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April 15, 2008

The Honorable Martin J. O'Malley  
Governor of Maryland  
State House  
Annapolis, Maryland 21401-1991

*RE: Senate Bill 154 and House Bill 545*

Dear Governor O'Malley:

We have reviewed and hereby approve Senate Bill 154 and House Bill 545, companion bills entitled "Dorchester County - Alcoholic Beverages Act of 2008." We write to point out an inaccuracy in the title of the bill that we believe can be treated as surplusage.

Senate Bill 154 and House Bill 545 are omnibus bills relating to the alcoholic beverages laws of Dorchester County. One of the changes cuts off the issuance of Class B (on-sale and off-sale) beer and light wine licenses as of July 1, 2008. The holders of licenses issued prior to that date may continue to exercise all of the privileges under the license, and may renew it. However, the bill prohibits the transfer of "a Class B (on-sale and off-sale) beer and light wine license issued on or before June 30, 2008." This language takes effect July 1, 2008, *see* Section 2 of the bill, and prevents the Liquor Board from approving a transfer of one of the grandfathered licenses after that date. The title, however, describes this provision as "prohibiting the Board of License Commissioners from approving the transfer of a certain license on or before a certain date." This language would be correct if it referred to a license *issued* on or before a certain date, or if it referred to a prohibition on approval of transfer on or *after* a certain date. But as it stands, it is inaccurate.

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Because the generally relating clause, which states that the bill "generally relat[es] to alcoholic beverages in Dorchester County," is sufficient to cover the provision in question, it is our view that the inaccurate portion of the title can be treated as surplusage. *Neuenschwander v. WSSC*, 187 Md. 67 (1946). It would nevertheless also be appropriate for inclusion in next year's corrective bill.

Very truly yours,

  
Douglas F. Gansler  
Attorney General

DFG/KMR/kk

cc: The Honorable Richard F. Colburn  
The Honorable Adelaide C. Eckardt  
The Honorable Dennis C. Schnepfe  
Joseph Bryce  
Karl Aro