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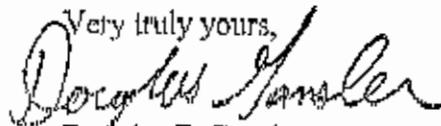
The Honorable Martin J. O'Malley  
Governor of Maryland  
State House  
Annapolis, Maryland 21401-1991

RE: *HB 203*  
*SB 157*

House Bill 203 and Senate Bill 157 are identical bills that are approved for constitutionality, but create a statutory conflict that will require special advice or subsequent corrective legislation. House Bill 203 at page 8, line 8 and Senate Bill 157 at page 8, line 6, add a new subsection Article 2B § 12-104(e)(5), relating to Class 6 (pub brewery) and Class 7 (micro-brewery) licenses. New subsection (II) states that:

(II) SUBJECT TO SUBPARAGRAPHS (III) AND (IV) OF THIS PARAGRAPH, THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE ONE CLASS 6 PUB-BREWERY LICENSE OR ONE CLASS 7 MICRO-BREWERY LICENSE, BUT NOT BOTH, TO A PERSON THAT HOLDS NOT MORE THAN THREE CLASS B BEER, WINE AND LIQUOR LICENSES.

This provision is in conflict with other detailed provisions of the Alcoholic Beverage Article that empower the Comptroller (rather than the local licensing authority) to issue Class 6 and Class 7 licenses, Art. 2B §§ 2-207 and 2-208. It is doubtful that the bills were intended to relocate this power to the local licensing authority, particularly because the bills specifically reenact both provisions. Precise application of the new section will be the subject of detailed advice to the Comptroller and the Wicomico County liquor board but this issue does not affect the constitutionality of the legislation.

Very truly yours,  
  
Douglas F. Gansler  
Attorney General

DFG/DF/kk

cc: John K. Barry  
Assistant Attorney General