

The Chairman asked Mr. Wolfe to state briefly what he felt were the advantages of a program budget over the present type of budget. Mr. Wolfe stated there were three principal advantages: (1) the program budget eliminates cumbersome and unrealistic detail, (2) it gives a better summary of what the State is getting for its money; and (3) it gives a clearer picture by setting up what is to be spent for a particular type of thing or by program. The cost of a particular service or program can then be compared to private business to see if the State is spending more for a particular function than that same type of function in private business. It can be more easily determined whether the need justifies the expense involved.

The Chairman remarked that Maryland would be the first State in the union to adopt a program budget, as it was the first State to adopt an executive budget back in 1916, and that it would be the "guinea pig". Mr. Wolfe said he preferred the word "pioneer" and that a great many states were studying it and were trying it out to a certain extent but that the size of some of the States would necessitate a much longer period for the change-over. The City of Richmond, Virginia, had adopted it with great success, having made the change-over in less than a year. Mr. Wolfe called attention to the fact that Richmond's budget is comparable in size to Maryland's State budget since it includes the transportation and some public utilities in the City's operations. It is the common type of budget in private business.

Mr. Rennie, the Director of the Department of Budget and Procurement, expressed himself as in favor of the program budget and foresaw no particular difficulty in changing over from the present procedure. Mr. Wolfe explained that, in considering the proposal, the sub-committee had invited all those in the State government who would be involved to sit in on the discussions.

Since some of the Council members had had difficulty in reaching Baltimore for the meeting and some were very late in arriving, it was decided to postpone action on the bills until January 4th, at which time there could be a full attendance.

Mr. Crothers, Chairman of the Judiciary Committee then presented a report of the Judiciary Committee, as follows:
REPORT OF THE JUDICIARY COMMITTEE

Baltimore, Md., December 19th, 1951.

The Judiciary Committee, at its several meetings held in the past two weeks, considered a number of items remaining on its agenda and makes the following report:

Item No. 31—Water Pollution.

Re-drafted bill is being submitted, after consultation with Attorney General's office.

Favorable Report.

Item No. 61—Bank Examiner.

Favorable Report.

Item No. 42—Removal of Criminal Cases from one jurisdiction to another.

Favorable Report.

Item No. 66—Responsibility of radio and TV stations for libelous statements by candidates during elections.

Favorable Report.

Respectfully submitted,

OMAR D. CROITHERS, JR., Chairman.

The above report of the Judiciary Committee was approved.

Mr. Crothers announced a meeting of the Judiciary Committee to work on the crime report at 4:30 P. M. on Thursday, January 3rd, and a joint meeting of the Judiciary and Budget and Finance Committees was announced for 7:30 P. M. on the same day for the purpose of hearing interested persons on Items Nos. 34 and 35, relating to Judges' Pensions and the Assignment of Retired Judges to Court Work. This latter hearing had originally been set for Tuesday, December 18th, but had to be called off on account of the weather.

Joint meetings of the Judiciary and Budget and Finance Committees were set for Tuesday evening, January 8th, at 7:30 P. M. to consider Item No. 65—relating to the functions of the University of Maryland.

Senator Turnbull announced that the report of the Special Committee on the Purchase of the Havre de Grace racetrack would be ready on Friday, January 4th. Copies of this report are to be distributed to the Council prior to the meeting.

The Chairman then read a letter from Hon. J. Millard Tawes, State Comptroller, furnishing revised revenue estimates and recommending that legislation be submitted giving the Board of Public Works authority to reduce the income tax, in view of the expected surplus. This letter (Item No. 69) was referred to the Budget and Finance Committee.

Mr. Boone, Chairman of the Budget and Finance Committee, announced a meeting of his committee immediately after recess of the Council, for the purpose of considering Item No. 69.

The Council then recessed until 2:00 P. M.

2:00 P. M.

At 2:00 P. M., the Council reconvened.
Mr. Boone, Chairman of the Budget and Finance Committee, submitted the following report:

REPORT OF THE BUDGET AND FINANCE COMMITTEE

Baltimore, Md., December 19, 1951.

To the Members of the General Assembly:

The Budget and Finance Committee met on December 19th, with the following members present: Mr. Boone, Chairman, presiding, and Messrs. Luber, Goldstein, Turner, Robinson and Barnes.

The Committee considered Item No. 69—being the proposal received from the State Comptroller to give the Board of Public Works discretionary power to reduce the State income tax on individuals if such reduction is feasible and practicable because of an existing surplus in State funds.

It is the conclusion of the Budget and Finance Committee that it should be a fundamental principle of taxation to impose taxes only to the extent necessary to meet actual expenses of the State government. Accordingly, when a surplus is found to exist in the State Treasury, it is the further opinion of the Budget and Finance Committee that the General Assembly should immediately measure up to its responsibility by applying this surplus to purposes of tax reduction.

We believe that it is the general desire of the members of the General Assembly to grant tax relief in any possible form. We would point out, however, that any such proposed tax reduction should not conflict with the action already taken by this Legislative Council with regard to placing the State Police Budget back under General Funds.

The Committee, therefore, submits a favorable report on Item No. 69, with Mr. Barnes having been excused from voting.

Respectfully submitted,

A. GORDON BOONE, Chairman.

After a brief discussion as to the type of legislation to carry out the recommendation of the committee, the report was approved. The Secretary was instructed to prepare legislation on Item No. 69, to be submitted at the January 4th meeting of the Council. At the suggestion of Senator Turnbull, it was decided to insert an emergency clause in the proposed legislation.

The Council then adjourned until 10:30 A. M. on Friday, January 4th, in the City Council Chamber, City Hall, Baltimore.
REPORT TO

THE GENERAL ASSEMBLY OF 1952

PROPOSED BILLS

VOLUME 2

MARYLAND LEGISLATIVE COUNCIL
THE LEGISLATIVE COUNCIL OF MARYLAND

SENATE
George W. Della, Chairman
Omar D. Crothers, Jr.  Bernard S. Melnicove
Louis L. Goldstein  James B. Monroe
Robert B. Kimble  Layman J. Redden
David K. McLaughlin  John Grason Turnbull
Edward Turner

HOUSE
John C. Luber, Vice-Chairman
C. Ray Barnes  Anders R. Lofstrand, Jr.
A. Gordon Boone  John F. McNulty
Thomas F. Dempsey  E. Layton Riggin
Melvin H. Derr  Jerome Robinson
E. Homer White, Jr.

Horace E. Flack,
Secretary and Director of Research

Carl N. Everstine,
Assistant Director of Research
LETTER OF TRANSMITTAL

January 15, 1952.

To the Members of the General Assembly:

There is submitted herewith Volume 2 of the Report and Recommendations of the Legislative Council of Maryland to the General Assembly of 1952. It supplements Volume 1, which was submitted to the members of the General Assembly early in January, and completes the recommendations of the Council for the legislative session of February, 1952.

Among the more important bills in this volume are those submitted by the Commission on Administrative Organization of the State, better known as the Sobeloff Commission, and bills to amend the laws as to narcotics, to make a State-wide exception in the Bouse Act as to the carrying of concealed weapons, to increase penalties for gambling and bookmaking, to set dates and procedures under the absentee voting laws for members of the Armed Forces, to increase judges' pensions, to regulate the transfer of racing days when a track is permanently abandoned, and to reduce income taxes of individuals for the taxable year of 1951.

Respectfully submitted,

GEORGE W. DELLA, Chairman.
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PART I

REPORT AND RECOMMENDATIONS
REPORT AND RECOMMENDATIONS

January 15, 1952.

To the Members of the General Assembly:

The Legislative Council herewith submits Volume 2 of its report for the 30-day session of the General Assembly which begins on February 6, 1952.

The first volume of the Council's report was published following its meeting on December 19, 1951. The Council met on three separate days following this date and completed its consideration of the bills printed in this volume.

Included among the minutes at the end of this volume is the report of the sub-committee appointed to investigate the sale of the Havre de Grace Racetrack and the final report of the committee which studied conditions of crime and law enforcement in Maryland.

The Legislative Council submits the following additional bills to the General Assembly, for consideration at its 1952 session:

BOUSE ACT

The Council submits a bill to amend Section 5 of Article 35 of the Code, making a Statewide exception to the Bouse Act for the offense of carrying a concealed weapon.

CRIMES AND PENALTIES

A bill is proposed to amend Section 306 of Article 27 of the Code, to increase from one to five thousand dollars the maximum penalty for gambling and bookmaking.

Another bill would make robbery by deadly weapon an offense regardless of whether the weapon is in actual operating condition; it amends Section 574A of Article 27 of the Code.

Another proposal would add Section 62 to Article 88B of the Code, establishing a Bureau of Criminal Records within the State Police Department. Also, a suggested amendment to Section 328 of Article 27 of the Code would give to the State a right of appeal in any instance in which a search warrant has been held invalid.

There is a bill to add Section 13 to Article 69 of the Code, authorizing the removal of any officer or employee of the State or of a political sub-division who refuses in a proceeding to answer questions concerning his official duties, because of possible self-incrimination. Next, there is a bill to add Section 71A to Article 78 of the Code, requiring the Telephone Company to notify the State's Attorney of every instance in which two or more telephones with separate central office connections are installed in any residence. Finally, there is a bill which makes it certain that the Public Service Commission has jurisdiction over the so-called wire services.

ELECTIONS

Two bills are submitted by the Legislative Council to amend the absentee voting laws for members of the Armed Forces. The first amends Section 198(1) of Article 33, to correct an incorrect reference to the United Service Organizations. The second would add Section 138A to Article 33, setting dates for primaries, filing, and other procedures.
HAVRE DE GRACE RACETRACK

There is a bill to prohibit the State and the Military Department from acquiring the James and Levering Farms in Harford County for military purposes; it would add Section 57A to Article 65 of this Code. This bill is submitted without recommendation, upon the request of the Adjutant General that it be so submitted and be studied for possible modification or amendment.

INCOME TAXES

The Council is recommending a bill to reduce the income taxes payable by individuals for the taxable year of 1951 by fifteen per cent.

INFLAMMABLE MATERIALS

The Council has approved in principle a bill making it a criminal offense to sell or otherwise distribute sweaters, rugs, or any other fabrics or clothing made of highly inflammable materials. A bill for this purpose is in preparation and is to be submitted to the General Assembly.

INSURANCE

A bill is proposed to add Section 43A to Article 27 of the Code, prohibiting any lender or financer from specifying the insurance agent or broker to handle insurance on the property on which the loan is made or the financing is arranged.

JUDGES' PENSIONS

There is a bill to amend Section 48 of Article 26 of the Code, increasing pensions for judges.

LIBEL

The Legislative Council is suggesting a bill to add Section 19A to Article 75 of the Code, exempting radio stations from libel suits when they cannot censor the matter to be broadcast.

MOTOR VEHICLES

A bill is recommended to amend Sections 28 and 42 of Article 66½ of the Code, removing the discrimination between vehicles brought in for re-sale from title and non-title states.

NARCOTICS

The Council is proposing three bills to amend the narcotics laws. One would amend Section 369 of Article 27 of the Code, eliminating the references to minimum penalties and thus clarifying the application of the O’Dunne Act. A second bill amends Section 345(o) of Article 27, adding synthetic drugs to the definition of prohibited drugs. The third bill would amend Section 370 of Article 27, to protect the interest of a lienor in any vehicle forfeited because used to dispense narcotics.

RACING

A bill is suggested to amend Section 7 of Article 78B of the Code, requiring that if any track is permanently abandoned for racing purposes its days may be transferred to another track only with the sanction of the General Assembly.
Sobeloff Commission

The Legislative Council is submitting to the General Assembly eight bills proposed by the Commission on Administrative Organization of the State, better known as the Sobeloff Commission.

The first bill would amend Section 52(4) of Article 3 of the State Constitution, to permit the use of a program or performance budget. The second adds Section 8A to Article 15A of the Code, establishing a legislative intent for restricting the use of supplementary budgets to a minimum.

There is a bill to add Section 17A to Article 15A of the Code, to require the Board of Public Works to give its consent before any department requests Federal funds. Another bill would amend Section 18 of Article 15A, requiring the Director of the Budget to include recommendations for capital improvements in his budget report. Also, a bill to amend Section 4 of Article 88C would require the State Planning Commission to submit its recommendations on capital improvements to the Budget Director.

Included among the bills proposed by the Sobeloff Commission is one to amend Section 5 of Article 78A of the Code, permitting the Board of Public Works upon the recommendation of any department to adopt rules for business and fiscal administration. Another would amend Section 14 of Article 15A of the Code, adding the position of Chief Storekeeper within the Department of Budget and Procurement. Finally, there is a bill to add Section 17A to Article 15A of the Code, to have information regarding job classifications and gross salaries submitted to the General Assembly during its consideration of the budget.

State Police

A bill submitted by the Council would amend Section 23 of Article 88B of the Code, to permit the State's Attorney or the Grand Jury of a county to request the State Police to act within an incorporated municipality therein.

University of Maryland

The Council proposes a bill to amend Section 240 of Article 77 of the Code, giving additional fiscal and administrative powers to the University of Maryland. This bill would replace H. B. 681 of 1951.

The Council also considered H. B. 701 of 1951, concerning the Trustees of the Endowment Fund, and approved the provisions of this bill.
PART II

PROPOSED BILLS

SUBMITTED TO

THE GENERAL ASSEMBLY OF 1952
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A BILL

ENTITLED

AN ACT to repeal and re-enact, with amendments, Section 5 of Article 35 of the Annotated Code of Maryland (1951 Edition—being Section 5 of the 1939 Edition), title “Evidence,” sub-title “Competency of Witnesses,” to make admissible certain evidence in the prosecution of any person for unlawfully carrying a concealed weapon.

SECTION 1. Be it enacted by the General Assembly of Maryland, That Section 5 of Article 35 of the Annotated Code of Maryland (1951 Edition—being Section 5 of the 1939 Edition), title “Evidence,” sub-title “Competency of Witnesses,” be and it is hereby repealed and re-enacted, with amendments, to read as follows:

5. No evidence in the trial of misdemeanors shall be deemed admissible where the same shall have been procured by, through, or in consequence of any illegal search or seizure or of any search and seizure prohibited by the Declaration of Rights of this State; nor shall any evidence in such cases be admissible, if procured by, through or in consequence of a search and seizure, the effect of the admission of which would be to compel one to give evidence against himself in a criminal case; provided, however, that nothing in this section shall prohibit the use of such evidence in Baltimore County, Baltimore City, Anne Arundel, Caroline, Carroll, Cecil, Frederick, Harford, Kent, Prince George's, Queen Anne's, Talbot, Washington, Wicomico and Worcester Counties, in the prosecution of any person for unlawfully carrying a concealed weapon. Provided, further that nothing in this section shall prohibit the use of such evidence in Anne Arundel, Wicomico and Prince George's Counties in the prosecution of any person for a violation of the gambling laws as contained in Sections 303-329, inclusive, of Article 27, sub-title “Gaming,” or in any laws amending or supplementing said sub-title.

Sec. 2. And be it further enacted, That this Act shall take effect June 1, 1952.
Explanation

This bill is the result of a number of recommendations made to the Judiciary Committee of the Legislative Council during the course of its investigation into crime conditions and law enforcement in this State. It would increase the penalty for a conviction for gambling or bookmaking, from a maximum of one thousand to a maximum of five thousand dollars. The minimum penalty of two hundred dollars would not be changed. It was the thought of a number of law enforcement officials throughout the State that the present maximum fine of one thousand dollars is not sufficiently large to deter gambling operations, since the profits of the operator are so great that he can risk the payment of a small fine. The bill also deletes from the law a reference to informer's fees, which were abolished in Maryland some years ago.

Item No. 20 (1)

A BILL
ENTITLED

AN ACT to repeal and re-enact, with amendments, Section 306 of Article 27 of the Annotated Code of Maryland (1951 Edition—being Section 291 of the 1939 Edition), title “Crimes and Punishments,” sub-title “Gaming,” increasing the fine for making books or pools on racing and certain other acts in connection with gaming and eliminating the obsolete provision relating to payments to informers.

SECTION 1. Be it enacted by the General Assembly of Maryland, That Section 306 of Article 27 of the Annotated Code of Maryland (1951 Edition—being Section 291 of the 1939 Edition), title “Crimes and Punishments,” sub-title “Gaming,” be and it is hereby repealed and re-enacted, with amendments, to read as follows:

306. It shall not be lawful for any person or persons, or for any corporation within the State of Maryland, to bet, wage or gamble in any manner, or by any means, or to make or sell a book or pool on the result of any trotting, pacing or running race of horses or other beasts, or race, contest or contingency of any kind, or to establish, keep, rent, use or occupy or knowingly suffer to be used, kept or rented or occupied, any house, building, vessel, grounds or place, or portion of any house, building, vessel, grounds or place, on land or water, within the State of Maryland, for the purpose of betting, wagering or gambling in any manner, or by any means, or making, selling or buying books or pools therein or thereon upon the result of any race or contest or contingency, or by any means or devices whatsoever, to receive, become the depository of, record or register, or forward or purpose, or agree or pretend to forward any money, bet, wager, thing or consideration of value, to be bet, gambled or wagered in any manner, or by any means or device whatsoever, upon the result of any race, contest or contingency, and any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor,
and upon conviction thereof shall be subject to a fine of not less than Two Hundred Dollars nor more than Five Thousand Dollars ($5,000), one-half of said fine to go to the informer, and shall be subject to imprisonment in jail for not less than six months, nor more than one year, or be both fined and imprisoned, in the discretion of the court.

1. Sec. 2. And be it further enacted, That this Act shall take effect June 1, 1952.
A-4

Explanation

This bill is recommended by the Legislative Council as result of its investigation into conditions of crime and law enforcement in this State. It would clarify the laws as to the Public Service Commission by stating specifically that the power and jurisdiction of the Commission shall extend to agencies commonly known as “wire services” which lease or otherwise have the use of telegraph and/or telephone wires for securing or transmitting racing news. A number of law enforcement officials in the State recommend such a bill for the closer surveillance of wire services.

Item No. 20 (4)

A BILL

ENTITLED

AN ACT to repeal and re-enact, with amendments, Section 6 of Article 78 of the Annotated Code of Maryland (1951 Edition—being Section 349 of Article 23 of the 1939 Code), title “Public Service Commission,” providing specifically that the Public Service Commission shall have jurisdiction and supervision over so-called wire services which lease or otherwise have the use of telegraph and/or telephone lines for securing or transmitting racing news or information.

1. SECTION 1. Be it enacted by the General Assembly of Maryland, That Section 6 of Article 78 of the Annotated Code of Maryland (1951 Edition—being Section 349 of Article 23 of the 1939 Code), title “Public Service Commission,” be and it is hereby repealed and re-enacted, with amendments, to read as follows:

6. The jurisdiction, supervision, powers and duties of the public service commission herein created and established shall extend under this sub-title:

1. To railroads and street railroads lying within this State, and to the person or corporation owning, leasing, operating or controlling the same.

2. To street railroads, any portion of whose lines lie within any incorporated city or town within this State, containing not less than two thousand inhabitants, and to all transportation of persons or property thereon, and to the person or corporation owning, operating, controlling or leasing the said street railroads.

3. To such portion of the lines of any other railroad as lie within this State, and to person or corporation owning, leasing, operating or controlling the same, so far as concerns the construction, maintenance, equipment, terminal facilities and local transportation facilities and local transportation of persons or property within the State.
A-5

4. To any common carrier operating or doing business within the State.

5. To the manufacture, sale or distribution of gas, natural and artificial, and electricity for light, heat and power, within the State of Maryland, and to the persons or corporation owning, leasing, operating or controlling the same; and to gas and electric plants, and to persons or corporations owning, operating, leasing or controlling the same.

6. To all telephone lines as above defined and all telegraph lines as above defined, and to every telephone company, and to every telegraph company, so far as said telephone and telegraph lines are and lie, and so far as said telephone companies and said telegraph companies conduct and operate such line or lines, respectively, within this State.

7. To all water companies and to the land, property, dams, water supplies, canals or power stations thereof and the operation of the same within this State.

8. To all persons, corporations or partnerships engaged in the “transportation of property or freight,” as above defined, within this State.

9. To all persons, firms or corporations, leasing or otherwise having the use of telephone and/or telegraph lines for securing or transmitting racing news or information, commonly known as wire services.

10. To all corporations and persons whatsoever subject to the provisions of this sub-title as herein defined.

And to such other and further extent, and to all such other and additional matters and things, and in such further respects as may herein appear, either expressly or impliedly.

Sec. 2. And be it further enacted, That this Act shall take effect June 1, 1952.
Explanation

This bill is recommended by the Legislative Council as a result of its inquiry into conditions of crime and law enforcement in this State. It would set up a new bureau within the State Police to compile and act as a clearing house for the records of criminal convictions in this State. Such a proposal was made by a number of local law enforcement officials as a means for improving the administration of criminal laws by having such records compiled on a State-wide basis.

Item No. 20(5)

A BILL

ENTITLED

AN ACT to add a new section to Article 88B of the Annotated Code of Maryland (1951 Edition), title "State Police," say new section to be known as Section 62 and to follow immediately after Section 61 of said Article (which Section 61 was Section 59, as enacted by Chapter 349 of the Acts of 1949) and to be under the new sub-title "Bureau of Criminal Records," establishing within the Department of State Police a Bureau of Criminal Records to compile and act as a clearing house for the records of criminal convictions in this State and relating generally to the powers of such bureau and to the use of such records.

SECTION 1. Be it enacted by the General Assembly of Maryland, That a new section be and it is hereby added to Article 88B of the Annotated Code of Maryland (1951 Edition), title "State Police," said new section to be known as Section 62, to follow immediately after Section 61 of said Article (which Section 61 was Section 59, as enacted by Chapter 349 of the Acts of 1949), to be under the new sub-title "Bureau of Criminal Records" and to read as follows:

Bureau of Criminal Records

62. (a) There is hereby created within the Department of Maryland State Police a Bureau for Criminal Records, to be under the direction and supervision of the Superintendent of State Police and to have such personnel, with such compensation, as may be provided in the Budget from time to time.

(b) The Clerk of every Court in this State having jurisdiction in criminal causes, the Clerk of every Court having jurisdiction in juvenile causes, every Magistrate for Juvenile Causes, every Magistrate, and every Justice of the Peace, having jurisdiction over criminal offenses or causes, shall report within forty-eight hours thereof to the said Bureau a record of every conviction in any such court or tribunal, involving any offense under the laws of this State
except those specified in Article 66½ of the Annotated 
Code and relating to the driving or other use of motor 
vehicles.

(c) The said Bureau is authorized and empowered to 
promulgate and adopt such reasonable rules and regula-
tions as to it seem wise, covering the form and custody of 
the records of convictions and any other matter within the 
scope of this sub-title.

(d) The Bureau shall classify and arrange the reports 
and records sent to it, in such form and manner as to make 
them easily available upon request or inquiry. At its dis-
ccretion it may issue periodic reports and statistics based 
upon such reports and records; but the names of any per-
son or persons so convicted shall not be divulged or publi-
cized except as specifically provided in this section.

(e) The Superintendent shall include in any reports 
made by him as to the workings and administration of the 
Department of State Police, a summary and account of the 
work performed by the said Bureau.

(f) The Superintendent and the said Bureau shall make 
available, upon request, to any attorney at law practicing 
in this State, the substance of any records or reports within 
the custody of the Bureau which relate to any legal or 
criminal proceedings in which the said attorney has an in-
terest as a member of the Bar. The Bureau may charge 
a fee of fifty cents to any such attorney for furnishing a copy 
of any such report or record, and a fee of twenty-five cents 
for searching its files in order to ascertain if any pertinent 
reports or records are on file.

(g) All such reports and records, or copies thereof, shall 
be made available without charge, upon inquiry or order, 
to the officers, courts and tribunals specified in sub-section 
(h) hereinafter, if they are pertinent to any legal or crimi-
nal proceedings or matter before any such court or tribun.

Such reports and records also shall be made available with-
out charge, upon request, to any State's Attorney or other 
law enforcement officer in this State, when pertinent to 
any matter or proceeding pending before him. They shall 
also be made available without charge, upon request, to the 
Commissioner of State Employment and Registration.

(h) The records and reports kept by and secured from 
the said Bureau, or any transcript or summary thereof, 
shall not be publicized or divulged by any person, court or 
other agency, except as part of and pertinent to some 
judicial or quasi-judicial proceedings.

SEC. 2. And be it further enacted, That this Act shall 
take effect June 1, 1952.
A BILL

ENTITLED

AN ACT to repeal and re-enact, with amendments, Section 328 of Article 27 of the Annotated Code of Maryland (1951 Edition—being Section 306 of the 1939 Edition, as amended by Chapter 81 of 1950), title "Crimes and Punishments," sub-title "Gaming," providing for appeals by the State where a search warrant is held invalid.

SECTION 1. Be it enacted by the General Assembly of Maryland, That Section 328 of Article 27 of the Annotated Code of Maryland (1951 Edition—being Section 306 of the 1939 Edition, as amended by Chapter 81 of 1950), title "Crimes and Punishments," sub-title "Gaming," be and it is hereby repealed and re-enacted, with amendments, to read as follows:

328. Whenever it be made to appear to any judge of the Supreme Bench of Baltimore City, or to any judge of any of the Circuit Courts in the counties of this State, or to any justice of the peace in this State, by a writing signed and sworn to be true by the applicant, that there is probable cause, the basis of which shall be set forth in said writing, to believe that any misdemeanor or felony is being committed by any individual or in any building, apartment, premises, place or thing within the territorial jurisdiction of such judge or justice of the peace, or that any property subject to seizure under the criminal laws of the State is situated or located on the person of any such individual or in or on any such building, apartment, premises, place or thing, then such judge or justice of the peace may forthwith issue a search warrant directed to any duly constituted policeman, constable or police officer authorizing him to search such suspected individual, building, apartment, premises, place or thing, and to seize any property found liable to seizure under the criminal laws of this State, provided that any such search warrant shall name or describe, with reasonable particularity, the individual, building, apartment, premise, place or thing to be searched, the grounds for such search and the name of the applicant on whose written application as aforesaid the warrant was issued.
issued, and provided further that any search or seizure, under the authority of such search warrant, shall be made within fifteen (15) calendar days from the date of the issuance thereof and after the expiration of said fifteen (15) day period said warrant shall be null and void: provided further that the State shall have the right of appeal from any order of the Court declaring any search warrant issued under the provisions of this section to be invalid for any reason or the return of any material evidence seized thereunder, and the State shall not be required to proceed with the trial of the case until the validity of the search warrant shall be determined by the Court of Appeals. If, at any time, on application to a Judge of the Circuit Court of any County or of the Criminal Court of Baltimore City, it appears that the property taken is not the same as that described in the warrant or that there is no probable cause for believing the existence of the grounds on which the warrant was issued, or that the property was taken under a warrant issued more than fifteen (15) calendar days prior to the seizure, said judge must cause it to be restored to the person from whom it was taken; but if it appears that the property taken is the same as that described in the warrant and that there is probable cause for believing the existence of the grounds on which the warrant was issued, then said judge shall order the same retained in the custody of the person seizing it or to be otherwise disposed of according to law.

1 Sec. 2. And be it further enacted, That this Act shall take effect June 1, 1952.
Explanation

This bill is recommended by the Legislative Council, following its investigation into conditions of crime and law enforcement in this State. It would authorize the removal of any officer or employee of the State or of any political sub-division of the State, if in a judicial or quasi-judicial proceeding in a State tribunal or agency he shall refuse to answer some question bearing upon his official duties, by reason of possible self-incrimination. Although the right to avoid self-incrimination in a criminal proceeding is a constitutional one and cannot be infringed, the recommendation is that any office holder or employee who makes such a plea should be subject to removal from his position.

Item No. 20(7)

A BILL

ENTITLED

AN ACT to add a new section to Article 69 of the Annotated Code of Maryland (1951 Edition), title "Officers," said new section to be known as Section 13 and to follow immediately after Section 12 of said Article (being the same section in the 1939 Code), authorizing the removal of officers and employees of the State or of any political sub-division of the State under certain conditions.

SECTION 1. Be it enacted by the General Assembly of Maryland, That a new section be and it is hereby added to Article 69 of the Annotated Code of Maryland (1951 Edition), title "Officers," said new section to be known as Section 13, to follow immediately after Section 12 of said Article (being the same section in the 1939 Code), and to read as follows:

18. Any officer or employee of the State or of any political sub-division of the State who, in a State judicial or quasi-judicial proceeding, refuses to answer a question involving or concerning his official acts or duties on the grounds of self-incrimination, shall be subject to removal from office by the appointing officer or authority; provided, however, that before any officer or employee shall be removed for such cause, he shall be granted a public hearing by the appointing authority, after notice of not less than ten (10) days, with right to be represented by counsel.

SEC. 2. And be it further enacted, That this Act shall take effect June 1, 1952.
A-11

Explanation

This bill is recommended by the Legislative Council following its study of conditions of crime and law enforcement in this State. It would require every telephone company in the State to report to the State's Attorney any instance in which a separate residential dwelling unit has two or more main telephones installed. Such a bill was recommended to the Council by some of the law enforcement officials who appeared before it as a means of combating illegal bookmaking activities.

Item No. 20 (8)

A BILL

ENTITLED

AN ACT to add a new section to Article 78 of the Annotated Code of Maryland (1951 Edition), title "Public Service Commission," said section to be known as Section 71A and to follow immediately after Section 71 thereof (said Section 71 having been Section 412 of Article 23 of the 1939 Code), requiring every telephone company in the State to report to the State's Attorney any instance in which two or more main telephones each with a separate central office line have been or are installed in any house, apartment or other form of separate residential dwelling unit.

SECTION 1. Be it enacted by the General Assembly of Maryland, That a new section be and it is hereby added to Article 78 of the Annotated Code of Maryland (1951 Edition), title "Public Service Commission," said section to be known as Section 71A, to follow immediately after Section 71 thereof (said Section 71 having been Section 412 of Article 23 of the 1939 Code), and to read as follows:

71A. Every telephone company under the jurisdiction of the Public Service Commission shall record every instance in which two or more main telephones, each with a separate central office line, have been or are installed in any house, apartment, or other housing accommodations used by one or more persons as a separate residential dwelling unit. Such records shall be submitted to the State's Attorney of Baltimore City or of the county, as the case may be, in which such separate residential dwelling unit shall be located, together with any records or information known to or in the custody of the said company which may have any bearing on the use of any such telephone, either incidentally or otherwise, for a purpose which may be illegal or prohibited under the provisions of Sections 303 to 329 of Article 27 of the Code, sub-title "Gaming". Failure so to report any such set of installations for any one separate dwelling unit shall subject the said company, upon conviction thereof, to a penalty of not exceeding Twenty-five Dollars for every such failure.

SECTION 2. And be it further enacted, That this Act shall take effect June 1, 1952.
Explanation

This bill is recommended by the Hon. A. Earl Shipley, Director of the Division of Parole and Probation. It would clarify the law concerning armed robbery. The statute now sets penalties for robbery or attempted robbery with a dangerous or deadly weapon. There was a recent case in the Criminal Court of Baltimore City in which it was held that robbery with a broken pistol was not armed robbery, even though the victim did not know the pistol was broken. Other Courts have ruled that the law applies in such a situation. This bill would make it clear that robbery with a pistol or revolver, whether or not it is in condition to fire, is included within the definition of armed robbery.

Item No. 48

A BILL

ENTITLED

AN ACT to repeal and re-enact, with amendments, Section 574A of Article 27 of the Annotated Code of Maryland (1951 Edition—being Section 558 of the 1939 Edition), title "Crimes and Punishments," sub-title "Robbery," clarifying the provisions of said section as to the use of a pistol or revolver in committing a robbery or attempting to rob.

1 Sec. 1. Be it enacted by the General Assembly of Maryland, That Section 574A of Article 27 of the Annotated Code of Maryland (1951 Edition—being Section 558 of the 1939 Edition), title "Crimes and Punishments," sub-title "Robbery," be and it is hereby repealed and re-enacted, with amendments, to read as follows:

1 574A. Every person convicted of the crime of robbery or attempt to rob with a firearm, whether or not it is in condition to be fired, or with any dangerous or deadly weapon or accessory thereto, shall restore to the owner thereof the thing robbed or taken, or shall pay him the full value thereof, and be sentenced to imprisonment in the Maryland Penitentiary for not more than twenty years.

1 Sec. 2. And be it further enacted, That this Act shall take effect June 1, 1952.
This bill is recommended by the Deputy Attorney General. His attention has been called to the fact that in the State law concerning voting by mail, which was passed for the benefit of absentee residents in the armed forces, there is a reference to "United States Organizations." This is an error as it should be a reference to the "United Service Organizations." The bill simply corrects this error, so as to assure that any absentee resident who is serving with the United Service Organizations may have a right to vote.

Item No. 29A (1)

A BILL

ENTITLED

AN ACT to repeal and re-enact, with amendments, Section 138(1)(c) of Article 33 of the Annotated Code of Maryland (1951 Edition—being Section 130 in the 1947 Supplement, as enacted by Chapter 3 of the Acts of the First Special Session of 1950), title "Elections," sub-title "Voting by Mail," to correct an error in the reference to the United Service Organizations.

SECTION 1. Be it enacted by the General Assembly of Maryland, That Section 138(1)(c) of Article 33 of the Annotated Code of Maryland (1951 Edition—being Section 130 of the 1947 Supplement, as enacted by Chapter 3 of the Acts of the First Special Session of 1950), title "Elections," sub-title "Voting by Mail," be and it is hereby repealed and re-enacted, with amendments, to read as follows:

138. (1).

(c) All such absentee residents who are serving with the American Red Cross, the Society of Friends, the Women's Auxiliary Service Pilots and the United States Service Organizations who are attached to or serving with the armed forces of the United States outside of the United States.

SEC. 2. And be it further enacted, That this Act is hereby declared to be an emergency measure and necessary for the immediate preservation of the public health and safety and having been passed by a yea and nay vote, supported by three-fifths of all the members elected to each of the two Houses of the General Assembly of Maryland, the same shall take effect from the date of its passage.
A BILL

ENTITLED

AN ACT to add a new section to Article 33 of the Annotated Code of Maryland (1951 Edition), title “Elections,” said new section to be known as Section 138A, to follow immediately after Section 138 of said Article (said Section 138 having been Section 130 in Chapter 3 of the Acts of the First Special Session of 1950), and to be under the sub-title “Voting by Mail,” providing for the days upon which primary elections shall be held, for the time at which certificates of nomination must be filed and for other dates and procedures under the Absentee Voting Law applicable to members of the armed forces and certain other specified persons.

1 WHEREAS, in Chapter 3 of the Acts of the First Special Session of 1950, the General Assembly enacted an Absentee Voting Law for members of the armed forces; and

4 WHEREAS, no attempt was made at that time to put into this statute any permanent provisions as to the time at which primary elections are to be held or as to the time at which certificates of nomination are to be filed or as to certain other dates and procedures under the soldier voting law; and

10 WHEREAS, it is necessary that provision be made for such matters for the primary and general elections scheduled to be held in the year 1952; and

13 WHEREAS, it is also desirable that such provisions be enacted in general language so that they will be applicable without change to succeeding election years; now therefore

1 SECTION 1. Be it enacted by the General Assembly of Maryland, That a new section be and it is hereby added to Article 33 of the Annotated Code of Maryland (1951 Edition), title “Elections,” said new section to be known as Section 138A, to follow immediately after Section 138 of said Article (said Section 138 having been Section 130 in Chapter 3 of the Acts of the First Special Session of 1950),
and to be under the sub-title “Voting by Mail,” and to read as follows:

188A (a) Notwithstanding the provisions in Section 57 of this Article, requiring certain primary elections to be held throughout this State on the second Monday in September, every said primary election shall be held on the fourth Monday in the month of June. In those years in which there shall be an election for President and Vice-President of the United States, the said primary shall be held on the first Monday in May, as is provided in said Section 57.

(b) Any person wishing to file a certificate of candidacy in any such primary election shall file said certificate with the Secretary of State or with the Board of Supervisors of Elections, as the case may be. Notwithstanding the provisions of Section 56 of this Article, specifying the days on which such certificates shall be filed the last day for filing such certificate of candidacy shall be the Monday which is nine weeks or sixty-three days prior to the day upon which the said primary election is scheduled to be held. No candidate shall withdraw after the last day for filing such certificate of candidacy, as specified herein.

(c) Immediately upon receiving any such certificate of nomination, the Secretary of State shall certify it to the proper Boards of Supervisors of Elections.

(d) The State Conventions of the political parties shall meet according to the party rules and usages within thirty (30) days after any such primary election. All nominations made by such conventions shall be certified promptly to the Secretary of State, who shall immediately thereafter certify to the proper boards of Supervisors of Elections the name and description of each person so nominated for office.

(e) Constitutional amendments and all referenda or other questions, if any, shall be certified to the Boards of Supervisors of Elections on or before the fourth Monday in the month of July in each year in which there is to be a general election at which such amendments, referenda or questions are to be voted upon.

(f) Notwithstanding the provision in Section 56 of this Article, requiring any candidate for the offices of either President or Vice-President of the United States to file a certificate of candidacy for said office not less than thirty days before the day of the primary election for the selection of delegates to the State convention which shall select and instruct the delegate of each party to the national convention, the last day for filing such certificate of candidacy shall be the Monday which is nine weeks or sixty-three days prior to the day upon which the said primary election is scheduled to be held.

(g) Notwithstanding the provisions of Section 50 of this Article, wherein are specified the times for filing certain certificates of nomination of independent candidates upon petitions of signers, all such certificates of nomination referred to in the said section shall be filed with the Secretary of State or with the Board of Supervisors of Elections,
as the case may be, not later than the fourth Monday in the month of July next preceding the general election at which such candidates are to be voted upon; and in cases of nominations for President and Vice-President of the United States or for electors of President and Vice-President, such certificates shall be filed with the Secretary of State not later than the fourth Monday in the month of July next preceding the date fixed for the election of such officers.

(h) The several Boards of Supervisors of Elections shall appoint the required number of judges and clerks for the primary and general elections, as required by law, not later than May 1 in any year in which a primary election is to be held on the fourth Monday in the month of June, and not later than March 15 in any year in which a primary election is to be held on the first Monday in the month of May.

(i) The War Ballot Commission shall have full and complete authority to make rules and regulations governing cases for which no provisions have been made in this subtitle.

(j) The provisions of this section shall be effective and prevail over anything to the contrary elsewhere in this Article, so long as this subtitle remains in effect.

Sec. 2. And be it further enacted, That if this Act for any reason shall not become law on or before the last day for filing a certificate of candidacy hereunder, or on or before the day on which any of its other provisions would become operative, the War Ballot Commission shall have power by regulation to prescribe what shall be the last day for filing a certificate of candidacy or what shall be the day for any other of such provisions to become operative, so as to insure to the fullest extent possible the workings of the absentee voting law according to its scope and purpose.

Sec. 3. And be it further enacted, That this Act is hereby declared to be an emergency measure and necessary for the immediately preservation of the public health and safety and having been passed by a yea and nay vote, supported by three-fifths of all the members elected to each of the two Houses of the General Assembly of Maryland, the same shall take effect from the date of its passage.
A-17

Explanation

This bill is recommended by the Legislative Council's Committee appointed to investigate the sale of the Havre de Grace racetrack. It would prohibit the State of Maryland and the Maryland National Guard from acquiring for military purposes, by any form of conveyance other than gift, any legal or equitable interest in the farms in Harford County known generally as the "James" and "Levering" farms. These two farms adjoin the old Havre de Grace racetrack. They are two of the four farms adjacent to the waterfront in Harford County which remain in private ownership. It was the feeling of the committee that the Military Department should be prohibited from acquiring these farms and thereby taking from private ownership any more of the waterfront of Harford County. The subject was brought up for consideration when the Military Department recently acquired the old race track property.

This bill is submitted by the Legislative Council without recommendation, upon the request of the Adjutant General that it be so submitted and be studied for possible modification or amendment.

Item No. 50(2)

A BILL

ENTITLED

AN ACT to add a new section to Article 65 of the Annotated Code of Maryland (1951 Edition), title "Militia," said new section to be known as Section 57A and to follow immediately after Section 57 thereof (said Section 57 also having been Section 57 in the 1939 Code), prohibiting the State and/or the Maryland National Guard from acquiring for military purposes of any nature, by any form of conveyance other than gift, any legal or equitable interest in, or any right, title or interest to the properties in Harford County generally known as the "James" and "Levering" farms and more particularly described herein.

1  SECTION 1. Be it enacted by the General Assembly of Maryland, That a new section be and it is hereby added to Article 65 of the Annotated Code of Maryland (1951 Edition), title "Militia," said new section to be known as Section 57A, to follow immediately after Section 57 thereof (said Section 57 also having been Section 57 in the 1939 Code), and to read as follows:
2 57A. From and after June 1, 1952, the State of Maryland and/or the Maryland National Guard shall not acquire for military purposes of any nature, by purchase or condemnation, or by any other form of conveyance except gift, any legal or equitable interest in, or any right, title or interest to any part or all of the properties described generally hereinbelow:
3  (1) The so-called James Farm or Old Bay Farm in Harford County, Maryland, consisting of approximately 275 acres, more or less, said farm lying adjacent to and in a southwesterly direction from the property formerly known as the Havre de Grace racetrack, and being the property described among the Land Records of Harford County, Liber S. W. C. No. 242, folio 453,
(2) The so-called Levering Farm in Harford County, consisting of approximately 550 acres more or less, said farm lying adjacent to and in a southwesterly direction from the James or Old Bay Farm described herein, and being the property conveyed to H. John Kenney by deed dated October 29, 1951 and recorded among the Land Records of Harford County in Liber G. R. G. No. 364, folio 4.

Sec. 2. And be it further enacted, That this Act shall take effect June 1, 1952.
Explanation

This bill is recommended by the Legislative Council as a result of a recommendation first made to it by the State Comptroller, that the Board of Public Works be authorized to reduce income taxes for the taxable year of 1951 by reason of the probable surplus estimated to exist as of June 30, 1952. Subsequently, the Comptroller, the Budget Director and the Attorney General, with the approval of the Governor, presented a more specific recommendation that the General Assembly by legislation provide directly for such a reduction, in an amount equal to fifteen percent of the income taxes otherwise due and payable by individuals for the taxable year of 1951. This latter recommendation was adopted by the Legislative Council.

Item No. 69

A BILL

ENTITLED

AN ACT to add a new section to Article 81 of the Annotated Code of Maryland (1951 Edition), title "Revenue and Taxes," said new section to be known as Section 284A, to follow immediately after Section 284 thereof (said Section 284 having been Section 230A in the 1947 Supplement), and to be under the sub-title "Income Tax," reducing the amount of income tax payable on the net income of every resident individual of this State and on the net income, taxable in this State, of every individual not a resident of this State, under the income tax laws of this State, for the calendar year 1951, if the taxpayer's year is a calendar year, and for the fiscal year beginning in 1951 and ending in 1952, if the taxpayer's year is a fiscal year, said reduction to be in an amount equal to fifteen per centum (15%) of the amount of said tax otherwise due under the income tax laws of this State.

WHEREAS, the revenues being collected by the State are expected greatly to exceed the estimates of revenue for the fiscal year ending June 30th, 1952; and

WHEREAS, a surplus will have accrued on that date which can be partly devoted to a reduction in taxes for the following fiscal year; and

WHEREAS, the State should grant relief to the overburdened taxpayers by reducing the State income tax on individuals in order to prevent revenues from being greatly in excess of the actual needs of the State Government; now therefore

SECTION 1. Be it enacted by the General Assembly of Maryland, That a new section be and the same is hereby added to Article 81 of the Annotated Code of Maryland (1951 Edition), title "Revenue and Taxes," said new section to be known as Section 284A, to follow immediately after Section 284 thereof (said Section 284 having been
Section 230A in the 1947 Supplement), to be under the sub-title “Income Tax,” and to read as follows:

**284A.** The amount of income taxes payable on the net income of every resident individual of this State and on the net income, taxable in this State, of every individual not a resident of this State, for the calendar year 1951, if the taxpayer’s year is a calendar year, and for the fiscal year beginning in 1951 and ending in 1952, if the taxpayer’s year is a fiscal year, shall be reduced in an amount equal to fifteen per centum (15%) of the total income tax otherwise due and payable as computed according to the existing income tax laws of this State.

SEC. 2. **And be it further enacted,** That all laws or parts of laws inconsistent with the provisions of this Act be and the same are hereby repealed to the extent of such inconsistency.

SEC. 3. **And be it further enacted,** That this Act is hereby declared to be an emergency measure and necessary for the immediate preservation of the public health and safety and having been passed by a yea and nay vote, supported by three-fifths of all the members elected to each of the two Houses of the General Assembly of Maryland, the same shall take effect from the date of its passage.
This bill is recommended by the Tri-State Mutual Agents' Association. It would prohibit any bank, dealer or lending agency from requiring as a condition precedent to financing the purchase of any property or to lending money upon the security of a mortgage, that the insurance on such property shall be handled by any particular broker or company. However, the bill is not to prevent any person for approving or disapproving for good cause the insurance company selected to underwrite such insurance.

Item No. 41

A BILL

ENTITLED

AN ACT to add a new section to Article 27 of the Annotated Code of Maryland (1951 Edition), title "Crimes and Punishments," to be under the sub-title "Coercion in Contracting Insurance," said new section to be known as Section 43A and to follow immediately after Section 43 of said Article (being Section 39 of the 1939 Code), making it unlawful for any mortgage or pledge to require that property securing a loan be insured by a particular insurance company.

SECTION 1. Be it enacted by the General Assembly of Maryland, That a new section be and it is hereby added to Article 27 of the Annotated Code of Maryland (1951 Edition), title "Crimes and Punishments," to be under the sub-title "Coercion in Contracting Insurance," said new section to be known as Section 43A, to follow immediately after Section 43 of said Article (being Section 39 of the 1939 Code), and to read as follows:

COERCION IN CONTRACTING INSURANCE

1 §43A. It shall be unlawful for any person, firm or corporation, or the attorney or agent thereof, to require, as a condition precedent to financing the purchase of such property or to lending money upon the security of a mortgage thereon, or as a condition prerequisite for the renewal or extension of any such loan or mortgage or for the performance of any other act in connection therewith, that the person for whom such purchase is to be financed or to whom the money is to be loaned or for whom such extension, renewal or other act is to be granted or performed, shall negotiate any policy of insurance or renewal thereof covering such property through a particular insurance company, agent or broker. Any person, firm or corporation violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding One Thousand Dollars ($1,000.00) and, in the case of individuals or the responsible officers, agents or employees of a corporation, partnership or asso-
Sec. 2. And be it further enacted, That this Act shall take effect June 1, 1952.
Explanation

This bill is recommended by a sub-committee of the Legislative Council appointed to study judges' pensions. It is the same as House Bill No. 139 of 1951, as amended by the Ways and Means Committee. It would increase the pensions of judges from a rate of $300 for each year of service to a rate of $450 for each year of service. Judges of the Court of Appeals would be allowed $100 additional for each year of service. However, any judge who would resume the active practice of law after he had retired would receive only the pension which existed prior to this bill. He would not receive the increased amount provided by this bill.

Item No. 34

A BILL

ENTITLED

AN ACT to repeal and re-enact, with amendments, Section 49 of Article 26 of the Annotated Code of Maryland (1951 Edition, being Section 48 in the 1947 Supplement), title “Courts,” sub-title “Pensions for Judges,” providing for an increase in pensions for judges.

SECTION 1. Be it enacted by the General Assembly of Maryland, That Section 49 of Article 26 of the Annotated Code of Maryland (1951 Edition, being Section 48 in the 1947 Supplement), title “Courts,” sub-title “Pensions for Judges,” be and it is hereby repealed and re-enacted, with amendments, to read as follows:

48. Every elected judge of the Circuit Court for any of the counties, of the Supreme Bench of Baltimore City, and of the Court of Appeals of Maryland, shall be paid, after the termination of active service, if he is then at least sixty years of age or when he becomes sixty years of age, a pension or salary calculated at the rate of [Three Hundred Dollars ($300.00)] Four Hundred and Fifty Dollars ($450.00) per annum for each year, or any part thereof, of active service by appointment and election as a judge of the Circuit Court for any of the counties, of the Supreme Bench of Baltimore City, and of the Court of Appeals of Maryland, up to and including twenty years of such active service, so that the maximum pension or salary for such service payable hereunder to any one person shall not exceed the sum of [Six] Nine Thousand Dollars [($6,000.00)] ($9,000.00) per annum. In addition to the payment of a pension or salary of Four Hundred and Fifty Dollars ($450.00) for each year of service, each judge of the Court of Appeals shall be allowed One Hundred Dollars ($100.00) for each year of service as a member of the Court of Appeals but, in no event, shall the total pension or salary exceed Eleven Thousand Dollars ($11,000.00). Provided, however, that any judge who shall resume the active practice of law after the termination of his service as a judge shall not be paid as a pension any sum greater than Six Thousand Dollars ($6,000.00) per annum. In the case of
an elected judge who may serve on the Court of Appeals
subsequent or prior to service as a Circuit Court judge for
any of the counties or of the Supreme Bench of Baltimore
City, the amount of pension per annum shall be calculated
according to the total years of active service not exceeding
twenty at the pension rate fixed herein. This section shall
apply to all elected judges already retired from active
service. Any former judge who accepts any salaried public
office or position, municipal, county, State or Federal, shall
shall not be paid any pension or salary so long as he re-
 mains in such office or position. The Mayor and City
Council of Baltimore and the County Commissioners of
the several counties are hereby expressly authorized to
levy for and pay additional pensions or salaries to such
former judges of the Court of Appeals, the Supreme
Bench of Baltimore City and the Circuit Courts of the
counties who served or may hereafter serve in the judicial
circuits in which the City of Baltimore or any county exer-
cising the authority conferred herein is located; and any
such provision heretofore made is hereby ratified and con-

1  Sec. 2. And be it further enacted, That this Act shall
2  take effect June 1, 1952.
A BILL

ENTITLED

AN ACT to add a new section to Article 75 of the Annotated Code of Maryland (1951 Edition), title "Pleadings, Practice and Process at Law," sub-title "Pleadings," said section to be known as Section 19A and to follow immediately after Section 19 of said Article, providing that broadcasting stations shall not be liable for damages for any defamatory or libelous statements published or uttered by candidates for public office where such publications or utterances cannot be censored.

1 SECTION 1. Be it enacted by the General Assembly of Maryland, That a new section be and it is hereby added to Article 75 of the Annotated Code of Maryland (1951 Edition), title "Pleadings, Practice and Process at Law," sub-title "Pleadings," said section to be known as Section 19A, to follow immediately after Section 19 of said Article, and to read as follows:

1 19A. The owner, licensee or operator of a visual or sound radio broadcasting station or network of stations, and the agents or employees of any such owner, licensee or operator shall not be liable for any damages for any defamatory or libelous statement published or uttered over the facilities of such station or network of stations by any candidate for public office, which publication or utterance cannot be censored by such owner, licensee or operator under any regulation of the Federal Communications Commission or any statute of the United States.

SEC. 2. And be it further enacted, That this Act shall take effect June 1, 1952.
Explanation

This bill would remove a discrimination now existing as to motor vehicles brought into Maryland from a State which does not have a titling tax. At the present time, if such a vehicle is traded in to a dealer, the dealer must title the car in Maryland and pay a title tax even though he has the vehicle only for purposes of re-sale. Then, when he does sell it to a Maryland buyer, another titling tax must be paid. On the other hand, if the vehicle was originally brought into Maryland from a State which imposes a titling tax, the dealer does not have to pay any such tax. This bill would remove the discrimination by providing that the titling tax shall not be paid by the dealer if to any motor vehicle brought into Maryland from another State and traded in to a Maryland dealer.

Item No. 36(10)

A BILL

ENTITLED

AN ACT to repeal and re-enact, with amendments, Sub-section 28(d) and Section 42 of Article 66½ of the Annotated Code of Maryland (1951 Edition—being, respectively, Sub-section 25A(d) and Section 37 in the 1947 Supplement), title “Motor Vehicles,” sub-title “Administration—Registration—Titling,” providing that motor vehicles acquired for resale by any registered dealer from non-residents who are from states whose laws do not require title registration shall be exempt from the titling tax.

1. SECTION 1. Be it enacted by the General Assembly of Maryland, That Sub-section 28(d) and Section 42 of Article 66½ of the Annotated Code of Maryland (1951 Edition—being, respectively, Sub-section 25A(d) and Section 37 in the 1947 Supplement), title “Motor Vehicles,” sub-title “Administration—Registration—Titling,” be and they are hereby repealed and re-enacted, with amendments, to read as follows:

28. (d) Certificates of title for all motor vehicles owned by the State of Maryland or any political subdivision of the State and for fire engines and other fire department emergency apparatus, including ambulance operated by or in connection with any fire department, and for all motor vehicles acquired for re-sale by any registered new or used car dealer from non-residents who are from states whose laws do not require title registration, shall be exempt from the tax imposed by this section.

42. (a) (Procedure of Sale and Purchase for Used or Second-Hand Motor Vehicles.) It shall be unlawful and a misdemeanor for anyone other than a registered dealer to purchase or for anyone to sell within the limits of the State of Maryland any used or second-hand motor vehicle for which no certificate of title has been issued by the Department or by another State unless the following provisions of this section shall be first complied with.
(b) Anyone so desiring to sell such motor vehicle, who does not have in his possession sufficient evidence of ownership, shall make application to the Department for a certificate of title, appropriately describing therein the vehicle so to be sold, naming the place in which the said vehicle is registered and the number of the current registration plates, or such other information that the Department may require, and the name and address of the applicant.

(c) Such application must be subscribed and sworn to and when filed with the Department must be accompanied by the payment of Two ($2.00) Dollars to cover the estimated average cost incident to the inquiry hereinafter provided for, such sum to be accounted for by the Department as are other monies received under this Article.

(d) Upon receipt of an application in proper form accompanied by such payment it shall be the duty of the said Department to immediately communicate with the Commissioner of Motor Vehicles or other proper officer of the State, district, county or city named in such application inquiring as to the facts in said application set forth, which inquiry, when practical, may be made by telephone or telegraph.

(e) Where the request for such title is made through a bona fide registered dealer of this State, as defined in this Article, the applicant may anticipate the result of such inquiry by furnishing to the Department satisfactory indemnity bond to the State of Maryland in the penalty of a sum equal to the fair value of the said motor vehicle as estimated by the said Department and guaranteeing to the purchaser of said motor vehicle the right of the applicant to sell the said motor vehicle and to pass a good and marketable title thereto.

(f) Upon receipt of satisfactory information or upon the filing of a satisfactory bond as aforesaid, the Department shall issue the said title over the signature of the Commissioner and the seal of his office, appropriately describing therein the vehicle so to be sold, which said title must be delivered by the vendor to the vendee at the time such sale is made; and such title shall be surrendered by the vendee to the Department when application is made for a new certificate of title and registration of said vehicle.

(g) In the event the applicant so furnishing such bond transfers a defective title to such motor vehicle under such permit, it shall be the duty of the Department to assign the said bond to the person or persons who may have been injured by reason of such defective title, and such assignee shall then have the same rights thereunder as would have attended had the said bond been given to such assignee.

(h) Violation of this section shall be deemed to be a misdemeanor and upon conviction shall be punishable by a fine of not less than One ($1.00) Dollar nor more than Five Hundred ($500.00) Dollars or by imprisonment for not more than five (5) years, or both.

Sec. 2. And be it further enacted, That this Act shall take effect June 1, 1952.
Explanation

This bill is recommended by a sub-committee of the Legislative Council which considered legislation concerning narcotics. The narcotics laws were amended by Chapter 466 of the Acts of 1951 to provide greater penalties for their violation. The present bill would remove the minimum penalties which were specified in the Act of 1951, leaving the maximum penalties unchanged. The law, as amended in 1951, left it uncertain whether the so-called “O’Dunne Act” applied to narcotics cases. This Act in effect permits a judge to give any penalty up to the maximum. The present will clarify the narcotics laws by making it definite that the Act does apply to narcotics cases as to all other types of criminal cases.

Item 20A(1)

A BILL

ENTITLED

AN ACT to repeal and re-enact, with amendments, Section 369 of Article 27 of the Annotated Code of Maryland (1951 Edition—being Section 352 in the 1939 Code), title “Crimes and Punishments”, sub-title “Health—Narcotic Drugs”, relating generally to the penalties for violating the provisions of the laws concerning narcotic drugs.

SECTION 1. Be it enacted by the General Assembly of Maryland, That Section 369 of Article 27 of the Annotated Code of Maryland (1951 Edition—being Section 352 in the 1939 Code), title “Crimes and Punishments”, sub-title “Health—Narcotic Drugs”, be and it is hereby repealed and re-enacted, with amendments, to read as follows:

1 369. Whoever violates any provision of this sub-title shall upon conviction be fined not more than One Thousand Dollars ($1,000.00) and be imprisoned not [less than two] or [four] more than five years. For a second offense, or if, in case of a first conviction of violation of any provision of this sub-title, the offender shall previously have been convicted of any violation of the laws of the United States or of any other state, territory or district relating to narcotic drugs or marihuana, the offender shall be fined not more than Two Thousand Dollars ($2,000.00) and be imprisoned not [less than five or] more than ten years. For a third or subsequent offense, or if the offender shall have previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any other state, territory or district relating to narcotic drugs or marihuana, the offender shall be fined not more than Three Thousand Dollars ($3,000.00) and be imprisoned not [less than ten or] more than twenty years. [And except in the case of conviction for a first offense for violation of the provisions of this sub-title, the imposition or execution of sentence shall not be suspended and probation or parole shall not be granted until the minimum imprisonment here-
vided, that if any such offense shall consist of the sale, barter, peddling, exchange, dispensing or supplying of a narcotic drug to a minor, in violation of any provision of this sub-title, said offense shall be deemed a felony, and any person found guilty thereof shall be imprisoned for a term of not [less than five nor] more than twenty years, and shall be subject to a fine as provided for hereinabove in this section.

SEC. 2. And be it further enacted, That this Act is hereby declared to be an emergency measure and necessary for the immediate preservation of the public health and safety and having been passed by a yea and nay vote, supported by three-fifths of all members elected to each of the two Houses of the General Assembly of Maryland, the same shall take effect from the date of its passage.
Explanafloja

This bill is recommended by a sub-committee of the Legislative Council which gave special consideration to narcotics laws. It was brought out before the sub-committee that the definition of narcotics in the present State laws include only the natural form of those drugs as derived from opium or other such plants. In recent years, however, there has been a development of synthetic drugs having the same properties and effects as the natural drugs. The recommendation is that the definition of narcotic drugs be expanded to include these synthetic drugs in order that law enforcement officers may prosecute cases involving these new types of drugs.

Item No. 20A(2)

A BILL

ENTITLED

AN ACT to repeal and re-enact, with amendments, Section 345(o) of Article 27 of the Annotated Code of Maryland (1951 Edition—being Section 328(o) in the 1939 Code), title "Crimes and Punishments," sub-title "Health—Narcotic Drugs," amending the definition of narcotic drugs to include certain synthetic and other drugs.

1 SECTION 1. Be it enacted by the General Assembly of Maryland, That Section 345(o) of Article 27 of the Annotated Code of Maryland (1951 Edition—being Section 328(o) in the 1939 Code), title "Crimes and Punishments," sub-title "Health—Narcotic Drugs," be and it is hereby repealed and re-enacted, with amendments, to read as follows:

345.

(o). "Narcotic Drugs" means coca leaves, opium, cannabis, and every substance not chemically distinguishable from them. In addition, the term "Narcotic Drugs" shall mean the following:

(1) "Isompecaime," which means the substance identified chemically as 1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester, or any salt thereof by whatever trade name identified.

(2) "Amidone," which means the substance identified chemically as 4,4-Diphenyl-6-Dimethylamino-Heptanone-3, or any salt or form thereof by whatever trade name identified.

(3) "Dromoran," which means the substance identified chemically as 3-hydroxy-N-methylmorphinan, or any salt or form thereof by whatever trade name identified.

The term "Narcotic Drugs" also shall be taken to include any drug or substance similar to those listed hereinabove, whether synthetic or otherwise and whether or not physically distinguishable from those listed hereinabove, and whatever may be its trade name, having comparable habit-forming qualities and effects of habituation.
Sec. 2. *And be it further enacted*, That this Act is hereby declared to be an emergency measure and necessary for the immediate preservation of the public health and safety and having been passed by a yea and nay vote, supported by three-fifths of all members elected to each of the two Houses of the General Assembly of Maryland, the same shall take effect from the date of its passage.
A-32

Explanation

This bill is recommended by a sub-committee of the Legislative Council which considered legislation concerning narcotics. It would amend Chapter 471 of 1951, which provided that any vehicle used for an illegal purpose under the narcotics laws might be forfeited to the county or to Baltimore City. The present bill would provide that a lien or other bona fide interest held by any person would be recognized before any such forfeiture is adjudicated.

Item No. 20A (3)

A BILL

ENTITLED

AN ACT to repeal and re-enact, with amendments, Section 370 of Article 27 of the Annotated Code of Maryland (1951 Edition, being Section 352A of the 1939 Code, as enacted by Chapter 471 of the Acts of 1951), title "Crimes and Punishments," sub-title "Health-Narcotic Drugs," providing that before any vehicle, vessel or aircraft is forfeited by reason of its having been used in the violation of the narcotic laws, the rights and interests of any claimant, lien-holder or other party in interest shall be recognized and allowed, and that any such forfeiture shall be adjudicated subject to certain claims, liens and interests.

Section 1. Be it enacted by the General Assembly of Maryland, That Section 370 of Article 27 of the Annotated Code of Maryland (1951 Edition, being Section 352A of the 1939 Code, as enacted by Chapter 471 of the Acts of 1951), title "Crimes and Punishments," sub-title "Health-Narcotic Drugs," be and it is hereby repealed and re-enacted, with amendments, to read as follows:

(a) In addition to any other fines or penalties provided for a violation of the provisions of this sub-title, any motor vehicle or other vehicle, vessel or aircraft used or employed in the concealment, conveying or transporting of any such narcotic drugs, or used during the course of any violation of this sub-title by any person or persons convicted of the same, shall upon the conviction or convictions be declared by the Court to be forfeited to the county or to Baltimore City, as the case may be; provided that no vehicle shall be forfeited hereunder unless the owner thereof authorized or permitted such use or employment.

(b) At the time any court is considering the forfeiture of such a vehicle, vessel or aircraft, any claimant, lien-holder or other party in interest who appears before the said court and presents evidence as to his claim, lien or other interest therein, shall be heard by the court. If the court shall determine that the said claimant, lien-holder or
other party in interest has a valid claim, lien or interest in
such vehicle, vessel or aircraft, as owner or otherwise,
which he acquired in good faith, and also that he had at no
time any knowledge or reason to believe that the said ve-
hicle, vessel or aircraft was being or would be used for any
violation of the provisions of this sub-title, the said court
shall make due allowance for the claim, lien or other in-
terest in such case. The vehicle, vessel or aircraft shall be
forfeited to the county or to Baltimore City, if at all, subject
to the rights and interests of such claimant, lien-holder or
other party in interest, and the court shall make a proper
order for this purpose.

(c) The County Commissioners or the Mayor and City
Council of Baltimore at their discretion may use the said
vehicle for public purposes or may exchange, sell or convey
it to another person or persons; and any cash or moneys
received therefor shall be added to the general funds of
the county or City of Baltimore.

SEC. 2. And be it further enacted, That this Act shall
take effect June 1, 1952.
A-34

Explanarion

This bill is recommended by the Legislative Council's committee appointed to investigate the sale of the Havre de Grace racetrack. It would provide that if any of the existing mile tracks is permanently abandoned for racing purposes after June 1, 1952, its license and racing days may be transferred to another track in this State only with the sanction and consent of the General Assembly. It was the feeling of the committee that the sale of the Havre de Grace track may be part of a developing move to reduce the number of mile tracks from four to two, and that any such important change in the character of racing in this State should require the approval of the Legislature. This bill would not actually require approval for the sale of any track, but simply for the transfer of the racing days of the track which is abandoned to any other track in Maryland.

Item No. 50(1)

A BILL

ENTITLED

AN ACT to repeal and re-enact, with amendments, Section 7 of Article 78B of the Annotated Code of Maryland (1951 Edition—being also Section 7 in the 1947 Supplement), title "Racing Commission," providing that if any of the so-called mile tracks in this State are permanently abandoned for racing purposes after June 1, 1952, the consent and sanction of the General Assembly shall be required if any such track is to be licensed and awarded racing days at a new track location in this State; and removing certain obsolete provisions from said section.

SECTION 1. Be it enacted by the General Assembly of Maryland, That Section 7 of Article 78B of the Annotated Code of Maryland (1951 Edition—being also Section 7 of the 1947 Supplement), title "Racing Commission," be and it is hereby repealed and re-enacted, with amendments, to read as follows:

7. (a) Any person or persons, association or corporation, desiring to conduct racing within the State of Maryland during any calendar year, shall apply to the Maryland Racing Commission for a license so to do. Such application shall be filed with the Secretary of the Commission on or before a day to be fixed by the Commission. Such application shall specify the days on which such racing is desired to be conducted or held, and such application shall be in such form and supply such data and information as the said Maryland Racing Commission shall prescribe. Said Racing Commission shall, as soon as practicable during nineteen hundred and forty-three (1943) and on or before the first day of March of each year thereafter shall award all dates for racing in the State of Maryland within the current year, but the said dates so awarded shall not exceed One Hundred Days in the aggregate, and the decision of the Commission on the award of all such dates shall be final. The Commission shall have the power to reject any application for a license for any cause which it may deem sufficient and the action of the Commission shall be final.
22 (b) No one person, corporation or association shall be
23 given a license to conduct racing for more than fifty (50)
24 days in one year, nor shall more than an aggregate of
25 fifty (50) days racing be held in any one year on any one
26 track within the State of Maryland. The said Racing Com-
27 mission may, at any time or times, in its discretion, au-
28 thorize any person, corporation or association to transfer
29 its racing meet or meetings from its own track, or place
30 for holding races, to the track, or place for holding races,
31 of any other person, corporation or association now con-
32 ducting racing in the State of Maryland upon payment of
33 any and all appropriate license fees for the conduct of
34 racing at the particular track, or place for holding races,
35 on which the racing is to be conducted; provided, however,
36 that no such authority to transfer shall be granted with-
37 out the express consent of the person, corporation or asso-
38 ciation owning or leasing the track to which such transfer
39 is made, but nothing in this section shall affect in any man-
40 ner the license fees, requirements, rights, conditions, terms
41 and provisions of Section 8 of this Article [;]
42 (c). Provided, further, that the Commission shall issue
43 no license nor award any dates for racing on any tracks
44 or places for holding races in Maryland, unless on such
45 tracks or places for holding races, races have been run or
46 held at least once in every year for a period of three con-
47 secutive years immediately prior to May 6, 1943, it being
48 the intent, purpose and effect of this section to insure that
49 no new or additional tracks or places for holding or con-
50 ducting races shall be licensed or awarded dates [;]
51 (d) Provided, however, that if the Maryland Jockey
52 Club, the Southern Maryland Agricultural Association, the
53 Maryland State Fair or the Harford Agricultural and
54 Breeders’ Association, respectively, shall permanently
55 abandon for racing purposes the Pimlico Track, the Bowie
56 Track, the Laurel Track or the Havre de Grace Track, the
57 Association so abandoning the track at which it has here-
58 tofore regularly conducted race meetings under the au-
59 thority of this Article and this section may be licensed and
60 awarded dates for the holding or conducting of races or
61 race meetings at a new track location in the State; except
62 that as to any such track which is permanently abandoned
63 for racing purposes from and after June 1, 1952, such
64 licensing and awarding of dates under the provisions
65 of this sub-section shall require the consent and sanction
66 of the General Assembly of Maryland, by a statute duly
67 enacted, before it shall become effective and before any
68 action shall be taken thereunder.

1 Sec. 2. And be it further enacted, That this Act shall
2 take effect June 1, 1952.
Explanation

This bill is recommended by the Commission on Administrative Organization of the State, known generally as the Sobeloff Commission. It would amend the State Constitution to permit the Budget to contain an estimate of appropriations in such form and detail as the Governor shall determine or as may be prescribed by law. The purpose is to permit the use of a "performance" or "program" budget, instead of the line-item budget which has been used in Maryland for the past thirty-five years. Such a recommendation was one of the key proposals of the Commission, as one means for improving the technique for legislative consideration and understanding of the Budget.

Item No. 55(1)

A BILL

ENTITLED

AN ACT to propose an amendment to Section 52 (4), (5) of Article 3 of the Constitution of Maryland, title "Legislative Department," relating to the State Budget and to provide for the submission of said amendment to the qualified voters of the State for adoption or rejection.

SECTION 1. Be it enacted by the General Assembly of Maryland (Three-fifths of all the members elected to each of the two Houses concurring), That the following section be and it is hereby proposed as an amendment to Article 3 of the Constitution of Maryland, title "Legislative Department," amending Section 52 (4), (5) of said Article, the same, if adopted by the qualified voters of the State, as herein provided, to supersede and stand in the place and stead of Section 52 (4), (5) of Article 3 of the Constitution of Maryland.

52.

(4). Each Budget shall embrace an [itemized] estimate of [the] all appropriations in such form and detail as the Governor shall determine or as may be prescribed by law, as follows: (a) for the General Assembly as certified to the Governor in the manner hereinafter provided; (b) for the Executive Department; (c) for the Judiciary Department, as provided by law, certified by the Comptroller; (d) to pay and discharge the principal and interest of the debt of the State in conformity with Section 34 of Article 8 of the Constitution, and all laws enacted in pursuance thereof; (e) for the salaries payable by the State and under the Constitution and laws of the State; (f) for the establishment and maintenance throughout the State of a thorough and efficient system of public schools in conformity with Article 8 of the Constitution and with the laws of the State; (g) for such other purposes as are set forth in the Constitution or laws of the State.

(5). The Governor shall deliver to the presiding officer of each House the Budget and a bill for all the proposed
appropriations of the Budget classified and in such form
and detail as he shall determine or as may be prescribed
by law; and the presiding officer of each House shall
promptly cause said bill to be introduced therein, and such
bill shall be known as the "Budget Bill." The Governor
may, with the consent of the General Assembly, before
final action thereon by the General Assembly, amend or
supplement said Budget to correct an oversight, provide
funds contingent on passage of pending legislation or, in
case of an emergency, by delivering such an amendment
or supplement to the presiding officers of both Houses;
and such amendment or supplement shall thereby become
a part of said Budget Bill as an addition to the items of
said bill or as a modification of or a substitute for any item
of said bill such amendment or supplement may affect.

SEC. 2. And be it further enacted, That the foregoing
section hereby proposed as an amendment to the Constitu-
tion of the State of Maryland shall at the next general elec-
tion to be held in November, 1952, be submitted to the legal
and qualified voters of the State, for their adoption or re-
jection, in pursuance of the directions contained in Article
14 of the Constitution of the State of Maryland, and at the
said general election the vote on the said proposed amend-
ment to the Constitution shall be by ballot, and upon each
ballot there shall be printed the words "For the Constitu-
tional Amendment," and "Against the Constitutional
Amendment," as now provided by law, and immediately
after said election, due returns shall be made to the Gover-
nor of the vote for and against the said proposed amend-
ment, as directed by said Fourteenth Article of the Con-
stitution, and further proceedings had in accordance with
said Article Fourteen.
A-88

Explanation

This bill is recommended by the Commission on Administrative Organization of the State, known generally as the Sobeloff Commission. It would declare as a matter of legislative intent and desire that the Governor, in submitting his Budget to the General Assembly, present a complete fiscal program, including proposed bond issue and revenue bills, and that in the submission of a Supplemental Budget the Governor limit the items therein to the matters of error or omission stipulated in the Constitution. The purpose is to give the General Assembly early in each session a virtually-complete picture of the Governor's proposed fiscal operations, in order that the Legislature's consideration of the budget may be based upon all the facts.

Item No. 55(2)

A BILL

ENTITLED

AN ACT to add a new section to Article 15A of the Annotated Code of Maryland (1951 Edition), title “Budget and Procurement,” sub-title “Budgetary Administration,” said new section to be known as Section 8A and to follow immediately after Section 8 of said Article, declaring the legislative intent as to the submission of the State Budget and supplemental amendments to the Budget.

1. SECTION 1. Be it enacted by the General Assembly of Maryland, That a new section be and it is hereby added to Article 15A of the Annotated Code of Maryland (1951 Edition), title “Budget and Procurement,” sub-title “Budgetary Administration,” said new section to be known as Section 8A, to follow immediately after Section 8 of said Article, and to read as follows:

1. 8A. It is hereby declared to be the legislative intent and desire that the Governor, in submitting the State Budget and Budget Bill as directed by Section 52(5) of Article 2 of the State Constitution, submit his complete financial program and recommendations for the fiscal year involved, including proposed bond bills and revenue bills to carry out such program, so that the General Assembly may have before it early in the session the entire fiscal program of the State Administration, and that the supplemental budget amendments be rigidly restricted to the correction of mechanical errors in the initial budget and provision for expenditures required by legislation enacted in the current session.

2. SEC. 2. And be it further enacted, That this Act shall take effect June 1, 1952.
A-39

Explanation

This bill is recommended by the Commission on Administrative Organization of the State, known generally as the Sobeloff Commission. It would require that every State department or agency should receive the approval of the Board of Public Works before making any request for funds, material, equipment or services from the Federal government. This Commission points out that currently some Twenty Million Dollars annually is received in Maryland, and that the enterprise of the several State agencies apparently governs to some extent the amounts received. These requests are not geared to the State fiscal program as a whole, and they may require matching funds from the State. This bill, in the opinion of the Commission, would help the State in planning its over-all spending program.

Item No. 55(3)

A BILL

ENTITLED

AN ACT to add a new section to Article 15A of the Annotated Code of Maryland (1961 Edition), title "Budget and Procurement," sub-title "Budget Bureau," said new section to be known as Section 17A and to follow immediately after Section 17 of said Article, relating to requests for Federal funds by state departments or agencies.

SECTION 1. Be it enacted by the General Assembly of Maryland, That a new section be and it is hereby added to Article 15A of the Annotated Code of Maryland (1961 Edition), title "Budget and Procurement," sub-title "Budget Bureau," said new section to be known as Section 17A, to follow immediately after Section 17 of said Article, and to read as follows:

17A. Every department, board, commission, bureau, division, institution or agency of the State, before making any request or submitting any budget to the Federal Government or any agency thereof for funds, equipment, material or services, shall submit such request or budget to the Director of the Department of Budget and Procurement for review by him. The Director, after review of such request or budget, shall submit same to the Board of Public Works, who shall have the authority to approve, disapprove, modify or amend such request or budget before it is submitted to the proper Federal department, authority or agency.

SEC. 2. And be it further enacted, That this Act shall take effect June 1, 1952.
This bill is recommended by the Commission on Administrative Organization of the State, better known as the Sobeloff Commission. It would require the Director of the Budget to include in the tentative State budget prepared by him a report of the items for capital improvements which have been recommended by the State Planning Commission. There is a companion bill to require the State Planning Commission to submit this information to the Director of the Budget. All this is to assure coordination between the budget submitted for current operations and that for long-time capital expenditures, and would enable the Governor to present a complete fiscal program to the General Assembly.

Item No. 55(5)

A BILL

ENTITLED

AN ACT to repeal and re-enact, with amendments, Section 18 of Article 15A of the Annotated Code of Maryland (1951 Edition—being Section 17 of the 1939 Code, as amended), providing for inclusion in the tentative budget of proposed expenditures for capital improvements.

SECTION 1. Be it enacted by the General Assembly of Maryland, That Section 18 of Article 15A of the Annotated Code of Maryland (1951 Edition—being Section 17 of the 1939 Code, as amended), be and it is hereby repealed and re-enacted, with amendments, to read as follows:

18. (a). It shall be the duty of the Director to prepare a tentative budget and report for the assistance of the Governor in the preparation of his budget bills for submission to the Legislature. Such report shall be classified and in such form and detail as prescribed by Article 3, Section 52 of the Constitution.

(b). It shall also be the duty of said Director to include in such tentative budget and report the item or items for capital improvements recommended by the State Planning Commission in accordance with the provisions of Section 4 of Article 88C.

SEC. 2. And be it further enacted, That this Act shall take effect June 1, 1952.
A-41

Explanation

This bill is recommended by the Committee on Administrative Organization of the State, better known as the Sobeloff Commission. It would require the State Planning Commission to submit each year to the Director of the Budget, its recommendations and program for capital improvement projects. This bill is a companion bill to that requiring the Director of the Budget to submit this program along with his tentative budget, all in order that when the budget finally is submitted by the Governor to the General Assembly it may be a complete fiscal program for the Legislature's consideration.

Item No. 55(3)

A BILL

ENTITLED

AN ACT to repeal and re-enact, with amendments, Section 4 of Article 88C of the Annotated Code of Maryland (1951 Edition—being Section 4 of said Article in the 1947 Supplement), providing that the State Planning Commission shall submit an annual capital improvement program.

SECTION 1. Be it enacted by the General Assembly of Maryland, That Section 4 of Article 88C of the Annotated Code of Maryland (1951 Edition—being Section 4 of said Article in the 1947 Supplement), be and it is hereby repealed and re-enacted, with amendments, to read as follows:

4. It shall be the duty of such Planning Commission to prepare and keep up to date a long-term development program of major State improvement projects. The various State departments, institutions, officials and agencies shall prepare and submit to such Planning Commission, not later than July 1st [in the even-numbered years] each year, their proposals for major projects. It shall be the duty of such Planning Commission to co-ordinate such plans and proposals with each other and with the general plans of such Commission, [and to submit to the Governor and the General Assembly a report at least once every two years showing the Commission's recommendations and program for improvement projects] and shall submit to the Director of the Budget, on or before September 15 in every year, its recommendations and program for improvement projects and shall include such recommendations and program in its annual report to the Governor and the General Assembly.

SEC. 2. And be it further enacted, That this Act shall take effect June 1, 1952.
Explanation

This bill is recommended by the Commission on Administrative Organization of the State, better known as the Sobeloff Commission. It would give to the Board of Public Works the power to adopt rules and regulations covering matters of business administration in the several departments and agencies of the State, either on the recommendation of the head of the department or on its own initiative. The present law permits the adoption of such rules and regulations upon the recommendation of the State Comptroller, so that this bill would expand the possibilities for the initiating of such aids to administration.

Item No. 55(7)

A BILL

ENTITLED

AN ACT to repeal and re-enact, with amendments, Section 5 of Article 78A of the Annotated Code of Maryland (1951 Edition—being also Section 5 in the 1939 Edition), title “Public Works—Board of,” relating to the power of the Board of Public Works to adopt rules and regulations relating to matters of business administration in the several departments, institutions and agencies of the State.

1. SECTION 1. Be it enacted by the General Assembly of Maryland, That Section 5 of Article 78A of the Annotated Code of Maryland (1951 Edition—being also Section 5 in the 1939 Edition), title “Public Works—Board of,” be and it is hereby repealed and re-enacted, with amendments, to read as follows:

5. The Board of Public Works shall have power to adopt rules and regulations, upon recommendation of the Comptroller or the head of any department, institution or agency of the State or upon its own initiative, covering matters of business administration in the various departments, institutions and agencies of the State, including the fixing of uniform rates of mileage allowance, and the terms and renewals of all bonds furnished by State officials and employees. Any such rules and regulations when adopted shall be binding upon all departments, institutions and other agencies affected thereby.

2. SEC. 2. And be it further enacted, That this Act shall take effect June 1, 1952.
Explanation

This bill is recommended by the Commission on Administrative Organization of the State, better known as the Soboloff Commission. It would provide for a Chief Storekeeper in the State Purchasing Bureau, and for maintaining stores and inventory control of materials, supplies and equipment required by the several agencies of the State. The Commission emphasized that purchasing procedures are an important aspect of expenditure control, and that this officer could be very useful in supplying a closer check and control over purchases and materials.

Item No. 55(8)

A BILL

ENTITLED

AN ACT to repeal and re-enact, with amendments, Section 14 of Article 15A of the Annotated Code of Maryland (1951 Edition—being Section 13 of the 1939 Edition), title "Budget and Procurement," sub-title "Department of Budget and Procurement," and to add a new section to said Article, to be known as Section 29, and to follow immediately after Section 28 of said Article, sub-title "Purchasing Bureau," providing for a Chief Storekeeper and for maintaining stores and inventory control of materials, supplies and equipment required by the using authorities of the State.

SECTION 1. Be it enacted by the General Assembly of Maryland, That Section 14 of Article 15A of the Annotated Code of Maryland (1951 Edition—being Section 13 of the 1939 Edition), title "Budget and Procurement," sub-title "Department of Budget and Procurement," be and it is hereby repealed and re-enacted, with amendments, and that a new section be and it is hereby added to said Article, to be known as Section 29, to follow immediately after Section 28 of said Article, sub-title "Purchasing Bureau," and all to read as follows:

14. The Department of Budget and Procurement is hereby created under the direction, supervision and control of a Director of Budget and Procurement, who shall be appointed by the Governor and hold office as long as he performs his duties in a competent manner. He shall be removable by the Governor only in the manner by which civil officers may be removed by the Governor under the provisions of Section 15, Article 2 of the Constitution, and shall receive such salary as is fixed in the Budget. The Director shall appoint a Chief of the Budget Bureau, a Chief of the Purchasing Bureau, a Chief Storekeeper and such other employees and assistants as he may deem necessary, who shall receive such compensation as may be provided in the Budget; but the Chiefs of said Bureaus and all other employees and assistants shall be appointed in ac-
cordance with the provisions of Article 64A of the Annotated Code of Maryland.

29. The Director shall formulate and prescribe standards for maintaining stores and inventory control for all materials, supplies and equipment required by the using authorities of the State, and these stores and inventory control functions shall be coordinated as far as practicable with the procurement activities and functions of the Purchasing Bureau.

Sec. 2. And be it further enacted, That this Act shall take effect June 1, 1952.
This bill is recommended by the Commission on Administrative Organization of the State, otherwise known as the Sobeloff Commission. It is designed to be a companion bill to another one recommended by this Commission, to amend the Constitution in order to permit the use of the so-called performance or program budget. This bill is to assure that the members of the General Assembly still would have made available to them, for study, the type of detailed information as to job classifications and salaries which now is contained in the line-item budget submitted by the Governor.

Item No. 55(9)

A BILL

ENTITLED

AN ACT to add a new section to Article 15A of the Annotated Code of Maryland (1951 Edition), title “Budget and Procurement,” sub-title “Budget Bureau,” said new section to be known as Section 17A and to follow immediately after Section 17 of said Article (said section having been Section 16 in the 1939 Edition), providing for the submission by the Governor to each House of the General Assembly of a list showing the number of employees by departments, by job classifications, and their gross salaries for the current fiscal year and for the year to which the proposed budget shall apply.

SECTION 1. Be it enacted by the General Assembly of Maryland, That a new section be and it is hereby added to Article 15A of the Annotated Code of Maryland (1951 Edition), title “Budget and Procurement,” sub-title “Budget Bureau,” said new section to be known as Section 17A, to follow immediately after Section 17 of said Article (said Section having been Section 16 in the 1939 Edition), and to read as follows:

17A. Upon the adoption by the legal and qualified voters of this State of the amendment to Section 52 of Article 3 of the Constitution of this State, concerning the form and detail in which budgets are submitted to the General Assembly, the Governor shall, in addition to the budget which he shall annually submit to the General Assembly, transmit at the same time to the President of the Senate and the Speaker of the House of Delegates a list showing the number of employees by departments, by job classifications and their gross salaries for the current fiscal year and for the year to which the proposed budget shall apply.

SECTION 2. And be it further enacted, That this Act shall take effect June 1, 1952.
A-46

Explanation

This bill is recommended by the Legislative Council as a result of its investigations into crime and law enforcement in this State. It would allow the State Police to act within the limits of any municipal corporation which maintains a police force, upon the request of either the State's Attorney or the Grand Jury in the particular county. At the present time, only the Mayor of the town or the Governor may make such a request. The bill was recommended by a number of law-enforcement officers in the State, as one means for increasing the participation of the State Police in local law enforcement.

Item No. 20(3)

A BILL
ENTITLED

AN ACT to repeal and re-enact, with amendments, Section 23 of Article 88B of the Annotated Code of Maryland (1951 Edition), (being Section 24 of the 1939 Edition), title “State Police”, providing that the police employees of the Department of Maryland State Police may act within the limits of any incorporated municipality when so requested by the State's Attorney or the Grand Jury of the county.

1 SECTION 1. Be it enacted by the General Assembly of Maryland, That Section 23 of Article 88B of the Annotated Code of Maryland (1951 Edition), (being Section 24 of the 1939 Edition), title “State Police”, be and it is hereby repealed and re-enacted, with amendments, to read as follows:

1 23. The police employees of the Department shall not act within the limits of any incorporated municipality which maintains a police force except (1) when in pursuit of an offender or suspected offender; or (2) when in search of an offender or suspected offender wanted for a crime committed outside of the limits of the municipality, or when interviewing or seeking to interview a witness or a supposed witness to such a crime; or (3) when requested to act by the State's Attorney or the Grand Jury of the county, the chief executive officer of the municipality in question or its chief police officer, as provided under Section 22; or when ordered by the Governor to act within the municipality in question; or (5) when enforcing the Motor Vehicle Laws of the State.

1 SEC. 2. And be it further enacted, That this Act shall take effect June 1, 1952.
This bill is recommended by a sub-committee of the Legislative Council. It is based upon H. B. 681, which was vetoed by the Governor after the 1951 session. Acting upon a suggestion from the Attorney General, the Council and the sub-committee considered in detail the provisions of this bill, and whether any amendments could or should be made to it. The President of the University of Maryland and the Attorney General appeared before both the Council and the sub-committee, and they have substantially agreed upon the terms of this bill. The bill would free the University from many of the restrictions and requirements which now apply to it as one of the departments of the State government.

Item No. 65

A BILL

ENTITLED

AN ACT to add a new sub-section to Section 240 of Article 77 of the Annotated Code of Maryland (1951 Edition—being Section 235 of the 1947 Supplement, title “Public Education,” sub-title “University of Maryland,” said new sub-section to be known as Sub-section (d), to follow immediately after Sub-section (c) of said section, relating to the functions, powers and duties of the Board of Regents of the University of Maryland.

SECTION 1. Be it enacted by the General Assembly of Maryland, That a new sub-section be and it is hereby added to Section 240 of Article 77 of the Annotated Code of Maryland (1951 Edition—being Section 235 of the 1947 Supplement), title “Public Education,” sub-title “University of Maryland,” said new sub-section to be known as Sub-section (d), to follow immediately after Sub-section (c) of said section, and to read as follows:

240.

(d) Notwithstanding any other provision of law to the contrary, the Board of Regents shall exercise with reference to the University of Maryland, and with reference to every department of same, all the powers, rights, and privileges that go with the responsibility of management, including the power to conduct or maintain such departments or schools in said university and in such localities as they from time to time may deem wise; and said board shall not be superseded in authority by any other State board, bureau, department or commission, in the management of the University's affairs, with the following exceptions:

(1) The right to appoint all employees of the University shall be vested in the University without being in any manner subject to or controlled by the provisions of Article 64A of the Annotated Code, title “Merit System.” After appointment, all employees in positions which are so designated by the University shall be regarded and treated as Classified Employees of the State, to have all the rights and
privileges accorded to Classified Employees under the provisions of said Article 64A. Such Classified Employees shall have the right of appeal as provided by law in any case of alleged injustice; shall be paid salaries not less than are paid in similar classifications in other State bureaus and departments; shall retain their vacation privileges, their retirement status and benefits under the State Retirement System. All employment classifications which are included within the Classified Service of the State as of June 1, 1952, shall remain part of the Classified Service, and the University shall not designate them, or any of them, as anything other than part of the Classified Service.

(2) All income of the University shall be deposited in the State Treasury, or deposited as that office may direct. Any surplus over the estimated receipts in any fiscal year from student income (except the student activities fee, the athletic fee, and the special fee for student projects), for the schools at College Park and Princess Anne, and the Professional Schools in Baltimore, and the income from the University Hospital, or the State appropriation for these purposes, shall be available to and expended by the University only if and as it secures the written approval of the Board of Public Works.

(3) The State Auditor shall annually audit all expenditures and accounts of the University, and report to the Legislature about same.

(4) The Governor, the State Treasurer, and the State Comptroller shall be notified of all meetings of the Board of Regents and shall have authority to sit with the Board, which authority they may exercise at their convenience. The State Budget Director, and the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee shall be invited to sit with the Board in meetings at which requests for appropriations are prepared.

(5) The University shall provide the Board of Public Works, or any member of the General Assembly, with any information about any phase of operation of the University that may be requested and shall make an annual report to the General Assembly covering its work. Such annual report shall clearly indicate, by donor and amount, and purpose, unless the purpose must be withheld for reasons of national security, all gifts, grants and dedicated funds that may have been received by or made available to the University during the period covered by the report.

(6) The University shall submit its requests for appropriations in detail to the Department of Budget and Procurement and shall have the right to use the purchasing facilities of the department.

(7) Appointments to all positions hitherto or hereafter created at the University shall be made by the Board of Regents, from nominations submitted to it by the President of the University. The Board may from time to time delegate to the President the power to make any of such appointments.

SEC. 2. And be it further enacted, That this Act shall take effect June 1, 1952.
PART III

MINUTES OF THE MEETINGS

OF THE

LEGISLATIVE COUNCIL OF MARYLAND
The fifteenth meeting of the Legislative Council of Maryland was held on Friday, January 4, 1952, in the City Council Chamber, City Hall, Baltimore, at 10:30 A.M., with the following members present: Mr. Della, Chairman, presiding, and Messrs. Goldstein, Crothers, Kimble, Turner, Melnicove, Redden, Turnbull, Monroe, Luber, Boone, Dempsey, Lofstraud, White, McNulty, Riggin, Robinson, Barnes and Derr.

The Chairman announced that a hearing on Item No. 69—relating to a proposed reduction in the individual State income tax—had been requested by Hon. J. Millard Tawes, State Comptroller, so that specific legislation might be worked out. Hon. Hall Hammond and Mr. James G. Rennie, Director, Department of Budget and Procurement, were also present to discuss this item.

Mr. Tawes stated that a conference had been held with the Governor, Mr. Hammond, Mr. Rennie and himself. The surplus figure at the time of the conference was estimated at $11,854,212.65, of which the Governor had used approximately $8,000,000 to balance the 1953 tentative budget. A surplus of approximately $3,000,000 will therefore be left for the proposed tax reduction.

The Attorney General explained that, while bills in 1943 and 1945 authorized the Board of Public Works to make tax reductions, they were possibly unconstitutional. No one challenged them at the time, and the reductions were carried through. However, since the current proposal was made, there have been indications that the bill might be attacked if it were drawn along lines similar to the 1943 and 1945 legislation. It was, therefore, decided that the rate of reduction should be fixed in the bill at 15% of the net individual income tax amount arrived at through a computation by the present statutory rates, the legislation to be effective for 1951 incomes only.

In answer to an inquiry, Mr. Tawes stated that a surplus of approximately $300,000 would then be left for emergency appropriations. The policy of keeping a "cushion fund" of approximately $2,000,000 for emergencies has been changed since the annual budget sessions were authorized, Mr. Tawes stated.

After a further brief discussion, the Chairman referred Item No. 69 to the Budget and Finance Committee.

Senator Turnbull then submitted the report of the special committee appointed to investigate the sale of the Havre de Grace Race Track (Item No. 50) as follows:
REPORT OF COMMITTEE ON SALE OF
HAVRE DE GRACE RACETRACK

January 4, 1952.

To the Members of the Legislative Council:

The committee appointed to inquire into the circumstances of the sale of the Havre de Grace racetrack herewith submits its report. This sale was completed in early October, 1951, being made by the owners of the track to the State of Maryland, for the use of the Military Department. The sale price was $500,000.

The committee was appointed by the Chairman of the Legislative Council on October 15, 1951, following requests for such an investigation by the Hon. John Grason Turnbull, Senator from Baltimore County, and the Hon. Horace P. Whitworth, Jr., member of the Allegany County Delegation in the House of Delegates.

Two preliminary meetings were held by the committee, one to inspect the premises at Havre de Grace, and the other to lay plans and set procedure for the public hearings then being arranged. These hearings were held on November 8 and 9, 1951, in the City Council Chamber, City Hall, Baltimore. They were open to the press and to the public, and testimony was received from a representative group of persons having close and intimate knowledge of all phases of the sale of the Havre de Grace track. Subsequently, the committee met on two additional occasions, to outline the terms and then to consider the final draft of its report to the Legislative Council.

The witnesses who testified before the committee, in the order of their appearance, were as follows: Mr. H. Courtenay Jenifer, member of the Maryland Racing Commission; Lt. Colonel Frederic M. Hewitt, Commander of the 121st Engineer Battalion and Division Engineer, Maryland National Guard; Colonel William Baxter, Commanding the 175th Infantry, Maryland National Guard; Brigadier General Harry C. Ruhl, Maryland National Guard; Colonel Roland C. McNamee, Senior Army Instructor, Maryland National Guard; General Milton A. Reckord, Adjutant General, State of Maryland; Mr. Joseph O'C. McCusker, Chief Deputy Comptroller and Secretary of the Board of Public Works; Hon. A. Gordon Boone, Majority Floor Leader and Chairman of the Ways and Means Committee, House of Delegates; Hon. Horace P. Whitworth, Jr., member of the Ways and Means Committee and of the House of Delegates; Mr. Nathan L. Smith, Director of the Department of Public Improvements; Mr. Frank Brady, Assistant Secretary-Treasurer of Maryland State Fair, Inc.; Mr. John D. Schapiro, President of Maryland State Fair, Inc.; and Brigadier General Henry C. Evans, Maryland National Guard. General Reckord made separate appearances before the committee in his capacity as President of the Harford Agricultural and Breeders' Association and President of the Maryland Jockey Club.

The long chain of events leading up to the sale of the Havre de Grace track began on July 24, 1950, when the Federal Department of Defense notified the State that it wished to acquire Camp Ritchie for military purposes.

Camp Ritchie is located on South Mountain, about 12 miles northeast of Hagerstown and 62 miles from Baltimore. It is a tract of about 650 acres and has been used by the State Military...
Department as a training area and headquarters for the State Guard. This normally involves units with a total of about 5,000 men.

After the first announcement to the State of the Federal government's desire to take over Camp Ritchie was made on July 24, 1950, the negotiations moved slowly. It was not until December 15, 1950, that discussions as to a sale price were begun. Throughout those months during the summer and fall of 1950, State Officials had the understanding there was no hurry in completing the transaction, and that the military units could stay at Camp Ritchie until another site had been found or constructed for them.

Despite the absence of urgency during these latter months of 1950, officers in the Maryland National Guard were canvassing possible sites for their new installation. General Reckord testified that he very early gave consideration to the purchase of the James Farm in Harford County, a 275-acre tract lying adjacent to the Havre de Grace racetrack. He broached the subject with the owner of the farm, and upon the latter's protest that he did not want to sell it, General Reckord answered that "we won't give any further consideration to the purchase of your farm." General Reckord then began to give particular thought to the Levering Farm in Harford County. This is a tract of 550 acres, lying to the west of and second-removed from the Havre de Grace track, with the James Farm between the two properties. He showed it to Mr. Jenifer during the summer of 1950 and pointed it out to Governor Lane from the train as they were en route to the Army-Navy game in early December. Later, he mentioned it (though not by direct name) before a legislative committee during the session of 1951.

Meanwhile, at General Reckord's request Senate Bill No. 2 was introduced into the Special Session of November 10, 1950, to authorize the Department of Militia and the Board of Public Works to convey Camp Ritchie to the Federal government. When it was determined to restrict the agenda of this one-day session solely to the proposed reduction of the sales tax, S. B. 2 was not further considered. A similar bill was introduced into the regular session of 1951, as S. B. 40. This bill was passed by the General Assembly in late March and subsequently signed by the Governor.

While Senate Bill 40 was being considered by the General Assembly, there were persistent rumors in the State House that the Military Department planned to buy the Havre de Grace racetrack to replace its installation at Camp Ritchie. The rumor was mentioned openly both in the Senate Finance Committee and in the House Ways and Means Committee.

One member of the Senate Finance Committee prepared an amendment to S. B. 40, to the effect that none of the funds realized from the sale of Camp Ritchie should be available for the purchase of the Havre de Grace racetrack property. In the presence of the committee, this amendment was handed to General Reckord for comment. His reply, was, "Gentlemen, don't put an amendment on the bill like that. That is a silly amendment. I hope you won't place it on the bill... We are not even considering buying the Havre de Grace property."

The same question was raised in the House Ways and Means Committee, and was put to General Reckord when he appeared before that committee. His reply was similar to that given to the Senate Finance Committee: "I am glad to answer that ques-
tion and tell you there is absolutely no thought of that being done... We have no intent of buying the Havre de Grace property.”

Members of the General Assembly recalled these statements when announcement was made of the plan of the Military Department to purchase Havre de Grace, and protested the apparent inconsistency of the statements and the action within a period of less than six months. In reply to a question from a member of the committee of the Legislative Council, as to his assertion at Annapolis that there was no intention of buying Havre de Grace, General Reckord answered that “I didn’t consider it when this came up, I guess. If I tell the exact truth, I don’t even recall the discussion, it hadn’t made that impression on my mind. I never thought of it at the time, or I might have easily called in you, or some others, but I really didn’t think about it; and when the Legislature wasn’t in session the Board of Public Works has the power, that is, the legal authority and control, and I never thought of any opposition down there that would warrant me in presenting the matter to anybody other than the Board of Public Works.”

At another point in the proceedings before the committee, General Reckord stated that “I want you to know that I deeply and sincerely regret any misunderstanding that existed over the conversations that took place at Annapolis. I have been Adjutant-General for thirty-one years, since 1920, and I have never knowingly mis-stated anything to the members of the Senate or the House, and I intended only to state the truth that day, which was that at that time we had no idea of considering the purchase of the Havre de Grace property.”

During the winter and spring months of early 1951, Federal military authorities began to advance the date upon which they wanted to have Camp Ritchie turned over to them, finally setting it as the fall of 1951. Accordingly, on May 10, 1951, General Reckord addressed a memorandum to ten high ranking officers in the Maryland National Guard, advising them of the necessity “for prompt action” in securing a satisfactory location, possession of which might be secured almost immediately. “Consideration must be given,” he added, “to good roads, railroads and perhaps water. A new installation should undoubtedly be not more than thirty miles from Baltimore City.” He concluded his memorandum with the request, “For the purpose of assisting me in reaching a conclusion upon the above subject, and making recommendations to the Governor and the Board of Public Works, I request that you serve on a committee with me.”

Although the committee thus appointed did not go through the formalities of organizing, General Reckord was considered at the outset to be chairman. During the course of the committee’s work, and because of the nature of its forthcoming recommendations, he relinquished the chairmanship. When the committee reported on August 30, 1951, its report was signed by General Henry C. Evans as Chairman.

The committee of National Guard officers first listed “the facilities now at Camp Ritchie which must be duplicated elsewhere,” as follows:

a. Offices and warehouse for United States property and Disbursing officer.

b. Offices and warehouse for State Superintendent and State property.

c. Access to a good highway.
d. Railroad spur connecting with a major railroad.
e. Water.
f. Electricity.
g. Heating plant.
h. Readily accessible to civilian telephone and telegraphic communications systems.
i. Motor Maintenance Shop.
j. Facilities for parking State vehicles and some vehicle storage within buildings.
k. Sewage disposal plant.
l. Area for rifle range up to 600 yards.
m. Housing for at least a battalion of troops, approximately 600 men.
n. Bivouac area.
o. Maneuver training area (small units).
p. Near town large enough to provide personnel for maintenance shop and 729th Ordnance Company.
q. Armory building for 729th Ordnance Company.

"In addition to duplicating the facilities at Camp Ritchie," the report of the National Guard officers continued, "there are certain other facilities greatly needed by the Maryland National Guard and should be provided at any new location," as follows:

a. A landing field for small planes.
b. Hangar and repair shops for small planes.
c. Area suitable for training of tank drivers.
d. A new location should preferably be closer to Baltimore than Camp Ritchie is. 70% of the National Guard strength in Maryland is within thirty-five miles of Baltimore and that seems the maximum distance from Baltimore that we should consider location of the new area.

Members of the Committee of National Guard officers inspected a number of possible sites for their new military installation and unanimously made the recommendation that "in order to meet all of the requirements above the State should buy the following properties:

a. Havre de Grace racetrack.
b. An adjoining farm known as 'The James Farm.'
c. An adjoining farm known as 'The Levering Farm.'

These properties adjoin each other and taken as a whole meet every requirement for the movement of the installations from Camp Ritchie, together with the additional requirements that the committee feels are essential for the future training and development of the Maryland National Guard. A brief description of these properties is in the following paragraphs:

The former Havre de Grace Track could be used immediately. The buildings on it are such that they can be used with very slight changes to provide all the facilities now enjoyed at Camp Ritchie. The present buildings are sufficient to provide an armory for the 729th Ordnance
Maintenance Company with a strength of approximately 100 officers and enlisted men. Warehouse and storage space is ample for the needs of the United States Property and Disbursing Officer for the State of Maryland, and also for the State Quartermaster. A temporary maintenance shop is also available, as well as parking areas for more than 300 vehicles. Good roads are available within and without the property, connecting with main north and south Route No. 40. There is a railroad spur on the property and the necessary heat, water, sewerage, roads, electricity are already installed. The location is near Havre de Grace and Aberdeen, which could supply the personnel needed for the State Maintenance shops and for the Ordnance Company. The terrain is suitable for a landing strip for the State Light Aviation Section. This Committee understands that the property can be brought for approximately $500,000. If we started out to construct facilities already on this property, it would take one or two years, or more, and probably cost two or three times this amount. Because of the necessity of moving from Camp Ritchie in the near future, the purchase of this property is essential and this Committee knows of no other feasible solution. In addition, all the other requirements for the site to be purchased are present at this location.

The James Farm adjoining the Havre de Grace Race Track to the west contains 275 acres and is ideally situated for rifle ranges, air landing strip, etc.

The Levering Farm adjoins the James Farm to the west and contains about 550 acres. It is ideally situated for small unit training, bivouac area, maneuver area, training tank drivers, and can also be used for training of our engineer battalions.

These three properties together will ideally fulfill the requirements for a State Camp for the Military Department. Every one of the requirements set forth in paragraphs 1 and 2 can be met at this location. While the total area of Camp Ritchie is somewhat greater, the flat land at Havre de Grace will give a greater usable area than at Camp Ritchie. We believe that the facilities of the Havre de Grace Race Track have an actual value of at least twice the proposed price. Suitable locations are so scarce that this Committee strongly recommends the purchase of the above property. These properties do not infringe on any industrial properties, nor are the properties close enough to towns to be objectionable to the inhabitants. The purchase price, in our opinion, is far less than the cost of purchasing any other location that we have been able to find, plus, the cost of new buildings. Since the total cost is well within the amounts set aside out of the sale price of Camp Ritchie, this Committee strongly recommends the purchase of these properties immediately.

This was the unanimous report of the committee of National Guard officers, as has been said, under the chairmanship of General Henry C. Evans. It was submitted to General Reckord on August 30, 1951.

Some eight or nine months prior to this report; on August 30, the ownership of the Havre de Grace racetrack had changed hands, and some of the details of this transaction necessarily had to be reviewed by the committee of the Legislative Council.

Havre de Grace racetrack is 38 years old, located along the Susquehanna River in Harford County. The property contains a total of 132 acres. It was owned by the Harford Agricultural and Breeders' Association, Inc. When the sale was first discussed, the other three one-mile tracks in Maryland were possible joint purchasers; they are the Maryland Jockey Club (Pimlico); the Maryland State Fair (Laurel); and the Southern Maryland Agricultural Association (Bowie). For convenience, the four
tracks henceforth are referred to simply as Havre de Grace, Pimlico, Laurel and Bowie.

The proposal to buy Havre de Grace was made to General Reckord about the middle of December, 1950. It came from Pimlico, Laurel and Bowie, and developed into an offer to buy the entire outstanding stock of 8,000 shares for a total price of $1,800,000. The stock then was selling for around $110 or $115 a share, and the offer to buy was at a price of $225 a share.

Bowie ultimately receded from its offer, because of its receivership difficulties, so that Havre de Grace was purchased by Laurel and Pimlico. The State Racing Commission allocated its 25 days of racing to the other two tracks. It was purely a stock deal, so the Havre de Grace corporation remained in existence.

At the time Havre de Grace was sold, it was due some sixty-five thousand dollars from the Racing Commission for improvements constructed in 1950. This sum was to come out of the improvement fund. The sale of the track did not affect this obligation; the Racing Commission had followed its general practice in allowing Havre de Grace to spend for improvements more than was immediately in the fund, with the remainder to be paid from future accretions in the improvement fund. Havre de Grace had made improvements costing about $140,000 during 1950.

When Havre de Grace was sold, General Reckord had no interest in either Pimlico or Laurel. About the time of the sale he acquired five shares of stock in Pimlico, and a few days after the sale was elected President of Pimlico.

Both General Reckord and General Evans testified before the committee of the Legislative Council that the idea for buying the Havre de Grace property originated with General Ruhl, about the middle of July, 1951. Both testified also that General Reckord's initial reaction to the idea was to voice his embarrassment at "sitting on both sides of the deal." General Evans added in his testimony that the committee of National Guard officers, after considering the proposal to buy Havre de Grace, concluded it was "the only place we knew of that suited most of our needs, that had buildings ready where we could actually move our equipment out of the warehouses at Ritchie right in without a lot of building." Further, added General Evans, "at a final meeting of our committee, it was unanimously decided, whether General Reckord was embarrassed or not, it was not fair to the State of Maryland for us not to take what we thought was the best place, and we had no other solution for our immediate move. . . ."

Beyond considering possibilities for the immediate move from Camp Ritchie, the committee of National Guard officers went on to propose plans for the long-range development of the military installation, thereby concluding with the other recommendations for the purchase of the James and Levering farms.

Thus, although the committee of National Guard officers did not formally recommend the acquisition of Havre de Grace and of the James and Levering farms until August 30, 1951, General Reckord had been apprised of their decision about the middle of July. He referred to the possible sale of the racetrack in some letters he wrote about this time.

On July 24, 1941, General Reckord wrote to Mr. Nathan Smith as Director of the Department of Public Improvements, asking for an appraisal of the Havre de Grace property. He cited in his
letter that "The old Havre de Grace race course property, owned by the Harford Agricultural and Breeders' Association, of which I am President, is no longer used for racing and is for sale. I believe I can prevail upon the present owners of this property to sell to the State at a very much reduced price."

Similarly, on July 30 he wrote to Mr. Morris Shapiro, the largest single stockholder at Laurel, that "I am making what I consider real progress in connection with the sale of the Havre de Grace property. I would like you, therefore, to give me a letter signed either by you or John [Shapiro] as President of Laurel definitely stating that you will sell the property to the State for $500,000." Conversations with Mr. Shapiro and the other two principal owners of Laurel and Pimlico had preceded this letter.

In the summer of 1951 the Havre de Grace property was carried on the books of the Harford Agricultural and Breeders' Association at a valuation of approximately one million dollars. It was assessed for taxes by Harford County at a figure of $878,830.

Following the request for an appraisal of the Havre de Grace property, Mr. Nathan Smith secured the services of Mr. Lewis J. Williams, of Harford County, to appraise the land. Members of the staff of the Department of Public Improvements were directed to appraise the improvements. The total appraisal which resulted was as follows:

<table>
<thead>
<tr>
<th>Item</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land</td>
<td>$77,292.00</td>
</tr>
<tr>
<td>Roads and Parking Areas</td>
<td>73,000.00</td>
</tr>
<tr>
<td>Utilities</td>
<td>73,688.00</td>
</tr>
<tr>
<td>Improvements</td>
<td>638,708.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$915,688.00</strong></td>
</tr>
</tbody>
</table>

The appraisal of the improvements at Havre de Grace was based upon varying standards. Some of the improvements, such as jockeys' quarters and some of the stables, were listed for their salvage value only. Others were valued at the estimated cost of installation with depreciation deducted. The larger buildings were based upon a cubic foot value, depreciated. No effort was made to base the appraisal upon the possible sales value to an interested customer.

In this connection, it may be noted parenthetically that the offer of the State to buy Havre de Grace for $500,000 was the first and only firm offer received by Pimlico and Laurel for this property, during the approximately nine months they owned it.

Of the $1,800,000 paid by Pimlico and Laurel for Havre de Grace, about six hundred thousand dollars came back immediately in the form of cash and securities. Another five hundred thousand dollars was received from the State for the sale of the real estate, leaving a net cost to the two tracks of seven hundred thousand dollars. For this, they hold jointly the stock control of the Harford Agricultural and Breeders' Association and have been assigned between them the twenty-five days of racing formerly allotted to Havre de Grace. It was further expected that even this net cost would be largely reduced by the effect of the transaction upon income taxes due by Pimlico and Laurel.

General Reckord wrote to Governor McKeldin on August 29, 1951, informing him of the recommendation to buy Havre de Grace for the Military Department and adding these comments:
But for the fact that I am identified with the present owners of the property, I would have no hesitancy whatever in recommending and urging that the State take advantage of the opportunity to acquire the property at the earliest possible moment at the price above indicated, as well as the two adjoining farms.

As you know, I am President of the Harford Agricultural and Breeders’ Association, and I am also President of the Maryland Jockey Club. The Maryland Jockey Club and the Maryland State Fair Association (Laurel) now own the Havre de Grace corporation. For this reason I feel that I can do no more than assemble all the facts and figures and hand them to Nathan Smith to present to you and the other members of the Board of Public Works with any recommendations he cares to make, and leave the matter entirely to the decision of the Board of Public Works.

It is imperative that we do something without further delay, as we have been requested to vacate Camp Ritchie at the earliest possible moment. I would therefore like to meet you at your convenience and go over the details of this matter with you personally before taking any further action whatever, and before requesting you to call a meeting of the Board of Public Works to consider the matter.

Following the intention he had indicated in his letter to the Governor, General Reckord on September 8, 1951, turned over all the information on the proposed sale to Mr. Nathan Smith, with the request that he lay the matter before the Board of Public Works for its decision. Mr. Smith submitted all the pertinent material to the Board by letter dated September 11. The Board met on September 13 and on the same day unanimously approved the purchase of the Havre de Grace track property to the State, for $500,000. Early in October the purchase price was paid and title to the property was formally conveyed to the State.

Meanwhile, considerable local opposition had developed in Harford County over that part of the proposals of the Military Department which concerned the purchase of the James and Levering farms. The acquisition by the Federal government of Edgewood Arsenal and the Aberdeen Proving Grounds had taken miles of the water front of Harford County out of private ownership, and the James and Levering farms are two of the four remaining pieces of water-front property in private ownership (the other two being the Davis and Tydings properties). Residents of the county envisaged the County’s entire water front in the hand of the military, with all right of access denied them. Protests were made to General Reckord and to Governor McKeldin, and others were voiced in the press.

On October 1, General Reckord answered one such protest by writing that “for the moment dismiss the matter entirely from your mind and know that we contemplate no early action... You have my assurance no affirmative action will be taken at this time, and in no event would I be a party to condemnation of the property under discussion.” On the same day he wrote to the Governor that “for the present at least no affirmative action is contemplated with respect to the two properties; and if in the future either or both of the properties are necessary and are acquired, that no restrictions whatever will be placed by the Military Department on the use of the waters of the Bay adjacent to those properties... For your information, I may add that I have hoped that I could make some arrangement with the property owners to use certain acreage—perhaps under a nominal lease. At any rate, no action is contemplated at this time looking toward acquiring the two farms.”
On the following day, October 2, General Reckord wrote to the editor of The Aegis in Belair, stating that "No action whatever has been taken by me on the committee recommendation respecting these two properties, and none is contemplated." On October 26, he wrote that it had never been planned to take over the Davis farm, the third of the four water-front properties.

Since the purchase of the James and Levering farms had been an integral part of the long-range recommendations of the committee of National Guard officers, General Reckord's statement that no action was contemplated toward acquiring them, or at least that no such action was contemplated at this time, raised questions as to the value to the Military Department of the 132-acre tract comprising the Havre de Grace racetrack property. The committee of the Legislative Council questioned a number of the officers on this point.

Col. Hewitt stated that the property cannot be used "adequately" for a rifle range, that it cannot be used for a bivouac area, that it is not of itself adequate for a maneuvering or training area, that it could be used for a limited extent for the training of tank drivers, if there were nothing else on the property, that with certain limitations it would provide a landing field for small planes. He summarized that the racetrack "is inadequate, but we can get by immediately and under emergency conditions by utilizing local Federal facilities, if they are available to us at such time. We have to use Federal facilities, but it is always on their terms, when and how."

Col. Baxter pointed out that Havre de Grace is adequate from the standpoint of providing the necessary buildings and housing needed at some central point, but that it is "absolutely not" adequate for the entire functions of the State Guard. General Ruhl confirmed that it is not adequate for full training, unless additional land is secured or Federal facilities are used. As Col. McNamee expressed the same thought, the racetrack "is ideally adequate for the fixed installations of the Military Department, but it is not adequate for the training of the National Guard."

General Reckord on this point stated that Havre de Grace is not adequate "for the total needs including the training." He added that it has all the buildings and facilities that are needed for housing the equipment and maintenance operations, but that the property "is not adequate for the full training of the Guard" and that it is "not entirely adequate" for the week-end training of small units.

However, in his capacity of Adjutant General, General Reckord stressed that the State has received its money's worth in the conveyance. "There isn't any question about that," he said. "We are using six buildings up there right now the value of which is six hundred fifty thousand dollars, which is one hundred fifty thousand dollars more than we paid for the property, more than the State paid for the property, and that doesn't include the grounds, the electric installations, the sewerage, the water installations, the roads and parking area."

Several times during the course of the hearings held by the committee of the Legislative Council, there were indications that the sale of Havre de Grace to Pimlico and Laurel may be part of a long-time effort to reduce the number of mile tracks in Maryland from four to two. Mr. Jenifer testified that he had advocated the sale, and that he also thought it would be desirable to consolidate Bowie with Laurel, so that Pimlico and Laurel would be the two remaining major tracks. General Reckord also testified as to his conviction that there should be only two
mile tracks in Maryland, and that they should be Pimlico and Laurel.

**CONCLUSIONS AND RECOMMENDATIONS**

The Committee of the Legislative Council to investigate the sale of the Havre de Grace racetrack property has completed its work and reports three general sets of conclusions. They deal, respectively, with the value of the State’s purchase, the implications of the sale upon the future of horse-racing in this State, and the role of General Reckord in the development of the transaction. The committee is submitting recommendations to accompany some of its conclusions.

The committee’s first and most definite conclusion is that the State has made an unwise investment in purchasing the Havre de Grace racetrack for the military installation of the National Guard. The property contains only 132 acres and is patently inadequate for a normal program of training the National Guard. It is not suitable for a bivouac area, a maneuvering or training area, a landing field for airplanes, or for the training of tank drivers. Or, if it might be put to limited use for one of these purposes, such use would likely have to be exclusive and would cut out the other possibilities.

The reason for the present inadequacy is clear. The Committee of National Guard officers which recommended the purchase of the track also proposed the purchase of the adjoining James and Levering farms, which would have added a total of 825 acres to the tract. The two farms and the racetrack would have given the Military Department sufficient space for all its needs, but it now has less than one-seventh of what it wanted. And, in meeting the public clamor against acquisition of two of the four waterfront farms in private ownership in Harford County, the Military Department has seriously restricted at least its moral right to acquire either or both of these farms.

The Military Department has secured facilities at Havre de Grace for the storage and maintenance of its equipment and vehicles, having good roads and utilities. Beyond this, the site is inadequate.

The committee is uncertain whether the purchase price of $500,000 was the best bargain the State could have made. It was the only firm offer which the owners had received for the property; there was no independent, outside appraisal of its value; the appraisal which was made by the Department of Public Improvements took no account of its value on the market in relation to potential buyers; the Board of Public Works approved the purchase at the meeting at which the proposal was first presented, with no time allowed for further study of its value or for the crystallizing of public opinion. The committee can do no more than say it is uncertain as to whether the State made a good buy, but that is just the point. There is too much involved, in the needs of the National Guard as well as in dollars and cents, for such uncertainty to exist. As an instructive comparison, the committee calls attention to the protracted negotiations, and to the offers and counter-offers, with which the State Roads Commission frequently acquires a right-of-way costing only a few hundreds or thousands of dollars.

Accordingly, on its first set of conclusions the committee makes three recommendations. First, that the Military Department be prohibited by law from acquiring in any manner the title or use of the James and Levering farms. Secondly, that the Military Department be instructed by the Governor to use Havre de Grace
only as a temporary installation, and to begin at once a survey to acquire a permanent site elsewhere. Thirdly, that when Havre de Grace is no longer needed for military use it be sold by the Board of Public Works, on the best possible terms.

For its second set of general conclusions, the committee has misgivings as to the manner in which the sale of Havre de Grace seems to fit into the pattern of racing in this State; and more particularly, the committee voices concern at the manner in which that pattern is being allowed to form. The sale of Havre de Grace may be part of a developing move to reduce the number of mile tracks in Maryland from four to two. Perhaps this may be wise; perhaps not. What we question is that seemingly the decisions are being made by private interests, with at least the passive acquiescence of the Racing Commission.

For many years the four mile tracks in Maryland have been given equal shares of the one hundred days of racing annually. This was done by administrative action, with each track receiving twenty-five days. When Havre de Grace was sold, the Racing Commission immediately transferred its quota to the two purchasers, Pimlico and Laurel. There are general proposals now that Bowie be acquired by one or both of the other tracks; and if this occurs, presumably Bowie's twenty-five days also will be divided between the two remaining tracks. The committee has no desire to invade the field normally reserved to administrative rule, as distinguished from legislative action, yet here is a fundamental change in the character of racing in Maryland. To date it has been subject only to a not-too-vigorous administrative control, and to no legislative direction whatever.

Consider, for instance, the anomalous situation with regard to the improvement fund at Havre de Grace. This fund is set apart by the Racing Commission for capital improvements at the tracks, with the proviso that it shall revert to the State if not used at any track within three years. Havre de Grace made improvements costing $140,000 in 1950, spending more than its balance in the improvement fund. At the time the track was sold, the improvement fund owed about sixty-five thousand dollars to Havre de Grace for improvements already completed. The sale was only a stock transaction, so that the Havre de Grace corporation remains alive, and some of the days of racing at the other tracks are being run for the benefit of Havre de Grace, the stock of which is owned by Pimlico and Laurel. The sixty-five thousand dollars is a lawful debt, and the Racing Commission now is in the process of repaying the sixty-five thousand dollars to a corporation that owns no racetrack, and for capital improvements that will never be used for racing.

In order to obtain some degree of legislative determination as to the number of mile tracks to be operated in Maryland, the committee recommends that the racing laws be amended to prohibit the Racing Commission from allotting to any other track or tracks the days already allotted to a going concern, and to require legislative sanction for any such transfer. This need not interfere with the Racing Commission's power to arrange for temporary and emergency transfers, but only any such permanent allocation of days as was involved in the sale of Havre de Grace.

Finally, for its third set of conclusions, the committee expresses regret at the role played by General Reckord in the development of the sale of Havre de Grace. He has appeared in the story in three characters, and could hardly have expected to perform the impossible feat of escaping public criticism. He is Adjutant General of the State and thus is commanding officer,
under the Governor, of the State's military forces; he was and is President of the Havre de Grace corporation; and within a few days after the sale of the racetrack to Pimlico and Laurel, he acquired five shares of stock in Pimlico and was elected President of that corporation.

Members of the General Assembly have been understandably disturbed at the sale of Havre de Grace to the State within a few months after General Reckord on separate occasions assured two legislative committees that no such sale was planned.

The efforts of an agent to represent two principals on opposite sides of the same transaction are always open to question. He cannot hope to evade the criticism that perhaps the sale is not being conducted by two parties at arm's length. It only adds to the unfortunate aspects of the whole situation when the sale seems to be one of doubtful wisdom on the part of the buyer, as the committee pointed out above in its first set of conclusions.

The committee has fully considered the fact that General Reckord withdrew from the chairmanship of the group of National Guard officers which recommended the purchase of Havre de Grace, at the time the possibility of such a sale was first mentioned; and also the fact that General Reckord did not personally and directly urge upon the Board of Public Works the acquisition of the former racetrack. Yet from letters and testimony available to the committee, it is evident he was taking an active part in the transaction during all this period. Indeed, considering the nature of military organization and procedure, perhaps it could not have been otherwise; a military commander must accept his job with all the implications of complete responsibility that go with it.

At this late date, the committee can only suggest that General Reckord would have been more prudent had he given up either his position with the Military Department or his positions with the Havre de Grace racetrack and Pimlico racetrack, before the possibility of the sale became a matter for active negotiation. This may seem to force a difficult choice upon a responsible State official, but the alternative is to face the serious risk of public criticism.

Bills are submitted herewith for those recommendations which involve legislative action.

Respectfully submitted,

JOHN GRASON TURNBULL, Chairman
C. RAY BARNES
EDWARD D. TURNER.

The report on Item No. 50, as submitted, was approved by the Council. Mr. Turnbull announced that bills to carry out the recommendations were being printed and would be submitted to the Council at the afternoon session.

Item No. 55—Budget recommendations of the Commission on the Reorganization of the State Government—were then taken up for final consideration.

Messrs. Simon Sobeloff, J. Theodore Wolfe, James G. Rennie and Dr. Elwyn A. Mauck were present to answer questions on the proposed legislation.
Senator Crothers moved that discussion be deferred on the item until after the 1952 session, so that more time could be given to a study of the proposed legislation, which motion was seconded by Mr. McNulty.

Mr. Melnicove moved that Mr. Crothers’ motion be amended to defer action for further committee discussion, with a report to be made to the General Assembly on or before February 15th, 1952.

Mr. Robinson stated that, in his opinion, this would not give the General Assembly time enough to consider the legislation. He called attention to the fact that the bills were not involved and that the proposals were fundamentally simple ones. While Maryland would be the first State to adopt such a program, it would not be the first time she has led the states in adopting new measures, he said.

Mr. Lofstrãnd called attention to the fact that several thorough discussions had been held with the members of the Commission on the Reorganization of the State Government on the proposed legislation.

The Chairman called attention to the fact that the bills had been before a Committee of the whole for the last two sessions of the Council. Upon motion of Mr. Turnbull, it was suggested that a vote be taken first on Item No. 55(1)—the Constitutional amendment, since if this legislation were not enacted in 1952, there would be no chance to vote on it for several years and the whole proposed program would be delayed accordingly.

Upon request of several members of the Council, Mr. Crothers withdrew his motion for deferment, and it was decided to start final consideration of Item No. 55 immediately upon the re-convening of the Council after the luncheon recess.

The Chairman of the Budget and Finance and Judiciary Committees then announced meetings to be held immediately upon recess of the Council.

Copies of a tentative bill to carry out the Council’s recommendations on Item No. 66—Immunity of radio and TV stations from libel actions, under certain conditions—were then distributed so that action could be taken later on.

2:30 P. M.

The Council re-convened at 2:30 P. M.

Item No. 55(1)—Constitutional amendment to authorize a “program budget”, was then discussed. Mr. Luber stated that, at his request, a further bill had been drafted to require that the Governor submit to both Houses of the General Assembly a list showing the number of employees, by departments, by job classifications, and gross salaries for the current fiscal year and for the year to which the proposed budget shall apply. This would take care of the amendment he had suggested for Item No. 55(1).

Item No. 55(1) and 55(9) were then approved by a voice vote.

Mr. Crothers then moved that action on Items 55(2)-55(8) be deferred. After a brief discussion this motion failed.

Item No. 55(2)—relating to a “one-packet” budget—was then approved.

Item No. 55(3)—relating to approval of requests for Federal funds was then approved.
An amendment to strike out the word “Governor” in Line 8 and substitute the words “Board of Public Works” was then approved and the bill was approved as amended.

Mr. Turnbull moved that discussion on Item No. 55(4)—relative to the Department of Legislative Reference and the Fiscal Research Bureau, be deferred until last, so that the Council could go into Executive Session with the Director of the said Department and his assistants.

Items Nos. 55(5)-55(8) were then approved on voice vote.

Mr. Crothers, Chairman of the Judiciary Committee, announced that this committee had examined the bill relative to Item No. 66 and recommended its approval by the Council.

Mr. Boone, Chairman of the Budget and Finance Committee then announced that his committee also recommended that the bill relative to Item No. 66 be approved by the Council.

The Council then approved the bill relating to Item No. 66.

Mr. Boone then submitted the following report:

REPORT OF THE BUDGET AND FINANCE COMMITTEE
January 4, 1952.

To the Members of the Legislative Council:

The Budget and Finance Committee met at 12:50 P. M. on January 4, 1952, in the City Council Chamber, City Hall, Baltimore. Those present were Mr. Boone, Chairman and Messrs. Luber, Barnes, Goldstein, Kimble, Lofstrand, Monroe, Redden, Robinson and Turner.

The committee considered Item No. 69, being the proposal to direct that the income tax on individuals reporting for the taxable year of 1951 be reduced by 15%.

The committee unanimously voted to give this item a favorable report.

Respectfully submitted,

A. GORDON BOONE, Chairman.

A bill to carry out Item No. 69 was then submitted and both the report and bill were approved.

An Executive Session of the Council was then held for the purpose of discussing Item No. 55(4). After discussion, it was decided to postpone action until the meeting on January 9. The Secretary was requested to prepare a bill to make the Fiscal Research Bureau a separate department, instead of a branch of the Legislative Reference Department.

Items Nos. 50(1) and 50(2)—to carry out the recommendations of the Report were then submitted.

Item No. 50(1)—requiring the sanction of the General Assembly before racing days can be transferred to a new track location, was then approved, with Mr. Crothers requesting to be recorded as voting “no”.

Item No. 50(2)—to prohibit the State and/or Md. National Guard from acquiring for military purposes the two farms in Harford County, known as the “James Farm” and the “Levering Farm” was then taken up. Discussion was deferred to a later meeting.

The Council then adjourned to meet on Wednesday, January 9, 1952, at 10:30 A. M.
The sixteenth meeting of the Legislative Council was held on Wednesday, January 9th, at 10:30 A.M. in the City Council Chamber, City Hall, Baltimore, with the following members present: Mr. Della, Chairman, Mr. Luber, Vice-Chairman, presiding, and Messrs. Goldstein, Crothers, Kimble, Turner, Melnicove, Turnbull, McLaughlin, Monroe, Boone, Dempsey, Lofstrand, White, McNulty, Riggin, Robinson, Barnes and Derr.

Mr. Crothers, Chairman of the Judiciary Committee submitted the following report:

January 8, 1952.

To the Members of the Legislative Council:

The Judiciary Committee herewith submits its final report on its study of the relationship between organized crime and government, as requested by House Resolution No. 72, approved by the House of Delegates on March 29, 1951. Its preliminary or first report was submitted October 9, 1951 and will be found on Pages 62 to 73 of Volume I of the Report to the General Assembly of 1952.

On Pages 69 and 70 of this Report is a list of the more important suggestions and recommendations which had been submitted by the Judges, State's Attorneys, Sheriffs and Police Officers of the several counties and Baltimore City at the series of hearings held by the committee.

Although public notice was given as to all meetings of the committee and the public invited to attend, with but few exceptions only the law enforcement officials who had been especially invited attended these hearings. The committee is grateful to all the officials who attended the hearings and gave information or submitted suggestions or recommendations.

The committee received as a temporary loan a transcript of the testimony of the United States Senate Crime Investigating Committee which was taken in Maryland. Much of the evidence in this transcript was along the lines of information received by the committee at its several meetings.

At the suggestion of the committee, the Chairman and another member of the committee called upon the Governor and notified him that it seemed advisable to the committee to extend its investigation with a citizen's committee to be appointed by the Governor and that the committee should complete its study as a committee of the Legislative Council and submit its report to that body.

The committee gave serious consideration to all the suggestions and recommendations submitted to it. Many of them do not require legislation but merely call for greater application and more care in the enforcement and administration of existing laws. The members are not convinced of the necessity or desirability of some of the suggestions and recommendations for additional laws or amendments of existing laws. However, the committee, as a result of the hearings and information received by it, believes that some legislation is not only desirable but necessary to aid the law enforcement officers and agencies in the effective enforcement of existing laws.

The committee, therefore, submits the following recommendations.
20(1)—That the penalty for violating the law as to bookmaking be increased to $5,000.

20(2)—That the Bouse Act be amended to provide that its provisions shall not apply to the admissibility of evidence for violations of the laws as to concealed weapons.

20(3)—That it be made the duty of the State Police to investigate violations of the criminal laws within the corporate limits of municipalities when requested to do so by the State's Attorney or the Grand Jury of the county, as well as by the Mayor or the Chief of Police of said municipality.

20(4)—That the Public Service Commission law be amended to remove any doubt as to the power of the Commission to control and supervise leased wires furnishing information relating to racing and other forms of gambling.

20(5)—That a Central Records Bureau be established under the supervision of the Department of State Police, comparable to the records in the office of the Commissioner of Motor Vehicles' office as to traffic accidents and violations, for the purpose of recording and preserving records of all criminal convictions in the State, and that the legislation require all persons having criminal jurisdiction, or their clerks, to send to the said Bureau a copy of the record of any criminal conviction. The legislation should also provide that at a specified cost a copy of an individual's record may be obtained at the request of any attorney for use in a judicial proceeding or at the request of the State Employment Commissioner in connection with a person applying for a State job.

20(6)—That the State be permitted to take an appeal when a search warrant is quashed.

20(7)—That legislation be enacted to provide that if any officer or employee of the State or of any political sub-division of the State be asked in a judicial proceeding or quasi-judicial proceeding a question involving his official acts and said person declines to answer on grounds of self-incrimination, that said person shall, at the request of the Governor or the appointing authority, be required to appear before the same as to whether or not he should be removed or suspended from office.

20(8)—That the Telephone Company be required to report every instance in which two or more telephones with separate central office connections are installed in any residence.

A sub-committee of the Judicial Committee, under the Chairmanship of Senator Melnicove, studied the subject of narcotics, and the Judiciary Committee, on the recommendation of this special sub-committee, makes the following recommendations:

20A (1)—A bill to revise the penalties applicable to narcotics cases, to strike out any mention of minimum sentences. This would make it certain that the so-called "O'Dunne Act" will apply to narcotics cases as to all other types of criminal cases.

20A (2)—To expand the definition of "narcotic drugs" to include the recently developed synthetic drugs. These drugs are similar in quality and effect to the natural drugs but the present State law does not cover them.

20A (3)—An amendment to Chapter 471 of 1951 to provide that bona fide lienors of vehicles, upon proper proof, shall be able to protect their liens, in line with the Federal act.
The Sub-committee also discussed with the Commissioner of Mental Hygiene the possibility of beds being specifically reserved at the mental institutions for the treatment of drug addicts. The full report of this sub-committee follows hereinafter.

With the submission of these recommendations, the committee feels that it has performed the task assigned to it by House Resolution No. 72 and submits these recommendations for adoption of the Council, together with accompanying bills to implement same, with the recommendation that the Council approve them for submission to the 1952 session.

The committee further feels that it has not gone beyond the purposes and functions of the Legislative Council in this respect.

Respectfully submitted,

OMAR D. CROTHERS, JR., Chairman.

STATEMENT FROM THE SUB-COMMITTEE OF THE JUDICIARY COMMITTEE ON NARCOTICS

January 9, 1952.

To the Members of the Legislative Council:

The Sub-Committee on Narcotics appointed by the Chairman of the Judiciary Committee of the Council makes this statement on one phase of its work. It does not involve any recommendations for legislation but, in the judgment of the Sub-Committee, it relates to some facts which should be made known to the Council and to the public at large.

The Sub-Committee had before it, among others, Judge Joseph Sherbow, of the Supreme Bench of Baltimore City, and the Hon. Anselm Sodaro, State's Attorney for Baltimore City. One of Judge Sherbow's suggestions was that, somewhere in the state and at the earliest possible time, approximately twenty hospital beds should be set apart for the treatment of drug addicts. These beds, he further suggested, would be for the treatment of both white and colored male and female drug addicts. Mr. Sodaro agreed with this recommendation and both Judge Sherbow and Mr. Sodaro suggested that this problem could be solved purely on the administrative level without the need for any legislation.

After receiving these recommendations, the Sub-Committee held further conferences with Dr. Clifton T. Perkins, Commissioner of Mental Hygiene, and Mr. Nathan L. Smith, Director of the Department of Public Improvements. From these two state officials, the Sub-Committee has learned the following:

Dr. Perkins and Mr. Smith have been exploring possibilities for establishing approximately twenty beds for the care of narcotic addicts. One possibility is at the Eastern Shore State Hospital at Cambridge. The cost of properly remodeling one of the present buildings is estimated at $15,000. In addition, a new cottage would be necessary to house the new psychiatrist required to take charge of this work, at a cost of approximately $25,000. The total capital expenditure at Eastern Shore State Hospital, therefore, would be approximately $40,000. The estimated annual cost of maintaining this unit for narcotics patients on the presently-planned level would be approximately $40,000. The Sub-Committee was informed that approximately three months would be required to have the narcotics unit in operation at Eastern Shore State Hospital.
There is also a possibility for putting the narcotics unit at Spring Grove State Hospital near Catonsville. There are already plans for remodeling one of the buildings at Spring Grove for the care of the criminal insane, both white and colored. This work would cost approximately $175,000. Mr. Smith has suggested the possibility of utilizing a part of this building for the care of narcotics patients and says that the added cost of remodeling would be very little, if any. By the time that plans are made for this work and bids are received and the work is completed, it is estimated that approximately six months would be required before the narcotics unit could be available at Spring Grove.

The Sub-Committee has been informed that within about one week from this date, Dr. Perkins and Mr. Smith will make the final decision as to which of the two plans is to be adopted. In any event, the Sub-Committee has been assured that within approximately six months from this time, there will be available approximately twenty hospital beds for the care of narcotics patients, both white and colored and male and female.

Respectfully submitted,

BERNARD S. MELNICOVE, Chairman
GEORGE W. DELLA
THOMAS F. DEMPSEY

Upon motion of Mr. Crothers, duly seconded, the report of the Judiciary Committee on House Resolution No. 72, relative to an investigation of organized crime and law enforcement in Maryland, was approved.

Mr. Crothers then presented the series of bills to carry out the recommendations embodied in the above report. The bills were approved, as submitted, with amendments being adopted on Item 20(5) and 20(6), after examination of each proposed bill.

Mr. Boone, Chairman of the Budget and Finance Committee, then submitted the following report:

REPORT OF THE BUDGET AND FINANCE COMMITTEE

January 7, 1952.

To the Members of the Legislative Council:

The Budget and Finance Committee met in Room 302, City Hall, Baltimore, on January 7, 1952. Those present were Mr. Boone, Chairman, presiding, and Messrs. Luber, Barnes, Goldstein, Kimble, Lofstrand, Monroe and Robinson.

The committee considered the items remaining on its agenda and makes the following report to the Legislative Council:

Item No. 34—Judges Pension.

Reported Without Recommendation.

Item No. 36(10)—Eliminating discrimination between motor vehicles brought in for re-sale from title and non-title states.

Favorable Report.

Respectfully submitted,

A. GORDON BOONE, Chairman.
Proof copies of the bills to carry out these recommendations were submitted.

Mr. Turnbull stated that he would approve the bill on Item No. 84 tentatively but would retain the right to offer amendments at Annapolis, since he felt that a judge should either accept his full pension and not engage in the practice of law or should refuse the full pension and engage in the practice of law.

Mr. Melnicove called attention to the fact that Baltimore City contributes towards the increased pensions of its judges, while the remaining political sub-divisions of the State do not.

Mr. Boone then moved that the report and proposed bills be approved. A roll call vote was taken, as follows:

Aye—Della, Goldstein, Crothers, Turner, Melnicove, Turnbull, McLaughlin, Luber, Boone, Dempsey, Lofstrangd, McNulty, Riggin, Robinson and Derr.

Nay—Kimbie, Monroe, White and Barnes.

At the request of the Deputy Attorney General, the Assistant Director of Research of the Council then submitted the following:

Item No. 29A—To amend Sec. 138(1) of Art. 33 of the Code (1951 Ed.) to correct an error in the reference to the United Service Organizations.

Item No. 29A(2)—To add Sec. 138A to Art. 33 of the Code (1951 Ed.), providing for the days upon which primary elections shall be held, for the time at which certificates of nomination must be filed and for other dates and procedures under the Absentee Voting Law applicable to members of the armed forces and certain other specified persons.

After a brief discussion, the above two items were approved for submission to the General Assembly of 1952.

Mr. Turnbull then called attention to the fact that General Reckord, in his capacity as President of the Maryland Jockey Club, had informally requested a hearing on Item No. 50(1), relative to the transfer of racing days.

After a brief discussion, on a motion of Mr. Boone that no further hearing be held on this matter, a roll call vote was taken as follows:

Aye—Goldstein, Crothers, Turner, Melnicove, Dempsey and Robinson.

Nay—Della, Kimble, Turnbull, McLaughlin, Monroe, Luber, Boone, Lofstrangd, White, McNulty, Riggin, Barnes and Derr.

It was therefore decided not to hold any further hearing on Item No. 50(1).

Mr. Turnbull then moved that Item No. 50(2)—relative to the purchase of the James and Levering Farms in Harford County, be made a special order for 11:30 A. M. on the day of the next meeting of the full Council, so that General Reckord might be heard, if he so desires. This motion was approved.

The Council then adjourned to meet at the call of the Chairman.
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SEVENTEENTH MEETING


The seventeenth meeting of the Legislative Council of Maryland was held on Tuesday, January 15th, 1952, at 11:00 A.M. with the following members present: Mr. Luber, Vice-Chairman, presiding, and Messrs. Goldstein, Crothers, Turner, Melnicove, Turnbull, McLaughlin, Boone, Dempsey, White, McNulty, Robinson, Barnes and Derr.

Major-General Milton A. Reckord, Adjutant General, appeared before the Council to discuss Item No. 50(2)—a bill to prohibit the State from acquiring by any means, except by gift, the James and Levering Farms in Harford County.

General Reckord asked that the Attorney General be consulted as to whether the term "gift" would be broad enough to cover certain possible contingencies with regard to the use of certain lands adjacent to the old Havre de Grace track now under lease.

After a short discussion, it was moved and seconded that the bill be submitted to the General Assembly without recommendation but that, after committee assignment in the General Assembly, the Attorney General be consulted with regard to General Reckord's objections to it. This motion prevailed.

Mr. Crothers, Chairman of the Judiciary Committee, then submitted the following report:

REPORT OF JUDICIARY COMMITTEE

January 15, 1952.

To the Members of the Legislative Council:

The Judiciary Committee of the Council met at 10:00 A.M. on Tuesday, January 15th, with the following members present: Mr. Crothers, Chairman, presiding, and Messrs. Turnbull, McLaughlin, Dempsey, White, McNulty, and Derr.

The Committee considered the several items on its agenda and makes the following report:

Item No. 65—University of Maryland. Favorable Report, with amendments.

Item No. 65A—Trustees of the Endowment Fund of University of Md. Recommend that Veto be overridden.

Item No. 41—"Anti-Coercion" in insurance placement. Favorable Report.

Item No. 48—Robbery with Deadly Weapon, under certain conditions. Favorable Report, with amendments.

Bills to carry out the above recommendations are submitted herewith.

Mr. Anselm Sodaro, State's Attorney of Baltimore City, appeared before the Committee to request legislation to deal with the problem of inflammable wearing apparel, household furnishings, etc.
After a short discussion, the Committee recommends that the Council approve in principle legislation which would define what materials are "highly inflammable" as distinguished from "inflammable" and therefore dangerous to the public safety.

A conference is to be held with scientific authorities on this subject, after which Mr. Sodaro and Dr. Flack will draft a bill, to be submitted to the February session of the General Assembly.

Respectfully submitted,

OMAR D. CROTHERS, JR., Chairman.

Upon motion of Mr. Boone, the Committee's recommendation as to the overriding of the Veto on H. B. 701 (Item No. 65A) was withdrawn. The Council merely expresses its approval of the bill.

The Committee's report was then approved.

The Vice-Chairman then announced that the House members of the Council would be notified as to the date on which the electric voting equipment will be inspected at Annapolis.

The Council then adjourned, to meet upon the call of the Chairman.