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April 30, 2013

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

Re: *House Bill 1082*

Dear Governor O'Malley:

We have reviewed and hereby approve for constitutionality and legal sufficiency, House Bill 1082, "Prince George's County - Alcoholic Beverages - Class A Licenses and Class B-AE Licenses." In approving the bill, we have concluded that the addition of provisions concerning the issuance of Class A licenses within a certain distance of a correctional facility did not violate the single subject requirement of Maryland Constitution, Article III, § 29.

As introduced, House Bill 1082 authorized the issuance of additional BCE (catering) beer, wine, and liquor licenses and B-AE (arts and entertainment) beer, wine, and liquor licenses. The bill was amended in the House to eliminate the additional BCE licenses and to decrease the number of additional B-AE licenses. The bill was amended in the Senate to prohibit the issuance or transfer of a Class A license to a location within three-fourths of a mile of a correctional facility located in Upper Marlboro. This provision is similar to language that would have been added by House Bill 1456 of this session, which did not receive a hearing in the Economic Matters Committee because it was not timely returned to the committee by the County Delegation.

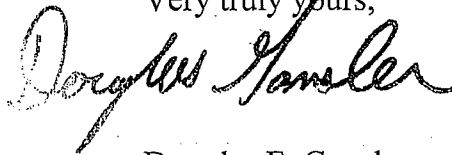
Both portions of House Bill 1082 address the issuance of alcoholic beverages licenses in Prince George's County, and the geographic areas in which they may be issued. A Class B-AE license may be issued only for an establishment located in an arts and entertainment district approved by the County Council, and the bill permits the issuance of more of them, presumably to aid in the further development of these areas

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consistent with their purpose. It also prohibits the issuance of a Class A license within three-fourths of a mile of a correctional facility in Upper Marlboro. It is my understanding that this restriction is aimed at a shopping center near the jail which has a bus stop where released inmates go to catch the bus. The concern was raised that having a liquor store at that location could lead to undesirable results.

We also find no evidence that the addition of the new provision would implicate the purposes of the single subject requirement, which are to prevent logrolling and also to protect the Governor's veto power. *Porten Sullivan Corp. v. State*, 318 Md. 387, 403 (1990). The Senate amendment had the unanimous support of the County Delegation in the Senate and the delegation concurred in the House. No votes were cast against the bill in committee or on the floor in either house either before or after the amendment. In addition, the amendment was fully explained on the floor of the House before concurrence. Finally, while the fact that a similar bill had died can be relevant to the issue of whether the single subject requirement has been violated, it is our view that this factor carries little weight where, as here, the bill was not considered on the merits.

Very truly yours,



Douglas F. Gansler
Attorney General

DFG/KMR/kk

cc: The Honorable John P. McDonough
Stacy Mayer
Karl Aro