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1996 Regular Session
6lr1634

CF 6lr1633

By: Senator Hafer

Introduced and read first time: February 2, 1996

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 1996

CHAPTER ____

1 AN ACT concerning

2 **Garrett County - Alcoholic Beverages**
3 **(Sunday Class B and C Sales)**

4 FOR the purpose of providing for Sunday sales of certain alcoholic beverages in Garrett
5 County under certain circumstances; specifying the terms and conditions of the
6 sales; establishing a certain fee; providing for a local referendum and an effective
7 date; requiring the Board of Supervisors of Elections of Garrett County to carry out
8 certain duties; and generally relating to alcoholic beverages in Garrett County.

9 BY adding to

10 Article 2B - Alcoholic Beverages
11 Section 11-403(a)(7)
12 Annotated Code of Maryland
13 (1994 Replacement Volume and 1995 Supplement)

14 BY repealing and reenacting, with amendments,

15 Article 2B - Alcoholic Beverages
16 Section 11-403(b)(5) and 11-512
17 Annotated Code of Maryland
18 (1994 Replacement Volume and 1995 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

20 MARYLAND, That the Laws of Maryland read as follows:

2

1 **Article 2B - Alcoholic Beverages**

2 11-403.

3 (a) (7) IN GARRETT COUNTY, SUNDAY SALES ARE GOVERNED BY § 11-512
4 OF THIS ARTICLE.

5 (b) (5) (I) THIS PARAGRAPH APPLIES ONLY IN [In] Garrett County[,
6 however, Sunday sales when].

7 (II) WHEN New Year's Eve or New Year's Day fall on a Sunday, SALES
8 shall be governed by § 11-402(j) of this article.

9 (III) PROVISIONS FOR SUNDAY SALES FOR CLASS B AND C
10 LICENSEES ARE GOVERNED BY § 11-512 OF THIS ARTICLE.

11 11-512.

12 (A) [In] THIS SECTION APPLIES ONLY IN Garrett County[, notwithstanding].

13 (B) (1) NOTWITHSTANDING any other provisions of this subtitle and except on
14 Sundays and New Year's Day, holders of any class of on- or off-sale licenses issued under
15 this article[, including a holder of a Class E steamboat license issued by the State
16 Comptroller's Office for use on all State waters located within GarrettCounty,] may sell
17 the alcoholic beverages authorized under their respective license from 6 a.m. to 2 a.m. the
18 following day, but may not sell alcoholic beverages between the hours of 2 a.m. and 6 a.m.
19 on any day of the week or, UNLESS AUTHORIZED UNDER SUBSECTION (C) OF THIS
20 SECTION, at any time on Sunday after 2 a.m.

21 (2) THE PROVISIONS OF THIS SUBSECTION APPLY TO A HOLDER OF A
22 CLASS E STEAMBOAT LICENSE ISSUED BY THE STATE COMPTROLLER'S OFFICE FOR
23 USE ON ALL STATE WATERS LOCATED WITHIN THE COUNTY.

24 (3) However, this section is subject to the provisions of § 11-402(j) of this
25 article regarding sales on New Year's Eve or New Year's Day regardless of the day of the
26 week on which December 31 and January 1 fall.

27 (C) (1) THE PROVISIONS OF THIS SUBSECTION APPLY ONLY IN THOSE
28 ELECTION DISTRICTS ~~WHICH AUTHORIZE THEM~~ IN WHICH THE VOTERS HAVE
29 APPROVED THOSE PROVISIONS IN THE REFERENDUM AUTHORIZED BY LAW.

30 (2) THIS SUBSECTION ONLY APPLIES TO ON-PREMISES SALES BY
31 HOLDERS OF CLASS C SERVICE CLUB LICENSES AND, SUBJECT TO PARAGRAPH (4) OF
32 THIS SUBSECTION, HOLDERS OF CLASS B LICENSES.

33 (3) SUNDAY SALES MAY BEGIN, WHERE PERMITTED, AT 1 P.M. AND
34 CONTINUE UNTIL 10 P.M.

35 (4) (I) THIS PARAGRAPH DOES NOT APPLY TO A HOLDER OF A CLASS
36 C SERVICE CLUB LICENSE.

37 (II) SUNDAY SALES MAY BE MADE ONLY WHEN THE CONSUMER
38 PLACES AN ORDER FOR A MEAL SIMULTANEOUSLY OR PRIOR TO PLACING AN
39 ORDER FOR AN ALCOHOLIC BEVERAGE OR THE CONSUMER IS OTHERWISE

3
 1 ENTITLED TO A MEAL ON THE PREMISES AS PART OF A PREARRANGED EVENT, SUCH
 2 AS A BANQUET, WHERE THE ALCOHOLIC BEVERAGE IS SERVED. BAR OR COUNTER
 3 SALES MAY BE MADE AS LONG AS THE CONSUMER COMPLIES WITH THE
 4 REQUIREMENT OF THIS PARAGRAPH.

5 (5) IN ADDITION TO THE USUAL LICENSE FEE, THE HOLDER OF A
 6 LICENSE WHO WANTS TO PROVIDE SUNDAY SALES AND WHO IS OTHERWISE
 7 ELIGIBLE TO PROVIDE SUNDAY SALES UNDER THIS SUBSECTION SHALL PAY AN
 8 ADDITIONAL \$250 FOR THE PRIVILEGE OF SUNDAY SALES.

9 SECTION 2. AND BE IT FURTHER ENACTED, That before this Act becomes
 10 effective it shall first be submitted to a referendum of the legally qualified voters of each
 11 election district in Garrett County at the general election to be held in November, 1996.
 12 The Board of County Commissioners and the Board of Supervisors of Elections of
 13 Garrett County shall do those things necessary and proper to provide for and hold the
 14 referendum required by this section. If a majority of the votes cast ~~in each~~ in an election
 15 district on the question are "For the referred law" the provisions of this Act shall become
 16 effective in ~~those election districts~~ that election district on December 14, 1996, but if a
 17 majority of the votes cast in a particular election district on the question are "Against the
 18 referred law" the provisions of this Act are of no effect and null and void in that election
 19 district. The Board of Supervisors of Elections of Garrett County shall notify the State
 20 Department of Legislative Reference concerning the results of the referendum in each
 21 election district.

22 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the provisions
 23 of Section 2 of this Act and for the sole purpose of providing for the referendum required
 24 by Section 2, this Act shall take effect July 1, 1996.