

(PRE-FILED)

**By: Senator Colburn**

Requested: August 8, 1995

Introduced and read first time: January 10, 1996

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 1, 1996

CHAPTER \_\_\_\_

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 establishing certain fees for the issuance of certain classes of alcoholic beverages  
8 licenses in Dorchester County; increasing the fee for a certain ~~class~~ classes of  
9 alcoholic beverages ~~license~~ licenses issued in Dorchester County; authorizing the  
10 holder of a certain class of alcoholic beverages license in Dorchester County to sell  
11 beer for off-sale consumption; establishing certain conditions for and placing  
12 certain limitations on the use of a certain class of alcoholic beverages license in  
13 Dorchester County; expanding, with a certain exception, the applicability of the law  
14 that prohibits the granting of a new license to sell alcoholic beverages on any  
15 premises located within a certain distance of a church or public school; authorizing  
16 the Board of License Commissioners for Dorchester County to obtain police records  
17 of certain alcoholic beverages license applicants; requiring that applicants for new  
18 alcoholic beverages licenses be fingerprinted; authorizing certain criminal history  
19 checks; authorizing the imposition of a fee to cover the cost of obtaining  
20 fingerprints; requiring the Board to keep all criminal records in a sealed envelope  
21 available only to certain persons; requiring the Board to require an applicant for an  
22 alcoholic beverages license in Dorchester County to post a certain sign or notice on  
23 the premises described in the application by a certain date and for a certain period  
24 of time; establishing the hours during which certain holders of alcoholic beverages  
25 licenses may sell alcoholic beverages; specifying that in Dorchester County, the  
26 granting of probation before judgment to a licensee or employee of the licensee for  
27 violating the law against selling alcoholic beverages to a minor or intoxicated person

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1 does not bar the Board of License Commissioners from proceeding administratively  
 2 against the licensee for the violation; increasing the compensation of the chairman  
 3 and members of the Board; altering the penalty for a member or employee of the  
 4 Board who is convicted of having a financial interest in the manufacture, purchase,  
 5 or sale of certain alcoholic beverages or of deriving any profit or remuneration,  
 6 other than certain salaries or wages, from the purchase or sale of any alcoholic  
 7 beverage; prohibiting in Dorchester County, a person from possessing an alcoholic  
 8 beverage in an open container in certain public places unless authorized by the  
 9 owner of the property; providing for a certain penalty; ~~imposing an additional~~  
 10 ~~alcoholic beverage tax rate on the sale of beer in Dorchester County~~; repealing the  
 11 requirement that the Liquor Control Board for Dorchester County remain in effect  
 12 after its termination for certain purposes; requiring the Board of License  
 13 Commissioners for Dorchester County to perform certain acts relating to the  
 14 dissolution of the Liquor Control Board; providing that this Act does not apply to  
 15 the salary or compensation of the incumbent Chairman and members of the Board  
 16 of License Commissioners for Dorchester County; making certain stylistic and  
 17 technical changes; and generally relating to alcoholic beverages licenses in  
 18 Dorchester County.

19 BY repealing and reenacting, with amendments,

20 Article 2B - Alcoholic Beverages  
 21 Section 2-207, ~~2-208(d)~~, 4-202, 5-101(k), 5-301(k), 5-401(k), 6-101(k), ~~6-201(a)~~  
 22 ~~and (k)~~, 6-301(k), 9-210, 10-103(b)(13), 10-202(b)(1), 11-402(n), 11-510,  
 23 12-108(f), 15-109(k), 19-301, and 19-303  
 24 Annotated Code of Maryland  
 25 (1994 Replacement Volume and 1995 Supplement)

26 BY repealing and reenacting, without amendments,

27 Article 2B - Alcoholic Beverages  
 28 Section ~~2-208(c)~~, 5-101(a), 5-301(a), 5-401(a), 6-101(a), 6-301(a), 10-202(a)(1),  
 29 11-403(b), 12-108(a), 15-109(a), and 19-302  
 30 Annotated Code of Maryland  
 31 (1994 Replacement Volume and 1995 Supplement)

32 BY adding to

33 Article 2B - Alcoholic Beverages  
 34 Section 8-304.1 and 15-112(h-1)  
 35 Annotated Code of Maryland  
 36 (1994 Replacement Volume and 1995 Supplement)

37 BY repealing and reenacting, without amendments,

38 Article 2B - Alcoholic Beverages  
 39 Section 15-105  
 40 Annotated Code of Maryland  
 41 (1994 Replacement Volume and 1995 Supplement)  
 42 (As enacted by Chapter 523 of the Acts of the General Assembly of 1995)

3

1 BY repealing  
2 Article 2B - Alcoholic Beverages  
3 Section 15-305  
4 Annotated Code of Maryland  
5 (1994 Replacement Volume and 1995 Supplement)  
6 (As enacted by Chapter 523 of the Acts of the General Assembly of 1995)

7 BY repealing and reenacting, with amendments,  
8 Chapter 523 of the Acts of the General Assembly of 1995  
9 Section 3

10 ~~BY repealing and reenacting, with amendments,~~  
11 ~~Article Tax General~~  
12 ~~Section 5-102 and 5-105~~  
13 ~~Annotated Code of Maryland~~  
14 ~~(1988 Volume and 1995 Supplement)~~

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

17 **Article 2B - Alcoholic Beverages**

18 2-207.

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

20 (1) By the State Comptroller;

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

24 (3) Only in the following jurisdictions:

25 (i) Anne Arundel County;

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

27 (iii) Baltimore City;

28 (iv) Baltimore County;

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

30 (vi) Cecil County;

31 (vii) Charles County;

32 (VIII) DORCHESTER COUNTY;

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

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

4

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 2-208.

35 (c) (1) A holder of a Class 7 micro-brewery license:

36 (i) May brew and bottle malt beverages at a single location; and

5

1 (ii) May not brew more than 10,000 barrels of malt beverage each  
2 calendar year.

3 (2) In Allegany County only, the holder of a Class 7 license:

4 (i) May brew in one location and may contract for the bottling of the  
5 malt beverage in another location; and

6 (ii) Need not meet the hotel/motel requirements for a Class B beer,  
7 wine and liquor licensee but shall meet the requirements for those Class B restaurants.

8 (d) (1) The on-sale privilege authorizes the holder to sell at retail beer brewed  
9 under this license to customers for consumption on the licensed premises.

10 (2) The off-sale privilege authorizes the holder to sell and deliver beer  
11 brewed under this license to:

12 (i) Any wholesaler licensed under this article to sell beer in this State;  
13 or

14 (ii) Any person who is located in a state other than Maryland who is  
15 authorized under the laws of that state to receive brewed beverages.

16 (3) In the City of Annapolis, Anne Arundel County, Baltimore City,  
17 Baltimore County, Charles County, DORCHESTER COUNTY, Howard County, and Prince  
18 George's County only, the holder may sell at retail beer brewed under this license to  
19 customers for consumption off the licensed premises in refillable containers that are  
20 sealed by the micro-brewery licensee at the time of each refill.

21 4-202.

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

23 (1) Baltimore County;

24 (2) Carroll County;

25 (3) DORCHESTER COUNTY;

26 [(3)] (4) Frederick County;

27 [(4)] (5) Harford County;

28 [(5)] (6) Montgomery County;

29 [(6)] (7) Talbot County; and

30 [(7)] (8) Washington County.

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

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

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

6

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

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

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

8 (i) Baltimore County;

9 (ii) Frederick County;

10 (iii) Harford County;

11 (iv) Talbot County; and

12 (v) Washington County.

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

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

18 5-101.

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

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

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

29 5-301.

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

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

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

7

1 5-401.

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

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

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

11 6-101.

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

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

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

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

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

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

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

29 6-201.

30 (a) (1) A Class B beer, wine and liquor license shall be issued by the license  
31 issuing authority of the county in which the place of business is located, and the license  
32 authorizes its holder to keep for sale and sell all alcoholic beverages at retail at any hotel  
33 or restaurant at the place described, for consumption on the premises or elsewhere, or as  
34 provided in this section.

35 (2) The annual fee for this license is payable to the local collecting agent  
36 before any license is issued, for distribution as provided in this article.

37 (3) (i) Except in Montgomery County or in the case of a contrary  
38 provision in this subtitle, this license shall be issued, on approval of the application by the  
39 board of license commissioners in any county in which a license may be issued for the sale

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1 of beer, wine, and liquor, to the owner of any hotel which meets the following minimum  
2 provisions:

3 1. The hotel building shall be originally constructed for hotel  
4 purposes; be at least three stories in height; and contain at least one passenger  
5 elevator[.];

6 2. The hotel shall contain no less than 100 rooms for the  
7 accommodation of the public[.];

8 3. The hotel shall contain a dining room with facilities for  
9 preparing and serving regular meals for at least 125 persons at one seating[.]; AND

10 4. The capital investment in the hotel facility may not be less  
11 than \$500,000.

12 (ii) The annual fee for this license is \$2,000.

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

14 (2) (i) Bona fide restaurants, motels and hotels having restaurant  
15 facilities for serving full-course meals at least twice daily and seating capacity at tables for  
16 100 or more persons, not including seats at bars or counters, may obtain a license from  
17 the County Commissioners. This license entitles the licensee to sell beer, wines, and  
18 liquors.

19 (ii) [All restaurants, motels, and hotels shall purchase all wines and  
20 liquors sold by them from the Dorchester County Liquor Control Board dispensaries.

21 (iii) The annual license fee is [~~\$500~~]\$1,000.

22 (3) This license provides for the consumption of wine and liquor on the  
23 premises only.

24 6-301.

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

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

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

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

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

9

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10

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

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

11 8-304.1.

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

13 (B) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
14 INDICATED.

15 (2) "BOARD" MEANS THE DORCHESTER COUNTY BOARD OF LICENSE  
16 COMMISSIONERS.

17 (3) "FESTIVAL" MEANS THE DORCHESTER COUNTY BEER AND WINE  
18 FESTIVAL.

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

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

25 (E) A SPECIAL FESTIVAL LICENSEE SHALL:

26 (1) ONLY DISPLAY AND SELL:

27 (I) WINE THAT IS MANUFACTURED AND PROCESSED IN ANY  
28 STATE; AND

29 (II) BEER THAT IS BREWED BY A BREWER WHO BREWS LESS THAN  
30 40,000 BARRELS OF BEER ANNUALLY;

31 (2) DISPLAY AND SELL BEER AND WINE AT RETAIL FOR CONSUMPTION  
32 ON OR OFF THE LICENSED PREMISES ON THE DAYS AND FOR THE HOURS  
33 DESIGNATED FOR THE FESTIVAL; AND

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

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

11

1 (G) THE BOARD:

2 (1) MAY ESTABLISH THE LICENSE FEE;

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

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

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

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

10 (H) (1) NOTWITHSTANDING THE PROVISIONS OF §§ 2-301(F) AND 12-103(C) OF  
11 THIS ARTICLE, BEER AND WINE PRODUCTS NOT AUTHORIZED FOR GENERAL  
12 DISTRIBUTION IN MARYLAND AT THE TIME OF THE FESTIVAL MAY BE SHIPPED  
13 DIRECTLY TO A SPECIAL FESTIVAL LICENSEE BY A LICENSED NONRESIDENT  
14 DEALER.

15 (2) ALL INVOICES FOR PRODUCTS DELIVERED DIRECTLY TO THE  
16 FESTIVAL BY A NONRESIDENT DEALER, OR CREDITS FOR AUTHORIZED RETURNS,  
17 SHALL BE MADE THROUGH A LICENSED MARYLAND WHOLESALER.

18 (3) BEER OR WINE DELIVERED DIRECTLY TO A SPECIAL FESTIVAL  
19 LICENSEE UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE RETURNED  
20 DIRECTLY TO THE NONRESIDENT DEALER.

21 (4) WHENEVER A SPECIAL FESTIVAL LICENSE IS ISSUED UNDER THIS  
22 SECTION, HOLDERS OF WHOLESALE LICENSES OR NONRESIDENT DEALER PERMITS  
23 MAY ENTER INTO AN AGREEMENT WITH THE HOLDER OF A SPECIAL FESTIVAL  
24 LICENSE TO DELIVER BEER AND WINE 2 DAYS PRIOR TO THE EFFECTIVE DATE, AND  
25 TO ACCEPT RETURNS 2 DAYS AFTER THE EXPIRATION DATE OF THE SPECIAL  
26 FESTIVAL LICENSE.

27 (I) THE BOARD SHALL ADOPT REGULATIONS FOR IMPLEMENTING THIS  
28 SECTION.

29 9-210.

30 [Within the corporate limits of the City of Hurlock]

31 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IN  
32 DORCHESTER COUNTY, [no] A new license [shall] MAY NOT be granted to sell any  
33 alcoholic beverage on any premises located within [three hundred] 300 feet of a church  
34 or public school.

35 (B) SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO THE GRANTING  
36 OF A LICENSE FOR A PREMISES LOCATED WITHIN THE RESTRICTED DISTANCE IF A  
37 LICENSE TO SELL ALCOHOLIC BEVERAGES ON THE PREMISES EXISTED AS OF  
38 OCTOBER 1, 1996.

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1 10-103.

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

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

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

11 (ii) 1. The provisions of this subparagraph (ii) apply in the  
12 following:

13 A. Anne Arundel County;

14 B. Harford County;

15 C. Prince George's County;

16 D. St. Mary's County; and

17 E. Worcester County.

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

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

27 (iv) In Montgomery County:

28 1. The Board of License Commissioners shall:

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

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

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



14

1                                   A. Obtain criminal records of license applicants from the  
2 Criminal Justice Information System Central Repository of the Department of Public  
3 Safety and Correctional Services;

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

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

8 10-202.

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

12                               1. For Baltimore City licensee applicants - in three newspapers  
13 of general circulation in Baltimore City.

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

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

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

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

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

27                               1. Allegany County;

28                               2. Anne Arundel County;

29                               3. Baltimore City;

30                               4. Baltimore County;

31                               5. DORCHESTER COUNTY;

32                               [5.] 6. Prince George's County;

33                               [6.] 7. Washington County; and

34                               [7.] 8. Wicomico County.

35                               (ii) If the application is in the subdivisions enumerated in this  
36 paragraph, the Board shall cause a suitable sign or notice to be posted and to remain

15

1 posted for a period of at least 10 days in a conspicuous place upon the premises described  
2 in the application. The posting shall be done at least 10 days before action upon the  
3 application, and the notice also shall specify the class of license applied for and the time  
4 and place fixed by the Board for hearing upon the application.

5 11-402.

6 (n) (1) THIS SUBSECTION APPLIES ONLY IN THE FOLLOWING  
7 JURISDICTIONS:

8 (I) DORCHESTER COUNTY; AND

9 (II) QUEEN ANNE'S COUNTY.

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

14 11-403.

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

22 (2) (i) This subsection is applicable to Caroline, Cecil, Dorchester, except  
23 as provided in subparagraph (xi) of this paragraph, Garrett, except as provided in  
24 paragraph (5) of this subsection, Harford, Kent, Queen Anne's, except as provided in  
25 subparagraph (v) of this paragraph, Somerset, Talbot, and Worcester (except as  
26 otherwise provided) Counties.

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

29 (iii) In Washington County this section:

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

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

34 3. Provides that licensees selling alcoholic beverages on Sunday,  
35 except for holders of Class A light wine licenses for wineries, shall pay an annual fee of  
36 \$250 in addition to their annual license fee; and

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

16

1 (iv) In Kent County, the hours of sale on Sunday are as provided under  
2 § 11-515 of this article.

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

5 (vi) In Caroline County, on Sunday:

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

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

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

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

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

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

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

17 4. A Class C (clubs) beer licensee may sell beer from 8 a.m. to  
18 12 midnight.

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

25 (viii) In Worcester County the prohibition of this section is not  
26 applicable to Class B beer, wine and liquor licenses regulated by the provisions of §  
27 11-524 of this article.

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

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

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

34 (3) In Talbot County it is lawful for a Class A beer licensee and a Class B  
35 beer, wine, and liquor licensee to sell beer between the hours of 8:00 a.m. and 10:00 p.m.  
36 on Sundays. Between the hours of 12:30 o'clock p.m. and 10:00 o'clock p.m. on Sundays,  
37 it is lawful for a Class B or C beer licensee to sell beer and for a Class B or C beer, wine

17

1 and liquor licensee to sell beer, wine and liquor, provided that these alcoholic beverages  
2 are consumed on the premises.

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

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

7 11-510.

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

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

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

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

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

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

21 (i) (On- and off-sale) is permitted on Monday through Saturday from  
22 6 a.m. to 1 a.m. the following day;

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

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

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

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

30 (ii) Sunday from [1 p.m.] 12 NOON to 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 (5) For the holders of a Class D (on-sale) beer license sales are:

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

18

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

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

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

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

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

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

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

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

20 (I) MONDAY THROUGH SATURDAY FROM 7 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 (9) FOR THE HOLDERS OF A CLASS A LIGHT WINE LICENSE, SALES ARE  
26 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 (10) FOR THE HOLDERS OF A CLASS A 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.

19

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

3 (I) MONDAY THROUGH SATURDAY FROM 6 A.M. THROUGH 1 A.M.  
4 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) FOR THE HOLDERS OF A CLASS D BEER AND LIGHT WINE LICENSE,  
9 SALES ARE PERMITTED:

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

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

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

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

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

22 12-108.

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

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

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

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

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

37 (ii) A licensee or employee of the licensee who is charged with selling  
38 or furnishing any alcoholic beverages to a person under 21 years of age may not be found  
39 guilty of a violation of this subsection, if the person establishes to the satisfaction of the

20

1 jury or the court sitting as a jury that the person used due caution to establish that the  
2 person under 21 years of age was not, in fact, a person under 21 years of age if a  
3 nonresident of the State.

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

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

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

14 (I) DORCHESTER COUNTY; AND

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

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

19 15-105.

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

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

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

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

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

32 15-109.

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

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

21

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

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

3 15-112.

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

6 1. HAVE ANY FINANCIAL INTEREST, DIRECTLY OR  
7 INDIRECTLY, IN THE MANUFACTURE OF ANY ALCOHOLIC BEVERAGE OR IN ANY  
8 ALCOHOLIC BEVERAGE PURCHASED OR SOLD UNDER THE PROVISIONS OF THIS  
9 ARTICLE; OR

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

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

17 [15-305.

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

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

27 19-301.

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

29 (I) Carroll COUNTY[.];

30 (II) DORCHESTER COUNTY;

31 (III) Harford[,] COUNTY; and

32 (IV) Montgomery [Counties] COUNTY.

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

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

22

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

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

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

9 19-302.

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

12 19-303.

13 This subheading applies only in the following counties:

14 (1) Allegany County;

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

17 (3) Calvert County;

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

20 (5) Cecil County;

21 (6) Charles County;

22 (7) DORCHESTER COUNTY;

23 [(7)] (8) Frederick County;

24 [(8)] (9) Garrett County;

25 [(9)] (10) Harford County;

26 [(10)] (11) Howard County;

27 [(11)] (12) Montgomery County;

28 [(12)] (13) St. Mary's County; and

29 [(13)] (14) Somerset County.

30 **Chapter 523 of the Acts of 1995**

31 SECTION 3. AND BE IT FURTHER ENACTED, That the Liquor Control Board  
32 shall terminate on October 1, 1996, [but shall remain in effect after its termination only  
33 for the purposes of terminating the dispensary system, liquidating the stock, and  
34 distributing the profits. Once those purposes have been met, the Board shall cease to  
35 exist, subject to the provisions of Title 18, Subtitle 2] AND THE BOARD OF LICENSE

23

1 COMMISSIONERS SHALL CONDUCT THE SALE OF ALL ASSETS, THE LIQUIDATION OF  
2 ALL STOCK, THE PAYMENT OF ALL DEBT, AND THE DISTRIBUTION OF ALL PROFITS  
3 OF THE LIQUOR CONTROL BOARD.

4 ~~Article—Tax—General~~

5 ~~5-102.~~

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

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

11 (1) ~~requires a tax, assessment, or charge that is greater for alcoholic~~  
12 ~~beverages consigned from a Maryland licensee or permit holder than the amount required~~  
13 ~~for alcoholic beverages consigned from a licensee or permit holder in another jurisdiction;~~  
14 ~~and~~

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

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

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

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

24 ~~5-105.~~

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

27 (1) ~~\$1.50 for each gallon or 39.63 cents for each liter; and~~

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

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

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

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

37 (1) ~~2 cents for a beer container of 12 ounces or less or 0.3549 liters or less;~~

1                   ~~(2) 3 cents for a beer container of more than 12 ounces or 0.3549 liters but~~  
2 ~~not more than 23 ounces or 0.6802 liters;~~

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

5                   ~~(4) 6 cents for a beer container of more than 31 ounces or 0.9168 liters but~~  
6 ~~not more than 40 ounces or 1.183 liters; and~~

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

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

11           SECTION 2. AND BE IT FURTHER ENACTED, That pursuant to Article III, §  
12 35 of the Constitution of Maryland, this Act may not be construed to extend or apply to  
13 the salary or compensation of the chairman and members of the Board of License  
14 Commissioners for Dorchester County in office on October 1, 1996, but the provisions of  
15 this Act concerning the salary or compensation of the chairman and members of the  
16 Board of License Commissioners for Dorchester County shall take effect at the beginning  
17 of the next following term of office.

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

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