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**By: Senator Colburn**

Requested: August 8, 1995

Introduced and read first time: January 10, 1996

Assigned to: Economic and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Dorchester County - Alcoholic Beverages**  
3 **(Licensing)**

4 FOR the purpose of establishing a comprehensive plan of legislation that creates a  
5 rational system of alcoholic beverages licenses for Dorchester County; authorizing  
6 the issuance of certain classes of alcoholic beverages licenses in Dorchester County;  
7 increasing the fee for a certain class of alcoholic beverages license issued in  
8 Dorchester County; expanding the applicability of the law that prohibits the  
9 granting of a new license to sell alcoholic beverages on any premises located within  
10 a certain distance of a church or public school; authorizing the Board of License  
11 Commissioners for Dorchester County to obtain police records of certain alcoholic  
12 beverages license applicants; requiring that applicants for new alcoholic beverages  
13 licenses be fingerprinted; authorizing certain criminal history checks; authorizing  
14 the imposition of a fee to cover the cost of obtaining fingerprints; requiring the  
15 Board to keep all criminal records in a sealed envelope available only to certain  
16 persons; requiring the Board to require an applicant for an alcoholic beverages  
17 license in Dorchester County to post a certain sign or notice on the premises  
18 described in the application by a certain date and for a certain period of time;  
19 establishing the hours during which certain holders of alcoholic beverages licenses  
20 may sell alcoholic beverages; specifying that in Dorchester County, the granting of  
21 probation before judgment to a licensee or employee of the licensee for violating  
22 the law against selling alcoholic beverages to a minor or intoxicated person does not  
23 bar the Board of License Commissioners from proceeding administratively against  
24 the licensee for the violation; increasing the compensation of the chairman and  
25 members of the Board; altering the penalty for a member or employee of the Board  
26 who is convicted of having a financial interest in the manufacture, purchase, or sale  
27 of certain alcoholic beverages or of deriving any profit or remuneration, other than  
28 certain salaries or wages, from the purchase or sale of any alcoholic beverage;  
29 prohibiting in Dorchester County, a person from possessing an alcoholic beverage in  
30 an open container in certain public places unless authorized by the owner of the  
31 property; providing for a certain penalty; imposing an additional alcoholic beverage  
32 tax rate on the sale of beer in Dorchester County; repealing the requirement that  
33 the Liquor Control Board for Dorchester County remain in effect after its  
34 termination for certain purposes; requiring the Board of License Commissioners for  
35 Dorchester County to perform certain acts relating to the dissolution of the Liquor

2  
1 Control Board; providing that this Act does not apply to the salary or compensation  
2 of the incumbent Chairman and members of the Board of License Commissioners  
3 for Dorchester County; making certain stylistic and technical changes; and generally  
4 relating to alcoholic beverages licenses in Dorchester County.

5 BY repealing and reenacting, with amendments,  
6 Article 2B - Alcoholic Beverages  
7 Section 2-207, 4-202, 5-101(k), 5-301(k), 5-401(k), 6-101(k), 6-301(k), 9-210,  
8 10-103(b)(13), 10-202(b)(1), 11-402(n), 11-510, 12-108(f), 15-109(k), 19-301,  
9 and 19-303  
10 Annotated Code of Maryland  
11 (1994 Replacement Volume and 1995 Supplement)

12 BY repealing and reenacting, without amendments,  
13 Article 2B - Alcoholic Beverages  
14 Section 5-101(a), 5-301(a), 5-401(a), 6-101(a), 6-301(a), 10-202(a)(1), 11-403(b),  
15 12-108(a), 15-109(a), and 19-302  
16 Annotated Code of Maryland  
17 (1994 Replacement Volume and 1995 Supplement)

18 BY adding to  
19 Article 2B - Alcoholic Beverages  
20 Section 8-304.1 and 15-112(h-1)  
21 Annotated Code of Maryland  
22 (1994 Replacement Volume and 1995 Supplement)

23 BY repealing and reenacting, without amendments,  
24 Article 2B - Alcoholic Beverages  
25 Section 15-105  
26 Annotated Code of Maryland  
27 (1994 Replacement Volume and 1995 Supplement)  
28 (As enacted by Chapter 523 of the Acts of the General Assembly of 1995)

29 BY repealing  
30 Article 2B - Alcoholic Beverages  
31 Section 15-305  
32 Annotated Code of Maryland  
33 (1994 Replacement Volume and 1995 Supplement)  
34 (As enacted by Chapter 523 of the Acts of the General Assembly of 1995)

35 BY repealing and reenacting, with amendments,  
36 Chapter 523 of the Acts of the General Assembly of 1995  
37 Section 3

38 BY repealing and reenacting, with amendments,  
39 Article - Tax - General

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1 Section 5-102 and 5-105  
2 Annotated Code of Maryland  
3 (1988 Volume and 1995 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
5 MARYLAND, That the Laws of Maryland read as follows:

6 **Article 2B - Alcoholic Beverages**

7 2-207.

8 (a) A Class 6 pub-brewery license shall be issued:

9 (1) By the State Comptroller;

10 (2) Only to a holder of a Class B beer, wine and liquor (on-sale) license that  
11 is issued for use on the premises of a restaurant located in the jurisdictions listed in  
12 paragraph (3) of this subsection; and

13 (3) Only in the following jurisdictions:

14 (i) Anne Arundel County;

15 (ii) Anne Arundel County - City of Annapolis;

16 (iii) Baltimore City;

17 (iv) Baltimore County;

18 (v) The thirteenth election district of Carroll County;

19 (vi) Cecil County;

20 (vii) Charles County;

21 (VIII) DORCHESTER COUNTY;

22 [(viii)] (IX) Frederick County;

23 [(ix)] (X) Harford County;

24 [(x)] (XI) Montgomery County - City of Gaithersburg;

25 [(xi)] (XII) Washington County; and

26 [(xii)] (XIII) Worcester County.

27 (b) A holder of a Class 6 pub-brewery license:

28 (1) May brew malt beverages at a single location for consumption on the  
29 restaurant premises; and

30 (2) Is limited to the brewing of 2,000 barrels of malt beverage each calendar  
31 year.

32 (c) The pub-brewery premises shall be located immediately adjacent to the  
33 restaurant where the brewed beverage is to be sold to the public.

4

1 (d) The Class 6 pub-brewery license is void if:

2 (1) The restaurant ceases to be operated as a restaurant; or

3 (2) The holder's Class B beer, wine and liquor (on-sale) license is revoked  
4 or transferred to a different location.

5 (e) If the holder's Class B beer, wine and liquor (on-sale) license is suspended,  
6 the Class 6 pub-brewery license shall be suspended for the same period of time.

7 (f) Except for a license transferred to a new location, a Class 6 pub-brewery  
8 license may be transferred under § 10-503 of this article if an application for transfer is  
9 filed with the local licensing board and simultaneously filed with the Office of the  
10 Comptroller.

11 (g) (1) In the City of Annapolis, Anne Arundel County, Baltimore City,  
12 Baltimore County, and Charles County, the holder of a Class 6 pub-brewery license may  
13 sell malt beverages for off-premises consumption in sealed refillable containers.

14 (2) The containers may be returned and at the time of refill shall be sealed  
15 by the pub-brewery licensee.

16 (3) A holder of a Class 6 pub-brewery license in the City of Annapolis,  
17 Anne Arundel County, Baltimore City, Baltimore County, or Charles County, may not sell  
18 malt beverages to any retail alcoholic beverages licensee in this State for the purpose of  
19 a subsequent sale or distribution of that malt beverage under the retail license.

20 (h) In Montgomery County, within the City of Gaithersburg, a holder of a Class 6  
21 pub-brewery license shall enter into a written agreement with the Department of Liquor  
22 Control for Montgomery County for the sale and resale of all malt beverages brewed  
23 under this license in accordance with this article.

24 4-202.

25 (a) A Class A light wine license may be issued only in:

26 (1) Baltimore County;

27 (2) Carroll County;

28 (3) DORCHESTER COUNTY;

29 [(3)] (4) Frederick County;

30 [(4)] (5) Harford County;

31 [(5)] (6) Montgomery County;

32 [(6)] (7) Talbot County; and

33 [(7)] (8) Washington County.

34 (b) (1) The annual fee for this license is \$50.

35 (2) In Montgomery County the annual license fee is \$100.

5

1 (c) A Class A light wine license may be issued by the license issuing authority of  
2 the county in which the place of business is located to any holder of a Class 4  
3 manufacturer's license.

4 (d) (1) The license authorizes the holder to keep for sale and to sell light wines  
5 produced at the winery in any quantity to any consumer at retail at the place described in  
6 the license. The light wine shall be delivered in a sealed package or container which may  
7 not be opened or the contents consumed on the licensed premises.

8 (2) In Montgomery County the licensee may not make more than 20,000  
9 gallons of on-premises sales per year.

10 (e) (1) This subsection applies only in the following counties:

11 (i) Baltimore County;

12 (ii) Frederick County;

13 (iii) Harford County;

14 (iv) Talbot County; and

15 (v) Washington County.

16 (2) A Class A light wine license may be issued to a holder of a Class 3  
17 manufacturer's license, who makes wine from agricultural products grown in Maryland.

18 (3) Baltimore County wineries applying for a Class A/Class 3 license are  
19 exempt from quotas established by the Baltimore County Liquor Board as to the number  
20 of licenses in that election district.

21 5-101.

22 (a) (1) A Class A beer and light wine license shall be issued by the license  
23 issuing authority of the county in which the place of business is located. The holder of the  
24 license may keep for sale and sell beer and light wines at retail, in any quantity to any  
25 consumers, at the place described in the license. The holder shall deliver the beer and  
26 light wines in a sealed package or container, which package or container may not be  
27 opened nor its contents consumed on the premises where sold.

28 (2) The annual fee for the license shall be paid to the local collecting agent  
29 before any license is issued, for distribution as provided.

30 (k) [This section does not apply to Dorchester County] IN DORCHESTER  
31 COUNTY THE ANNUAL LICENSE FEE IS \$250.

32 5-301.

33 (a) (1) A Class C beer and light wine license shall be issued by the license  
34 issuing authority of the county in which the place of business is located. The holder of the  
35 license may keep for sale and sell beer and light wines at retail to bona fide members and  
36 their guests, at any club, at the place described in the license, for consumption on the  
37 premises only.

6

1 (2) The annual fee for the license shall be paid to the local collecting agent  
2 before any license is issued, for distribution as provided.

3 (k) [This section does not apply in Dorchester County] IN DORCHESTER  
4 COUNTY THE ANNUAL LICENSE FEE IS \$150.

5 5-401.

6 (a) (1) A Class D beer and light wine license shall be issued by the license  
7 issuing authority of the county in which the place of business is located. The license  
8 authorizes its holder to keep for sale and to sell beer and light wines at retail, at the place  
9 described in the license, for consumption on the premises or elsewhere. The license may  
10 not be issued for any drugstore.

11 (2) The annual fee shall be paid to the local collecting agent before any  
12 license is issued, for distribution as provided in this article.

13 (k) [This section does not apply to Dorchester County] IN DORCHESTER  
14 COUNTY THE ANNUAL LICENSE FEE IS \$275.

15 6-101.

16 (a) (1) A Class A beer, wine and liquor license shall be issued by the license  
17 issuing authority of the county in which the place of business is located. The license  
18 authorizes the holder to keep for sale and to sell all alcoholic beverages at retail, in any  
19 quantity, at the place described in the license. The licensee shall deliver the alcoholic  
20 beverages in a sealed package or container and the package or container may not be  
21 opened nor its contents consumed on the premises where sold.

22 (2) The annual license fee shall be paid to the local collecting agent before  
23 the license is issued, for distribution as provided.

24 (3) A license may not be issued for any drugstore unless the applicant:

25 (i) Has been doing business at the location applied for, for at least 1  
26 year prior to the date of the application for the license;

27 (ii) Is the assignee of a business established for that length of time at  
28 the location applied for; or

29 (iii) Has been actually engaged in the retail drug business for a period  
30 of not less than 3 years.

31 (k) [This section does not apply in Dorchester County] IN DORCHESTER  
32 COUNTY, THE ANNUAL LICENSE FEE IS \$2,500.

33 6-301.

34 (a) (1) A Class C beer, wine and liquor license shall be issued by the license  
35 issuing authority of the county in which the place of business is located. It authorizes the  
36 holder to keep for sale and sell all alcoholic beverages at retail at any club, at the place  
37 described in the license, for consumption on the premises only.

38 (2) The annual fee for the license shall be paid to the local collecting agent  
39 before the license is issued, for distribution as provided.

7

1 (3) In this section, "Board" means the Board of Commissioners for the  
2 jurisdiction to which the subsection applies.

3 (k) (1) This subsection applies only in Dorchester County.

4 (2) The annual license fee is [\$500] \$1,000.

5 (3) A license may be obtained by any bona fide yacht club and golf and  
6 country club that:

7 (i) Has been incorporated for a period of not less than 5 years prior to  
8 the time of making application for the license;

9 (ii) Has a bona fide membership of not less than 250 persons and dues  
10 of not less than \$10 per year per adult member;

11 (iii) Has facilities for preparing and serving food on the premises to  
12 members and their guests when accompanied by such members; and

13 (iv) Owns or operates a clubhouse located on premises principally used  
14 for no other purpose and not directly or indirectly owned or operated as a public  
15 business.

16 (4) A license may be obtained by any local unit of a nationwide bona fide  
17 nonprofit organization or club composed solely of members who served in the armed  
18 forces of the United States in any war in which the United States has engaged and:

19 (i) Has held a charter from a national veterans' organization for a  
20 period of not less than 5 years prior to the time of making application for the license;

21 (ii) Has a bona fide membership of not less than 125 persons and dues  
22 of not less than \$5 per year per person;

23 (iii) Operates solely for the use of its own members and their guests  
24 when accompanied by such members; and

25 (iv) Meets in a clubhouse principally used for no other purpose.

26 (5) A license may be obtained by any lodge or chapter of any bona fide  
27 nonprofit and nationwide fraternal organization composed of members duly elected and  
28 initiated in accordance with the rites and customs of the fraternal organization which:

29 (i) Has been in existence and operating in Dorchester County for a  
30 period of not less than 5 years prior to the time of making application for the license;

31 (ii) Has a bona fide membership of not less than 250 persons and dues  
32 of not less than \$5 per annum per member;

33 (iii) Owns or operates a home or clubhouse principally for the use of its  
34 members and their guests when accompanied by such members; and

35 (iv) Is not directly or indirectly owned or operated as a public business.

8

1 (6) A license may be obtained by Sailwinds Park, Inc., a nonprofit  
2 organization. The license may be obtained and renewed so long as no individual or group  
3 of individuals derive any personal profits from the operation of the Park.

4 (7) Upon payment of the license fee, any organization specified by this  
5 subsection may obtain a license from the County Commissioners.

6 (8) If the organization specified by this subsection is located within the  
7 corporate limits of any city or town, the County Commissioners shall pay the license fee  
8 to the mayor and city council of that city or town. Otherwise, they shall pay the fee to the  
9 treasurer of Dorchester County.

10 [(9) Every organization specified by this subsection shall purchase all wines  
11 and liquors sold by it from the Dorchester County Liquor Control Board dispensaries.  
12 The organization shall be charged for such alcoholic beverages the invoice price that was  
13 charged to the Liquor Control Board for Dorchester County, plus both freight charges  
14 and a sum not exceeding 20 percent of aggregate invoice price and freight charges from  
15 time to time.]

16 8-304.1.

17 (A) THIS SECTION APPLIES ONLY IN DORCHESTER COUNTY.

18 (B) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
19 INDICATED.

20 (2) "BOARD" MEANS THE DORCHESTER COUNTY BOARD OF LICENSE  
21 COMMISSIONERS.

22 (3) "FESTIVAL" MEANS THE DORCHESTER COUNTY BEER AND WINE  
23 FESTIVAL.

24 (C) THE BOARD MAY ISSUE A SPECIAL FESTIVAL (DBWF) LICENSE.

25 (D) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, AN  
26 APPLICANT FOR A SPECIAL FESTIVAL LICENSE SHALL BE A HOLDER OF AN EXISTING  
27 STATE RETAIL ALCOHOLIC BEVERAGES LICENSE, STATE CLASS 3 WINERY LICENSE,  
28 STATE CLASS 4 WINERY LICENSE, STATE CLASS 6 PUB-BREWERY LICENSE, OR STATE  
29 CLASS 7 MICRO-BREWERY LICENSE ISSUED UNDER THIS ARTICLE.

30 (E) A SPECIAL FESTIVAL LICENSEE SHALL:

31 (1) ONLY DISPLAY AND SELL:

32 (I) WINE THAT IS MANUFACTURED AND PROCESSED IN ANY  
33 STATE; AND

34 (II) BEER THAT IS BREWED BY A BREWER WHO BREWS LESS THAN  
35 40,000 BARRELS OF BEER ANNUALLY;

36 (2) DISPLAY AND SELL BEER AND WINE AT RETAIL FOR CONSUMPTION  
37 ON OR OFF THE LICENSED PREMISES ON THE DAYS AND FOR THE HOURS  
38 DESIGNATED FOR THE FESTIVAL; AND



9

1 (3) DISPLAY AND SELL WINE THAT IS MANUFACTURED AND PROCESSED  
2 IN ANY STATE AT RETAIL FOR CONSUMPTION OFF THE LICENSED PREMISES ON THE  
3 DAYS AND FOR THE HOURS DESIGNATED FOR THE FESTIVAL.

4 (F) THIS SECTION DOES NOT PROHIBIT THE HOLDER OF A SPECIAL FESTIVAL  
5 LICENSE FROM HOLDING ANOTHER ALCOHOLIC BEVERAGES LICENSE OF A  
6 DIFFERENT CLASS OR NATURE.

7 (G) THE BOARD:

8 (1) MAY ESTABLISH THE LICENSE FEE;

9 (2) MAY SELECT ONE WEEKEND, FRIDAY THROUGH SUNDAY  
10 INCLUSIVE, ANNUALLY FOR THE FESTIVAL;

11 (3) SHALL CHOOSE FOR THIS FESTIVAL A LOCATION IN THE COUNTY  
12 THAT IS NOT LICENSED UNDER THIS ARTICLE;

13 (4) SHALL ASSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS THE  
14 PROMOTION OF MARYLAND BEER AND WINE; AND

15 (5) MAY ADOPT REGULATIONS FOR IMPLEMENTING THIS SECTION.

16 (H) NOTWITHSTANDING THE PROVISIONS OF §§ 2-301(F) AND 12-103(C) OF THIS  
17 ARTICLE, BEER AND WINE PRODUCTS NOT AUTHORIZED FOR GENERAL  
18 DISTRIBUTION IN MARYLAND AT THE TIME OF THE FESTIVAL MAY BE SHIPPED  
19 DIRECTLY TO A SPECIAL FESTIVAL LICENSEE BY A LICENSED NONRESIDENT  
20 DEALER.

21 9-210.

22 [Within the corporate limits of the City of Hurlock] IN DORCHESTER COUNTY,  
23 [no] A new license [shall] MAY NOT be granted to sell any alcoholic beverage on any  
24 premises located within [three hundred] 300 feet of a church or public school.

25 10-103.

26 (b) Except as otherwise provided in this subtitle, every new application for a  
27 license shall be made to the Board of License Commissioners upon forms prescribed by  
28 the Comptroller and sworn to by the applicant. Every application for a license shall  
29 contain the following statements:

30 (13) (i) 1. A statement as to whether the applicant has ever been  
31 adjudged guilty of any offense against the laws of the State or of the United States.

32 2. The respective boards shall destroy the records obtained  
33 under subparagraphs (ii), (iv), (v), (vi), and (vii) of this paragraph upon completion of its  
34 necessary use of the records;

35 (ii) 1. The provisions of this subparagraph (ii) apply in the  
36 following:

37 A. Anne Arundel County;

38 B. Harford County;

10

1 C. Prince George's County;

2 D. St. Mary's County; and

3 E. Worcester County.

4 2. The County Board of License Commissioners or the liquor  
5 control board may obtain criminal records on alcoholic beverages license applicants and  
6 their agents in its respective County from the Criminal Justice Information System  
7 Central Repository of the Department of Public Safety and Correctional Services and  
8 County police.

9 (iii) The Worcester County Board of License Commissioners also may  
10 obtain criminal records pursuant to the provisions of subparagraph (ii) of this paragraph  
11 on the stockholders which hold at least 10% interest in the corporation and owners of a  
12 corporation when the application is being made for the use of the corporation;

13 (iv) In Montgomery County:

14 1. The Board of License Commissioners shall:

15 A. Obtain criminal records of alcoholic beverages license  
16 applicants from the Criminal Justice Information System Central Repository of the  
17 Department of Public Safety and Correctional Services and Montgomery County Police;

18 B. Require applicants for alcoholic beverages licenses in the  
19 County to be fingerprinted; and

20 C. Forward the fingerprints through the Criminal Justice  
21 Information System Central Repository of the Department of Public Safety and  
22 Correctional Services for transmittal to the Federal Bureau of Investigation for a national  
23 criminal history records check; and

24 2. Applicants for license renewal may be subject to these  
25 provisions.

26 (v) In Frederick County:

27 1. The Board of License Commissioners shall:

28 A. Obtain criminal records of alcoholic beverages license  
29 applicants from the Criminal Justice Information System Central Repository of the  
30 Department of Public Safety and Correctional Services;

31 B. Require applicants for alcoholic beverages licenses in the  
32 County to be fingerprinted; and

33 C. Forward the fingerprints through the Criminal Justice  
34 Information System Central Repository of the Department of Public Safety and  
35 Correctional Services for transmittal to the Federal Bureau of Investigation for a national  
36 criminal history records check; and

37 2. Applicants for license renewal may not be subject to these  
38 provisions.

11

1 (vi) 1. The provisions of this subparagraph apply only in Cecil  
2 County [and Charles County], CHARLES COUNTY, AND DORCHESTER COUNTY.

3 2. The Board of License Commissioners shall:

4 A. Obtain criminal records of new alcoholic beverages license  
5 applicants from the Criminal Justice Information System Central Repository of the  
6 Department of Public Safety and Correctional Services;

7 B. Require applicants for new alcoholic beverages licenses to be  
8 fingerprinted; and

9 C. Forward the fingerprints through the Criminal Justice  
10 Information System Central Repository of the Department of Public Safety and  
11 Correctional Services for transmittal to the Federal Bureau of Investigation (F.B.I.) for a  
12 national criminal history records check. Applications for license renewal are not subject  
13 to these provisions.

14 3. The County Commissioners may set a fee to cover the cost of  
15 obtaining the fingerprints and the Maryland and national criminal history records check.

16 4. The Board shall keep all criminal records in a sealed  
17 envelope available only to the members of the Board and the Clerk to the Board.

18 5. The hearing for a new applicant and the issuance of a license  
19 may not be delayed due to the failure of the F.B.I. to provide the requested criminal  
20 history records check by the date of the scheduled hearing.

21 (vii) 1. The provisions of this subparagraph apply only in Wicomico  
22 County.

23 2. The Board of License Commissioners shall:

24 A. Obtain criminal records of license applicants from the  
25 Criminal Justice Information System Central Repository of the Department of Public  
26 Safety and Correctional Services;

27 B. Require applicants for licenses to be fingerprinted; and

28 C. Forward the fingerprints through the Department of Public  
29 Safety and Correctional Services for transmittal to the Federal Bureau of Investigation  
30 for a national criminal history records check;

31 10-202.

32 (a) (1) (i) Before the Board of License Commissioners for Baltimore City or  
33 any county approves any application for a license, the Board shall cause a notice of the  
34 application to be published two times in two successive weeks:

35 1. For Baltimore City licensee applicants - in three newspapers  
36 of general circulation in Baltimore City.

12

1                                2. For county licensee applicants - in two newspapers of  
2 general circulation in the county where two newspapers are published, and if not, then in  
3 one newspaper having a general circulation in the county.

4                                (ii) The notice shall specify the name of the applicant, the kind of  
5 license for which application is made, the location of the place of business proposed to be  
6 licensed, and the time and place fixed by the Board for a hearing on the application.

7                                (iii) The hearing may not be less than seven nor more than 30 days  
8 after the last publication.

9                                (iv) At the time fixed by the notice for a hearing on the application or  
10 on any postponement of the time, any person shall be heard on either side of the  
11 question.

12                                (b) (1) (i) The provisions of this paragraph apply in the following  
13 subdivisions:

- 14                                1. Allegany County;
- 15                                2. Anne Arundel County;
- 16                                3. Baltimore City;
- 17                                4. Baltimore County;
- 18                                5. DORCHESTER COUNTY;
- 19                                [5.] 6. Prince George's County;
- 20                                [6.] 7. Washington County; and
- 21                                [7.] 8. Wicomico County.

22                                (ii) If the application is in the subdivisions enumerated in this  
23 paragraph, the Board shall cause a suitable sign or notice to be posted and to remain  
24 posted for a period of at least 10 days in a conspicuous place upon the premises described  
25 in the application. The posting shall be done at least 10 days before action upon the  
26 application, and the notice also shall specify the class of license applied for and the time  
27 and place fixed by the Board for hearing upon the application.

28 11-402.

29                                (n) (1) THIS SUBSECTION APPLIES ONLY IN THE FOLLOWING  
30 JURISDICTIONS:

- 31                                (I) DORCHESTER COUNTY; AND
- 32                                (II) QUEEN ANNE'S COUNTY.

33                                (2) This article may not be construed to require any holder of an on-sale  
34 license in [Queen Anne's County] to close [his] THAT establishment at any time on  
35 January 1 of any year, and any holder of this license is permitted to make any sale of  
36 alcoholic beverages authorized by [his] THE license at any time on January 1 of any year.

13

1 11-403.

2 (b) (1) In the jurisdictions in which this subsection is applicable, it is unlawful  
 3 for anyone to sell or for any licensed dealer to deliver, give away or otherwise dispose of  
 4 any alcoholic beverages on Sunday. Any person selling or any licensed dealer delivering,  
 5 giving away or otherwise disposing of such beverages in such jurisdictions on Sundays is  
 6 guilty of a misdemeanor and shall be fined not more than \$50 for the first offense and not  
 7 more than \$100, or imprisoned in the county jail for not more than 30 days, or both for  
 8 each succeeding offense.

9 (2) (i) This subsection is applicable to Caroline, Cecil, Dorchester, except  
 10 as provided in subparagraph (xi) of this paragraph, Garrett, except as provided in  
 11 paragraph (5) of this subsection, Harford, Kent, Queen Anne's, except as provided in  
 12 subparagraph (v) of this paragraph, Somerset, Talbot, and Worcester (except as  
 13 otherwise provided) Counties.

14 (ii) It does not apply to or affect special Class C licenses issued under  
 15 the provisions of this article.

16 (iii) In Washington County this section:

17 1. Does not apply to any Class A, Class B, Class C, Class D, and  
 18 any special Sunday license from the hours of 12 noon to 12 midnight;

19 2. Does not apply to Sunday sales when New Year's Eve or New  
 20 Year's Day falls on a Sunday which is governed by § 11-402(c) of this article;

21 3. Provides that licensees selling alcoholic beverages on Sunday,  
 22 except for holders of Class A light wine licenses for wineries, shall pay an annual fee of  
 23 \$250 in addition to their annual license fee; and

24 4. Provides that licensees may purchase a 1 day on-sale license  
 25 for Sunday sale of alcoholic beverages when New Year's Eve falls on a Sunday. The  
 26 licensee shall pay a \$50 fee in addition to any other annual license fee.

27 (iv) In Kent County, the hours of sale on Sunday are as provided under  
 28 § 11-515 of this article.

29 (v) This section does not apply to holders of alcoholic beverages retail  
 30 dealer licenses issued in Queen Anne's County.

31 (vi) In Caroline County, on Sunday:

32 1. A Class A 7-day licensee may sell the alcoholic beverages  
 33 authorized under the license from 8 a.m. to 12 midnight, except that if the sale of liquor  
 34 is authorized under the license, liquor may only be sold from 1:00 p.m. to 12 midnight;

35 2. A Class C (clubs) beer, wine and liquor licensee may sell  
 36 beer and wine:

37 A. From 12 midnight to 2 a.m.; and

38 B. From 8 a.m. to 12 midnight;

14

1 3. A Class C (clubs) beer, wine and liquor licensee may sell  
2 liquor:

3 A. From 12 midnight to 2 a.m.; and

4 B. From 1 p.m. to 12 midnight; and

5 4. A Class C (clubs) beer licensee may sell beer from 8 a.m. to  
6 12 midnight.

7 (vii) Notwithstanding the other provisions of this section and § 11-508  
8 of this article, in Cecil County it is lawful for Class C (on-sale) (clubs) beer, beer and  
9 light wine, or beer, wine and liquor licensees to permit the use and consumption of  
10 alcoholic beverages between the hours of 8 a.m. and 11 p.m. on Sunday, and it is lawful  
11 for all classes of alcoholic beverage license holders to sell alcoholic beverages between 12  
12 midnight and 2 a.m. on Sundays.

13 (viii) In Worcester County the prohibition of this section is not  
14 applicable to Class B beer, wine and liquor licenses regulated by the provisions of §  
15 11-524 of this article.

16 (ix) Where the provisions of this section are in conflict with §§ 11-402  
17 and 11-513 of this article for Harford County §§ 11-402 and 11-513 shall govern.

18 (x) For Somerset County the provisions of this section are subordinate  
19 to § 11-520 of this subtitle.

20 (xi) For Dorchester County the provisions are subordinate to § 11-510  
21 of this article.

22 (3) In Talbot County it is lawful for a Class A beer licensee and a Class B  
23 beer, wine, and liquor licensee to sell beer between the hours of 8:00 a.m. and 10:00 p.m.  
24 on Sundays. Between the hours of 12:30 o'clock p.m. and 10:00 o'clock p.m. on Sundays,  
25 it is lawful for a Class B or C beer licensee to sell beer and for a Class B or C beer, wine  
26 and liquor licensee to sell beer, wine and liquor, provided that these alcoholic beverages  
27 are consumed on the premises.

28 (4) In Allegany County, [however,] Sunday sales when New Year's Eve or  
29 New Year's Day fall on a Sunday [shall be] ARE governed by § 11-402(i) of this article.

30 (5) In Garrett County, [however,] Sunday sales when New Year's Eve or  
31 New Year's Day fall on a Sunday [shall be] ARE governed by § 11-402(j) of this article.

32 11-510.

33 In Dorchester County, notwithstanding any other provisions of this subtitle, the  
34 hours for sale for alcoholic beverages are as follows:

35 (1) For the holders of a Class A (off-sale) beer license, sales are permitted  
36 Monday through Sunday from 6 a.m. to 12 midnight, except if Christmas Eve or New  
37 Year's Eve is on a Sunday, from 6 a.m. on Sunday to 1 a.m. on Monday.

38 (2) For the holders of a Class B (on-sale) beer license, sales are permitted:

15

1 (i) Monday through Saturday from 6 a.m. to 1 a.m. on the following  
2 day; and

3 (ii) Sunday from [1 p.m.] 12 NOON to 12 midnight, except if  
4 Christmas Eve or New Year's Eve is on a Sunday, from [1 p.m.] 12 NOON to 1 a.m. the  
5 following day.

6 (3) For the holders of a Class B (on- and off-sale) beer and light wine  
7 license sales are permitted as follows:

8 (i) (On- and off-sale) is permitted on Monday through Saturday from  
9 6 a.m. to 1 a.m. the following day;

10 (ii) (On-sale) is permitted on Sunday from [1 p.m.] 12 NOON to 12  
11 midnight, except if Christmas Eve or New Year's Eve is on a Sunday, from [1 p.m.] 12  
12 NOON to 1 a.m. the following day; and

13 (iii) (Off-sale) is prohibited on Sunday after 1 a.m.

14 (4) For the holders of a Class C (on-sale) beer license sales are permitted:

15 (i) Monday through Saturday from 10 a.m. to 1 a.m. the following day;  
16 and

17 (ii) Sunday from [1 p.m.] 12 NOON to 12 midnight, except if  
18 Christmas Eve or New Year's Eve is on a Sunday, from [1 p.m.] 12 NOON to 1 a.m. the  
19 following day.

20 (5) For the holders of a Class D (on-sale) beer license sales are:

21 (i) Permitted Monday through Saturday from 6 a.m. to 1 a.m. on the  
22 following day; and

23 (ii) Permitted on Sunday from [1 p.m.] 12 NOON through 12 midnight,  
24 except if Christmas Eve or New Year's Eve is on a Sunday, from [1 p.m.] 12 NOON to 1  
25 a.m. the following day.

26 (6) For the holders of a Class B (on-sale) beer, wine and liquor license sales  
27 are permitted:

28 (i) Monday through Saturday from 7 a.m. through 1 a.m. the following  
29 day; and

30 (ii) Sunday from [1 p.m.] 12 NOON through 12 midnight, except if  
31 Christmas Eve or New Year's Eve is on a Sunday, from [1 p.m.] 12 NOON to 1 a.m. the  
32 following day.

33 (7) For the holders of a Class C (on-sale) beer, wine and liquor license sales  
34 are permitted:

35 (i) Monday through Saturday from 10 a.m. through 1 a.m. the  
36 following day; and

16

1 (ii) Sunday from [1 p.m.] 12 NOON through 12 midnight, except if  
2 Christmas Eve or New Year's Eve is on a Sunday, from [1 p.m.] 12 NOON to 1 a.m. the  
3 following day.

4 (8) FOR THE HOLDERS OF A CLASS 6 PUB-BREWERY LICENSE, SALES  
5 ARE PERMITTED:

6 (I) MONDAY THROUGH SATURDAY FROM 7 A.M. THROUGH 1 A.M.  
7 THE FOLLOWING DAY; AND

8 (II) SUNDAY FROM 12 NOON THROUGH 12 MIDNIGHT, EXCEPT IF  
9 CHRISTMAS EVE OR NEW YEAR'S EVE IS ON A SUNDAY, FROM 12 NOON THROUGH 1  
10 A.M. THE FOLLOWING DAY.

11 (9) FOR THE HOLDERS OF A CLASS A LIGHT WINE LICENSE, SALES ARE  
12 PERMITTED:

13 (I) MONDAY THROUGH SATURDAY FROM 6 A.M. THROUGH 1 A.M.  
14 THE FOLLOWING DAY; AND

15 (II) SUNDAY FROM 12 NOON THROUGH 12 MIDNIGHT, EXCEPT IF  
16 CHRISTMAS EVE OR NEW YEAR'S EVE IS ON A SUNDAY, FROM 12 NOON THROUGH 1  
17 A.M. THE FOLLOWING DAY.

18 (10) FOR THE HOLDERS OF A CLASS A BEER AND LIGHT WINE LICENSE,  
19 SALES ARE PERMITTED:

20 (I) MONDAY THROUGH SATURDAY FROM 6 A.M. THROUGH 1 A.M.  
21 THE FOLLOWING DAY; AND

22 (II) SUNDAY FROM 12 NOON THROUGH 12 MIDNIGHT, EXCEPT IF  
23 CHRISTMAS EVE OR NEW YEAR'S EVE IS ON A SUNDAY, FROM 12 NOON THROUGH 1  
24 A.M. THE FOLLOWING DAY.

25 (11) FOR THE HOLDERS OF A CLASS C BEER AND LIGHT WINE LICENSE,  
26 SALES ARE PERMITTED:

27 (I) MONDAY THROUGH SATURDAY FROM 6 A.M. THROUGH 1 A.M.  
28 THE FOLLOWING DAY; AND

29 (II) SUNDAY FROM 12 NOON THROUGH 12 MIDNIGHT, EXCEPT IF  
30 CHRISTMAS EVE OR NEW YEAR'S EVE IS ON A SUNDAY, FROM 12 NOON THROUGH 1  
31 A.M. THE FOLLOWING DAY.

32 (12) FOR THE HOLDERS OF A CLASS D BEER AND LIGHT WINE LICENSE,  
33 SALES ARE PERMITTED:

34 (I) MONDAY THROUGH SATURDAY FROM 6 A.M. THROUGH 1 A.M.  
35 THE FOLLOWING DAY; AND

36 (II) SUNDAY FROM 12 NOON THROUGH 12 MIDNIGHT, EXCEPT IF  
37 CHRISTMAS EVE OR NEW YEAR'S EVE IS ON A SUNDAY, FROM 12 NOON THROUGH 1  
38 A.M. THE FOLLOWING DAY.



17

1 (13) FOR THE HOLDERS OF A CLASS A BEER, WINE AND LIQUOR LICENSE,  
2 SALES ARE PERMITTED:

3 (I) MONDAY THROUGH SATURDAY FROM 6 A.M. THROUGH 12  
4 MIDNIGHT THE FOLLOWING DAY; AND

5 (II) SUNDAY FROM 12 NOON THROUGH 12 MIDNIGHT, EXCEPT IF  
6 CHRISTMAS EVE OR NEW YEAR'S EVE IS ON A SUNDAY, FROM 12 NOON THROUGH 1  
7 A.M. THE FOLLOWING DAY.

8 12-108.

9 (a) (1) A licensee licensed under this article, or any employee of the licensee,  
10 may not sell or furnish any alcoholic beverages at any time to a person under 21 years of  
11 age:

12 (i) For the underage person's own use or for the use of any other  
13 person; or

14 (ii) To any person who, at the time of the sale, or delivery, is visibly  
15 under the influence of any alcoholic beverage.

16 (2) Any licensee or any employee of the licensee who is charged with a  
17 violation of this subsection shall receive a summons to appear in court on a certain day to  
18 answer the charges placed against that person. The person charged may not be required  
19 to post bail bond pending trial in any court of this State.

20 (3) (i) A licensee or employee of the licensee violating any of the  
21 provisions of this subsection is guilty of a misdemeanor and, upon conviction, suffers the  
22 penalties provided by § 16-503 of this article.

23 (ii) A licensee or employee of the licensee who is charged with selling  
24 or furnishing any alcoholic beverages to a person under 21 years of age may not be found  
25 guilty of a violation of this subsection, if the person establishes to the satisfaction of the  
26 jury or the court sitting as a jury that the person used due caution to establish that the  
27 person under 21 years of age was not, in fact, a person under 21 years of age if a  
28 nonresident of the State.

29 (iii) If the person is a resident of the State of Maryland, the licensee or  
30 employee of the licensee may accept, as proof of a person's age, the display of the  
31 person's driver's license or identification card as provided for in the Maryland Vehicle  
32 Law.

33 (iv) Except as provided in subsection (e) of this section, if any licensee  
34 or employee of the licensee is found not guilty, or placed on probation without a verdict,  
35 of any alleged violation of this subsection, this finding operates as a complete bar to any  
36 proceeding by any alcoholic beverage law enforcement or licensing authorities against the  
37 licensee on account of the alleged violation.

38 (f) (1) THIS SUBSECTION APPLIES IN THE FOLLOWING JURISDICTIONS:

39 (I) DORCHESTER COUNTY; AND

40 (II) [In] Howard County [the].

18

1 (2) THE granting of probation before judgment to a licensee or employee of  
2 the licensee for violating subsection (a) of this section does not bar the Board of License  
3 Commissioners from proceeding administratively against the licensee for the violation.

4 15-105.

5 (a) The respective Boards of County Commissioners shall ex officio constitute the  
6 Boards of License Commissioners in Dorchester and Kent Counties. In Howard County,  
7 the County Council shall ex officio constitute the Board of License Commissioners.

8 (b) (1) In Dorchester County, the County Commissioners may appoint a  
9 substitute member to the Board of License Commissioners.

10 (2) The substitute member shall be from the same County Commissioner  
11 district as the appointing County Commissioner.

12 (3) The substitute member serves at the will of the appointing County  
13 Commissioner and shall serve for as long as the appointing County Commissioner remains  
14 in office as County Commissioner.

15 (4) The substitute member has all the powers, authority, and duties of the  
16 appointing commissioner when acting on the Board.

17 15-109.

18 (a) The salaries of the members of the boards of license commissioners are  
19 specified in this section. Where no salary is specified for those boards which serve ex  
20 officio, the members may not receive additional compensation under the provisions of  
21 this section.

22 (k) In Dorchester County [the provisions of subsection (a) apply], THE ANNUAL  
23 COMPENSATION FOR THE MEMBERS OF THE BOARD OF LICENSE COMMISSIONERS IS:

24 (1) \$2,500 FOR THE CHAIRMAN; AND

25 (2) \$2,000 FOR EACH REGULAR MEMBER.

26 15-112.

27 (H-1) (1) A MEMBER OR EMPLOYEE OF THE BOARD OF LICENSE  
28 COMMISSIONERS OF DORCHESTER COUNTY MAY NOT:

29 1. HAVE ANY FINANCIAL INTEREST, DIRECTLY OR  
30 INDIRECTLY, IN THE MANUFACTURE OF ANY ALCOHOLIC BEVERAGE OR IN ANY  
31 ALCOHOLIC BEVERAGE PURCHASED OR SOLD UNDER THE PROVISIONS OF THIS  
32 ARTICLE; OR

33 2. DERIVE ANY PROFIT OR REMUNERATION FROM THE  
34 PURCHASE OR SALE OF ANY ALCOHOLIC BEVERAGE, OTHER THAN THE SALARY OR  
35 WAGES PAYABLE FOR THE PERFORMANCE OF THE DUTIES OF THE OFFICE OR  
36 POSITION AS REQUIRED AND AUTHORIZED UNDER THIS SECTION.

37 (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A  
38 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$2,000  
39 OR A TERM OF IMPRISONMENT NOT EXCEEDING 30 DAYS.

19

1 [15-305.

2 (a) No member or employee of the Board of License Commissioners of  
3 Dorchester County shall have any financial interest, directly or indirectly, in the  
4 manufacture of any alcoholic beverage, or in any alcoholic beverage purchased or sold  
5 under the provisions of this article, or derive any profit or remuneration from the  
6 purchase or sale of any such beverage, other than the salary or wages payable for the  
7 discharge of the duties of the office or position, as herein prescribed or authorized.

8 (b) Any member of the Board, or any employee of said Board, violating the  
9 provisions of this section shall, upon conviction, be subject to a fine not exceeding two  
10 thousand dollars (\$2,000.00) or to imprisonment, in the discretion of the court.]

11 19-301.

12 (a) (1) This definition applies only in THE FOLLOWING JURISDICTIONS:

13 (I) Carroll COUNTY[.];

14 (II) DORCHESTER COUNTY;

15 (III) Harford[, ] COUNTY; and

16 (IV) Montgomery [Counties] COUNTY.

17 (2) In this section "unless authorized" means the possession and  
18 presentation of a written consent by the owner of the property.

19 (b) A person may not possess in an open container any alcoholic beverage, as  
20 defined in this article, while:

21 (1) On the mall, adjacent parking area, or other outside area of any  
22 combination of privately owned retail establishments, commonly known as a shopping  
23 center, to which the general public is invited for business purposes, unless authorized by  
24 the owner of the establishment;

25 (2) On an adjacent parking area or other outside area of any other retail  
26 establishment, unless authorized by the owner of the establishment; or

27 (3) In any parked vehicle located on any of the places enumerated in this  
28 section, unless authorized.

29 19-302.

30 Any person who violates the provisions of this subheading is guilty of a  
31 misdemeanor and upon conviction is subject to a fine not exceeding \$100.

32 19-303.

33 This subheading applies only in the following counties:

34 (1) Allegany County;

35 (2) Baltimore County, including motorcycles located on any of the places  
36 enumerated in § 19-301 of this subheading, unless authorized;

20

1 (3) Calvert County;

2 (4) Carroll County, including motorcycles located on any of the places  
3 enumerated in § 19-301 of this subheading, unless authorized;

4 (5) Cecil County;

5 (6) Charles County;

6 (7) DORCHESTER COUNTY;

7 [(7)] (8) Frederick County;

8 [(8)] (9) Garrett County;

9 [(9)] (10) Harford County;

10 [(10)] (11) Howard County;

11 [(11)] (12) Montgomery County;

12 [(12)] (13) St. Mary's County; and

13 [(13)] (14) Somerset County.

14 **Chapter 523 of the Acts of 1995**

15 SECTION 3. AND BE IT FURTHER ENACTED, That the Liquor Control Board  
16 shall terminate on October 1, 1996, [but shall remain in effect after its termination only  
17 for the purposes of terminating the dispensary system, liquidating the stock, and  
18 distributing the profits. Once those purposes have been met, the Board shall cease to  
19 exist, subject to the provisions of Title 18, Subtitle 2] AND THE BOARD OF LICENSE  
20 COMMISSIONERS SHALL CONDUCT THE SALE OF ALL ASSETS, THE LIQUIDATION OF  
21 ALL STOCK, THE PAYMENT OF ALL DEBT, AND THE DISTRIBUTION OF ALL PROFITS  
22 OF THE LIQUOR CONTROL BOARD.

23 **Article - Tax - General**

24 5-102.

25 (a) Except as provided in § 5-104 of this subtitle, a tax is imposed on any alcoholic  
26 beverage in the State.

27 (b) A tax is imposed on each person who sells or consigns an alcoholic beverage in  
28 the State from a jurisdiction outside the State, if the Comptroller finds that, in connection  
29 with the solicitation, sale, and distribution of alcoholic beverages, the jurisdiction:

30 (1) requires a tax, assessment, or charge that is greater for alcoholic  
31 beverages consigned from a Maryland licensee or permit holder than the amount required  
32 for alcoholic beverages consigned from a licensee or permit holder in another jurisdiction;  
33 and

34 (2) discriminates in fact against the licensee or permit holder of the State.

21

1 (c) (1) (i) Except as provided in subparagraph (ii) of this paragraph, a  
2 county, municipal corporation, special taxing district, or other political subdivision of the  
3 State may not impose a tax on any alcoholic beverage.

4 (ii) A tax is imposed on beer sold or delivered in DORCHESTER  
5 COUNTY AND Garrett County in addition to the tax imposed by the State under  
6 subsection (a) of this section.

7 (2) The Comptroller may not impose the tax under subsection (b) of this  
8 section on a person who has distillery plants in this and another state.

9 5-105.

10 (a) Except as provided in subsection (e) of this section, the alcoholic beverage tax  
11 rate for distilled spirits is:

12 (1) \$1.50 for each gallon or 39.63 cents for each liter; and

13 (2) if distilled spirits contain a percentage of alcohol greater than 100 proof,  
14 an additional tax, for each 1 proof over 100 proof, of 1.5 cents for each gallon or 0.3963  
15 cents for each liter.

16 (b) Except as provided in subsection (e) of this section, the alcoholic beverage tax  
17 rate for wine is 40 cents for each gallon or 10.57 cents for each liter.

18 (c) Except as provided in subsection (e) of this section, the alcoholic beverage tax  
19 rate on beer is 9 cents for each gallon or 2.3778 cents for each liter.

20 (d) The [Garrett County] beer tax rate IN DORCHESTER COUNTY AND  
21 GARRETT COUNTY is, in addition to the rate under subsection (c) of this section:

22 (1) 2 cents for a beer container of 12 ounces or less or 0.3549 liters or less;

23 (2) 3 cents for a beer container of more than 12 ounces or 0.3549 liters but  
24 not more than 23 ounces or 0.6802 liters;

25 (3) 4 cents for a beer container of more than 23 ounces or 0.6802 liters but  
26 not more than 31 ounces or 0.9168 liters;

27 (4) 6 cents for a beer container of more than 31 ounces or 0.9168 liters but  
28 not more than 40 ounces or 1.183 liters; and

29 (5) 7 cents for a gallon or fraction of a gallon for a beer container of more  
30 than 40 ounces or 1.183 liters.

31 (e) The tax imposed under § 5-102(b) of this subtitle shall equal the amount that  
32 the discriminating jurisdiction charges a Maryland licensee or permit holder.

33 SECTION 2. AND BE IT FURTHER ENACTED, That pursuant to Article III, §  
34 35 of the Constitution of Maryland, this Act may not be construed to extend or apply to  
35 the salary or compensation of the chairman and members of the Board of License  
36 Commissioners for Dorchester County in office on October 1, 1996, but the provisions of  
37 this Act concerning the salary or compensation of the chairman and members of the

22

1 Board of License Commissioners for Dorchester County shall take effect at the beginning  
2 of the next following term of office.

3       SECTION 3. AND BE IT FURTHER ENACTED, That the provisions of this Act  
4 are intended to fulfill the requirements of Article 2B, § 18-201, which concerns the  
5 enactment of a comprehensive plan of legislation that creates a rational system of  
6 alcoholic beverages licenses for Dorchester County.

7       SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 1996.