

## EMERGENCY BILL

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**By: The President (Department of Legislative Reference)**

Introduced and read first time: February 12, 1997

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Supplemental Annual Corrective Bill**

3 FOR the purpose of correcting certain technical errors and omissions in the Annotated  
4 Code; clarifying language; reorganizing certain sections of the Annotated Code;  
5 providing for the application of certain provisions of this Act; and making this Act  
6 an emergency measure.

7 BY repealing and reenacting, with amendments,  
8 Article 27 - Crimes and Punishments  
9 Section 12A-2  
10 Annotated Code of Maryland  
11 (1996 Replacement Volume)

12 BY repealing and reenacting, with amendments,  
13 Article - Business Regulation  
14 Section 17-206  
15 Annotated Code of Maryland  
16 (1992 Volume and 1996 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article - Environment  
19 Section 15-521(b)(1)  
20 Annotated Code of Maryland  
21 (1996 Replacement Volume and 1996 Supplement)

22 BY repealing and reenacting, with amendments,  
23 Article - Health - General  
24 Section 19-326.1(2)  
25 Annotated Code of Maryland  
26 (1996 Replacement Volume and 1996 Supplement)

27 BY repealing and reenacting, with amendments,  
28 Article - State Government  
29 Section 10-617(b)(2)

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1 Annotated Code of Maryland  
2 (1995 Replacement Volume and 1996 Supplement)

3 BY repealing and reenacting, with amendments,  
4 Article - Transportation  
5 Section 26-410  
6 Annotated Code of Maryland  
7 (1992 Replacement Volume and 1996 Supplement)

8 BY repealing and reenacting, with amendments,  
9 Article 2B - Alcoholic Beverages  
10 Section 2-207(a), 11-402, and 15-112  
11 Annotated Code of Maryland  
12 (1996 Replacement Volume)

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

15 **Article 27 - Crimes and Punishments**

16 12A-2.

17 (a) (1) Any person who recklessly engages in conduct that creates a substantial  
18 risk of death or serious physical injury to another person is guilty of the misdemeanor of  
19 reckless endangerment and on conviction is subject to a fine of not more than \$5,000 or  
20 imprisonment for not more than 5 years or both.

21 (2) Subject to the provisions of subsection (b) of this section, any person  
22 who recklessly discharges a firearm from a motor vehicle in such a manner that it creates  
23 a substantial risk of death or serious physical injury to another person is guilty of the  
24 misdemeanor of reckless endangerment and on conviction is subject to a fine not  
25 exceeding \$5,000 or imprisonment not exceeding 5 years or both.

26 (b) (1) [This] SUBSECTION (A)(1) OF THIS section does not apply to any  
27 conduct involving:

28 [(1)] (I) The use of a motor vehicle as defined in § 11-135 of the  
29 Transportation Article; OR

30 [(2)] (II) The manufacture, production, or sale of any product or  
31 commodity[;].

32 (2) SUBSECTION (A)(2) OF THIS SECTION DOES NOT APPLY TO ANY  
33 CONDUCT INVOLVING:

34 [(3)] (I) A law enforcement officer or security guard in the performance of  
35 the officer's or security guard's official duty; or

36 [(4)] (II) An individual acting in defense of a crime of violence.

37 (c) If more than one person is endangered by the conduct of the defendant, a  
38 separate charge may be brought for each person endangered.

3

1 DRAFTER'S NOTE:

2 %Error: Technical error in the exceptions to the law that expanded the crime  
3 of reckless endangerment.  
4 Occurred: Chapters 561 and 562, Acts of 1996.

5 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
6 read as follows:

7 **Article 2B - Alcoholic Beverages**

8 2-207.

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

10 (1) By the State Comptroller;

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

14 (3)[ Only in the following jurisdictions:

15 (i) Anne Arundel County;

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

17 (iii) Baltimore City;

18 (iv) Baltimore County;

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

20 (vi) Cecil County;

21 (vii) Charles County;

22 (viii) Dorchester County;

23 (ix) Frederick County;

24 (x) Garrett County;

25 (xi) Harford County;

26 (xii) Kent County;

27 (xiii) Montgomery County;

28 (xiv) Queen Anne's County;

29 (xv) Washington County;

30 (xvi) Wicomico County; and

31 (xvii) Worcester County] THROUGHOUT THE STATE, BUT NOT IN THE  
32 FOLLOWING SUBDIVISIONS:

4

- 1 (I) ALLEGANY COUNTY;
- 2 (II) CALVERT COUNTY;
- 3 (III) CAROLINE COUNTY;
- 4 (IV) HOWARD COUNTY;
- 5 (V) PRINCE GEORGE'S COUNTY;
- 6 (VI) ST. MARY'S COUNTY;
- 7 (VII) SOMERSET COUNTY; AND
- 8 (VIII) TALBOT COUNTY;

9 (4) THE LICENSE MAY BE ISSUED ALSO IN THE CITY OF ANNAPOLIS BUT  
10 IS RESTRICTED TO THE THIRTEENTH ELECTION DISTRICT OF CARROLL COUNTY.

11 DRAFTER'S NOTE:

12 %Error: Clarification of provision in Article 2B, § 2-207(a).  
13 Occurred: Various chapters.

14 11-402.

15 (A) THIS SECTION APPLIES ONLY TO JANUARY 1 OF EACH YEAR, NEW YEAR'S  
16 DAY.

17 [(i)] (B) (1) [In] THIS SUBSECTION APPLIES ONLY IN Allegany County[,  
18 the].

19 (2) THE Board of License Commissioners shall determine within their sole  
20 discretion the hour at which establishments serving alcoholic beverages must cease sales  
21 on New Year's Eve Day and on New Year's Day morning regardless of the day of the  
22 week on which December 31 and January 1 fall.

23 [(d)] (C) (1) THIS SUBSECTION APPLIES ONLY IN ANNE ARUNDEL COUNTY.

24 (2) [Nothing in this] THIS article [shall] MAY NOT be construed to  
25 require any holder of an on-sale license [in Anne Arundel County] to close [his] THE  
26 LICENSED establishment at any time on January [1st] 1 of any year, and any holder of  
27 [said] THE license [shall be permitted to] MAY make any sale of alcoholic beverages  
28 authorized by [his] THE license at any time on January [1st] 1 of any year.

29 [(a) Nothing in this article shall be construed to require any holder of an on-sale  
30 license in Baltimore City, Baltimore County and Calvert County to close his establishment  
31 at any time on January 1st of any year, and any holder of said license shall be permitted  
32 to make any sale of alcoholic beverages authorized by his license at any time on January  
33 1st of any year.]

34 (D) (1) THIS SUBSECTION APPLIES ONLY IN BALTIMORE CITY.

35 (2) A LICENSEE MAY NOT BE REQUIRED TO CLOSE THE LICENSED  
36 PREMISES AT ANY TIME ON JANUARY 1 OF ANY YEAR. THE LICENSEE MAY SELL

5  
1 ALCOHOLIC BEVERAGES THAT ARE AUTHORIZED BY THE LICENSE AT ANY TIME ON  
2 JANUARY 1.

3 (E) (1) THIS SUBSECTION APPLIES ONLY IN BALTIMORE COUNTY.

4 (2) A LICENSEE MAY NOT BE REQUIRED TO CLOSE THE LICENSED  
5 PREMISES AT ANY TIME ON JANUARY 1 OF ANY YEAR. THE LICENSEE MAY SELL  
6 ALCOHOLIC BEVERAGES THAT ARE AUTHORIZED BY THE LICENSE AT ANY TIME ON  
7 JANUARY 1.

8 (F) (1) THIS SUBSECTION APPLIES ONLY IN CALVERT COUNTY.

9 (2) A LICENSEE MAY NOT BE REQUIRED TO CLOSE THE LICENSED  
10 PREMISES AT ANY TIME ON JANUARY 1 OF ANY YEAR. THE LICENSEE MAY SELL  
11 ALCOHOLIC BEVERAGES THAT ARE AUTHORIZED BY THE LICENSE AT ANY TIME ON  
12 JANUARY 1.

13 [(o)] (G) (1) [In] THIS SUBSECTION APPLIES ONLY IN Caroline County[,  
14 the].

15 (2) THE holder of any on-sale license may sell alcoholic beverages for  
16 consumption on the premises only in accordance with the privileges granted by that  
17 license on December 31 and January 1 between the hours of 2 p.m. December 31 and 12  
18 midnight January 1, regardless of which day of the week December 31 and January 1 falls  
19 on. However, the holder of any on-sale license may elect to sell alcoholic beverages in  
20 accordance with the hours authorized by that license if the hours herein specified for  
21 December 31 and January 1 restrict those regular hours. The holder of any Class B or  
22 Class D license which permits beer sales for off-premises consumption may sell beer on  
23 December 31 and January 1 in accordance with the off-sale privileges granted by that  
24 license.

25 [(p)] (H) (1) [In] THIS SUBSECTION APPLIES ONLY IN Carroll County[,  
26 nothing in this article shall].

27 (2) THIS ARTICLE MAY NOT be construed to restrict the sale of alcoholic  
28 beverages by a holder of a Class B, Class C, Class H, or special license; or to restrict any  
29 person from consuming any alcoholic beverages on the premises of a holder of a Class B,  
30 Class C, Class H, or special license between the hours of 12 midnight and 3 a.m. on  
31 January 1 of any year.

32 [(l)] (I) (1) [In] THIS SUBSECTION APPLIES ONLY IN Cecil County [and in  
33 Kent County, this].

34 (2) THIS article may not be construed to restrict the sale of alcoholic  
35 beverages under any class of license issued under this article or to restrict any person  
36 from consuming any alcoholic beverage on any premises licensed under this article  
37 between the hours of 12 midnight and 4 a.m. on January 1st of any year or between the  
38 hours of 7 p.m. and 12 midnight, on December 31st in any year when December 31st falls  
39 on a Sunday. However, in any year in which January 1st falls on a Sunday, it is unlawful  
40 to sell alcoholic beverages under any class of license or to consume any alcoholic  
41 beverages on any licensed premises on January 1st between the hours of 4 a.m. and 1 p.m.  
42 in Cecil County[, and between the hours of 4 a.m. and 2 p.m. in Kent County].

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1            [(b)] (J) (1) [In] THIS SUBSECTION APPLIES ONLY IN Charles County[, the].

2                    (2) THE Board of License Commissioners upon application shall issue a  
3 special permit authorizing licensees therein to stay open on New Year's Day without  
4 regard to any restrictions as to hours or days of sale contained in this subtitle; but the  
5 said]. HOWEVER, licensees [shall be] ARE subject to regulations adopted by the Board  
6 restricting and specifying the hours during which classes of [such] THOSE licensees may  
7 stay open on New Year's Day.

8            [(n)] (K) (1) This subsection applies only in [the following jurisdictions:

9                    (i) Dorchester County; and

10                  (ii) Queen Anne's County].

11                  (2) This article may not be construed to require any holder of an on-sale  
12 license to close that establishment at any time on January 1 of any year, and any holder of  
13 this license is permitted to make any sale of alcoholic beverages authorized by the license  
14 at any time on January 1 of any year.

15            (L) FREDERICK COUNTY - RESERVED.

16            [(j)] (M) (1) [In] THIS SUBSECTION APPLIES ONLY IN Garrett County[, the].

17                  (2) THE Liquor Control Board shall determine within their sole discretion  
18 the hour at which establishments serving alcoholic beverages must cease sales on New  
19 Year's Eve Day and on New Year's Day morning regardless of the day of the week on  
20 which December 31 and January 1 fall.

21            (N) (1) THIS SUBSECTION APPLIES ONLY IN HARFORD COUNTY.

22                  (2) THIS ARTICLE MAY NOT BE CONSTRUED TO REQUIRE ANY HOLDER  
23 OF AN ON-SALE LICENSE TO CLOSE THE LICENSED PREMISES UNTIL 2:00 A.M. ON  
24 JANUARY 1 OF ANY YEAR. A LICENSEE MAY SELL ANY ALCOHOLIC BEVERAGES  
25 AUTHORIZED BY THE LICENSE UNTIL 2:00 A.M. ON JANUARY 1 OF ANY YEAR.

26            [(g)] (O) (1) THIS SUBSECTION APPLIES ONLY IN HOWARD COUNTY.

27                  (2) Notwithstanding § 11-304(a), § 11-514 and any other restrictions as to  
28 hours imposed by this article, [in Howard County] a licensee, except any Class A  
29 (off-sale) licensee, may remain open and sell alcoholic beverages authorized by his  
30 license at all times on January 1 of any year.

31                  (3) Notwithstanding §§ 6-101, 11-403, and 11-514, [in Howard County] a  
32 Class A beer, wine and liquor licensee may sell beer, wine, and liquor between the hours  
33 of 6:00 a.m. and midnight on any December 24 or December 31 regardless of which day  
34 of the week these dates fall on.

35            (P) (1) THIS SUBSECTION APPLIES ONLY IN KENT COUNTY.

36                  (2) THIS ARTICLE MAY NOT BE CONSTRUED TO RESTRICT THE SALE OF  
37 ALCOHOLIC BEVERAGES UNDER ANY CLASS OF LICENSE ISSUED UNDER THIS  
38 ARTICLE OR TO RESTRICT ANY PERSON FROM CONSUMING ANY ALCOHOLIC  
39 BEVERAGES ON ANY PREMISES LICENSED UNDER THIS ARTICLE BETWEEN THE

7  
1 HOURS OF 12 MIDNIGHT AND 4 A.M. ON JANUARY 1 OF ANY YEAR OR BETWEEN THE  
2 HOURS OF 7 P.M. AND 12 MIDNIGHT, ON DECEMBER 31 IN ANY YEAR WHEN  
3 DECEMBER 31 FALLS ON A SUNDAY. HOWEVER, IN ANY YEAR IN WHICH JANUARY 1  
4 FALLS ON A SUNDAY, IT IS UNLAWFUL TO SELL ALCOHOLIC BEVERAGES UNDER  
5 ANY CLASS OF LICENSE OR TO CONSUME ANY ALCOHOLIC BEVERAGES ON ANY  
6 LICENSED PREMISES ON JANUARY 1 BETWEEN THE HOURS OF 4 A.M. AND 2 P.M. IN  
7 KENT COUNTY.

8           [(f)] (Q) (1) [In] THIS SUBSECTION APPLIES ONLY IN Montgomery County.

9                   (2) [upon] UPON application to the Board of License Commissioners at  
10 least [sixty days (60)] 60 DAYS in advance, [said] THE Commissioners may issue a  
11 special permit authorizing on-sale licensees [therein] to stay open and sell alcoholic  
12 beverages subject to the provisions of this article on January 1 until 2 [o'clock] a.m.

13           [(e)] (R) (1) THIS SUBSECTION APPLIES ONLY IN PRINCE GEORGE'S  
14 COUNTY.

15                   (2) [Nothing in this] THIS article [shall] MAY NOT be construed to  
16 require any holder of an on-sale license [in Prince George's and Harford Counties] to  
17 close [his establishment] THE LICENSED PREMISES until 2:00 a.m. on January [1st] 1 of  
18 any year[, and any holder of that license shall be permitted to make sale of]. A  
19 LICENSEE MAY SELL any alcoholic [beverage] BEVERAGES authorized by [his] THE  
20 license until 2:00 a.m. on January [1st] 1 of any year.

21           (S) (1) THIS SUBSECTION APPLIES ONLY IN QUEEN ANNE'S COUNTY.

22                   (2) THIS ARTICLE MAY NOT BE CONSTRUED TO REQUIRE ANY HOLDER  
23 OF AN ON-SALE LICENSE TO CLOSE THAT ESTABLISHMENT AT ANY TIME ON  
24 JANUARY 1 OF ANY YEAR. A LICENSEE MAY SELL ALCOHOLIC BEVERAGES  
25 AUTHORIZED BY THE LICENSE AT ANY TIME ON JANUARY 1 OF ANY YEAR.

26           [(h)] (T) (1) [In] THIS SUBSECTION APPLIES ONLY IN St. Mary's County  
27 [the].

28                   (2) THE Board of License Commissioners, upon application in such form  
29 and at such time as they [may] direct, may issue a special permit authorizing any licensee  
30 to keep [his establishment] THE LICENSED PREMISES open on January 1 of any year.

31           [(q)] (U) (1) [In] THIS SUBSECTION APPLIES ONLY IN Somerset County[,  
32 the].

33                   (2) THE Board of License Commissioners shall determine the hour to cease  
34 sales of alcoholic beverages on December 31 and January 1 regardless of the day of the  
35 week on which these dates fall.

36           (V) TALBOT COUNTY - RESERVED.

37           [(c)] (W) (1) THIS SUBSECTION APPLIES ONLY IN WASHINGTON COUNTY.

38                   (2) [Nothing in this] THIS article [shall be] MAY NOT BE construed to  
39 require any holder of an on-sale license [in Washington County] to close [his  
40 establishment] THE LICENSED PREMISES until 2 a.m. on January [1st] 1 of any year[,

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1 and any holder of the license shall be permitted to make sale of]. A LICENSEE MAY SELL  
2 any alcoholic beverages authorized by [his] THE license until 2 a.m. on January [1st] 1  
3 of any year.

4 [(2)] (3) When December 31 falls on a Sunday, any holder of an on-sale  
5 license may make sales only for consumption on the premises of any alcoholic [beverage]  
6 BEVERAGES authorized by [his] license from 9 p.m. on December 31 until 2 a.m. the  
7 following day.

8 [(k)] (X) (1) [In] THIS SUBSECTION APPLIES ONLY IN Wicomico County  
9 [the].

10 (2) THE Board of License Commissioners shall determine [within its sole  
11 discretion] the hour at which establishments serving alcoholic beverages must cease sales  
12 on New Year's Eve Day and on New Year's Day morning regardless of the day of the  
13 week on which December 31 and January 1 fall.

14 [(m)] (Y) (1) [In] THIS SUBSECTION APPLIES ONLY IN Worcester County[,  
15 the]

16 (2) THE Board of License Commissioners shall determine within their sole  
17 discretion the hour at which establishments serving alcoholic beverages must cease sales  
18 on December 31 and January 1 regardless of the day of the week on which December 31  
19 and January 1 fall.

20 DRAFTER'S NOTE:

21 %Error: Clarification of provision and reorganization of Article 2B, § 11-402.  
22 Occurred: Various chapters.

23 15-112.

24 (a) (1) The [several] boards of license commissioners [herewith are  
25 authorized and empowered to] IN THIS STATE MAY issue the alcoholic beverages  
26 licenses provided for by this article in their respective jurisdictions.

27 [(b)] (2) [The respective] EACH board [shall be authorized to] MAY employ a  
28 secretary and [such] inspectors, clerical and other assistance as [ may be] IS necessary,  
29 and [to] fix the compensation of [such] THE employees, except as otherwise provided  
30 by this article.

31 (3) IN THIS SECTION, "BOARD" MEANS THE BOARD OF LICENSE  
32 COMMISSIONERS, UNLESS OTHERWISE NOTED.

33 [(c)] (B) (1) THIS SUBSECTION APPLIES ONLY IN ALLEGANY COUNTY.

34 (2) The inspectors [appointed for Allegany County shall have ] SHALL:

35 (I) HAVE all the powers of a peace officer or a constable or sheriff of  
36 [the] THIS State [of Maryland, and shall make];



1 (II) MAKE oath to faithfully perform the duties entrusted to them, as  
2 provided in Article I, § 9 of the Constitution of [the] THIS State [of Maryland, and they  
3 shall furnish]; AND

4 (III) FURNISH bond in the penalty of [\$2,000.00] \$2,000 to the Board  
5 [of Alcoholic Beverages License Commissioners of Allegany County] and the Board of  
6 County Commissioners [of Allegany County] jointly, conditioned, "that [said]  
7 inspectors shall well and faithfully execute the [ said] office in all things appertaining  
8 thereto". The cost of [said] THE bond shall be paid by the County Commissioners [of  
9 Allegany County]. The inspectors [for Allegany County] shall be known as "alcoholic  
10 beverage inspectors for Allegany County".

11 [(d)] (C) (1) [In] THIS SUBSECTION APPLIES ONLY IN Anne Arundel County.  
12 EXCEPT FOR PARAGRAPH (2) OF THIS SUBSECTION, IT DOES NOT APPLY IN THE CITY  
13 OF ANNAPOLIS.

14 [(1)] (2) (I) THIS PARAGRAPH APPLIES ONLY IN THE CITY OF  
15 ANNAPOLIS. [the]

16 (II) THE Mayor, Counsellor and Aldermen of Annapolis [shall have  
17 the power to] MAY make and enforce [such rules,] regulations and restrictions, in  
18 addition to, or in substitution of, those contained in this article, but not inconsistent  
19 therewith, as in [the] THEIR judgment [ of the Mayor, Counsellor and Aldermen of the  
20 City of Annapolis] would give the municipality more effective control of each of the  
21 places of business.

22 [(2)] (3) In addition to the powers given to the Board [of License  
23 Commissioners for Anne Arundel County in subsections] IN SUBSECTION (a) [ and (b)]  
24 of this section, the Board [is authorized to] MAY employ one part-time chief inspector  
25 at an annual salary of \$8,000, and 12 part-time inspectors at an annual salary of \$5,000  
26 each. In addition to this salary, each of the inspectors shall receive a monthly expense of  
27 \$150 per month, subject to the approval of the State Comptroller.

28 (4) The 13 inspectors [appointed for Anne Arundel County have] SHALL:

29 (I) HAVE all the powers of a peace officer or a constable or sheriff of  
30 [the] THIS State [of Maryland, and shall make];

31 (II) MAKE oath to faithfully perform the duties entrusted to them, as  
32 provided in Article I, § 9 of the Constitution of [the] THIS State [of Maryland, and shall  
33 furnish]; AND

34 (III) FURNISH bond in the penalty of \$2,000 to the Board [of License  
35 Commissioners of Anne Arundel County] and the [Board of County Commissioners of  
36 Anne Arundel] County COUNCIL jointly, conditioned "that inselctor shall well and  
37 faithfully execute the office in all things appertaining thereto". The cost of the bond shall  
38 be paid by the County [ Commissioners of Anne Arundel County]. The inspectors for  
39 Anne Arundel County are known as the "liquor inspectors for Anne Arundel County".

40 (5) There [shall be a] IS:

10

1 (I) A full-time administrator to the Board whose annual salary shall  
2 be fixed by the Board as in a general Anne Arundel County classified salary schedule,  
3 within pay grade 16[. There shall be a];

4 (II) A full-time secretary to the Board whose annual salary shall be  
5 fixed by the Board as in a general county classified salary schedule, within pay grade 13[.  
6 There shall be an]; AND

7 (III) AN attorney to the Board, at an annual salary of \$8,000.

8 [(e)] (D) (1) [In] THIS SUBSECTION APPLIES ONLY IN Baltimore City [(1)  
9 no].

10 (2) A commissioner[,] or employee of the Board [shall have] MAY NOT:

11 (I) HAVE any interest, direct or indirect, either proprietary or by  
12 means of any loan, mortgage or lien, or in any other manner, in or on any premises where  
13 alcoholic beverages are manufactured or sold; [nor shall he have]

14 (II) HAVE any interest, direct or indirect, in any business wholly or  
15 partially devoted to the manufacture or sale of alcoholic beverages[, or own];

16 (III) OWN any stock in any corporation which has any interest,  
17 proprietary or otherwise, direct or indirect, in any premises where alcoholic beverages are  
18 manufactured or sold or in any business wholly or partially devoted to the manufacture or  
19 sale of alcoholic beverages[, or hold]; OR

20 (IV) HOLD any other public office or employment, federal, State or  
21 local.

22 [(2)] (3) (I) Every employee of [said] THE Board [shall devote his]:

23 1. SHALL DEVOTE THAT EMPLOYEE'S whole time and  
24 attention to the business of the Board during the hours designated by the Board for the  
25 performance of [his or her] official duties[, and shall];

26 2. MAY not engage in any occupation, business or profession in  
27 any way connected or associated, directly or indirectly, with the manufacture or sale of  
28 alcoholic beverages [and shall transact no]; AND

29 3. MAY NOT TRANSACT business of any kind whatsoever  
30 beyond his or her official duties with any licensee, or in connection with the operation of  
31 any establishment licensed for the manufacture or sale of alcoholic beverages. [Not more  
32 than eighteen persons shall be employed at any one time by the Board on a part-time  
33 basis.]

34 (II) Any employee of [said] THE Board who violates any of the  
35 provisions of this [section] SUBSECTION shall be removed, AFTER A HEARING BEFORE  
36 THE BOARD.

37 [(3)] (4) (I) [No] AS TO ANY ENTITY LICENSED UNDER THE  
38 PROVISIONS OF THIS ARTICLE, A commissioner or employee of the Board [shall] MAY

11

1 NOT solicit or receive directly or indirectly any commission, remuneration or gift  
2 whatsoever from any [person,];

3 1. PERSON or corporation engaged in the manufacture or sale  
4 of beer or other alcoholic beverages[, nor from any agent];

5 2. AGENT or employee of [such] THAT person or corporation  
6 [, or from any licensee,]; OR

7 3. LICENSEE licensed under the provisions of this article.

8 (II) [No] A person or corporation engaged in the manufacture or sale  
9 of beer or other alcoholic beverages, [nor] any agent or employee of [such] THAT  
10 person or corporation, and [no] A licensee licensed under the provisions of this article[,  
11 shall] MAY NOT, either directly or indirectly, offer to pay any commission, profit or  
12 remuneration or make any gift to any commissioner or employee of the Board or to  
13 anyone on behalf of [such] THAT commissioner or employee of [said] THE Board.

14 [(4)] (5) The chairman of [said] THE Board [shall be the] :

15 (I) IS ITS administrative officer [thereof] and IS charged with the  
16 duty of enforcing the provisions of this article[. It shall be his duty] ;

17 (II) SHALL personally [to] supervise the activities and investigations  
18 of the several inspectors and other employees of the Board[. He shall] ;

19 (III) SHALL examine the location and general character of the licensees  
20 in [said] THE City; and

21 (IV) SHALL make recommendations to the Board concerning zoning of  
22 licensees, methods of enforcement, and promulgation of [rules and] regulations to carry  
23 out the purposes of this article.

24 [(5)] (6) [Rules and regulations] REGULATIONS adopted by the Board [in  
25 said City] shall be published and distributed to [such] WHICHEVER licensees [as may  
26 be] ARE affected [thereby] BY THEM. The Board [in said City shall have the power to]  
27 MAY require any licensee to display prominently in [his] THE LICENSEE'S place of  
28 business any [rule or] regulation of [said] THE Board, or any excerpt or statement from  
29 this article.

30 [(e-1)] (7) [In Baltimore City, the] THE Board [of License Commissioners] shall:

31 [(1)] (I) Employ 18 permanent part-time inspectors; and

32 [(2)] (II) Set the annual salary for permanent part-time inspectors at  
33 not less than \$1,200.

34 [(e-2)] (8) [In Baltimore City, the] THE Board [of License Commissioners] shall:

35 [(1)] (I) Employ a qualified attorney to serve as appellate counsel for  
36 the Board in actions of appeal; and

37 [(2)] (II) Set for appellate counsel the same compensation and benefits  
38 as are set for full-time inspectors.

12

1 [(f)] (E) (1) THIS SUBSECTION APPLIES ONLY IN BALTIMORE COUNTY.

2 (2) The Board [of License Commissioners for Baltimore County] may  
3 appoint a Chief License Inspector and [the number of] AT LEAST 14 license inspectors  
4 [that the Board considers necessary, except that the number of inspectors may not be less  
5 than 14]. The salaries shall be as determined by ["Baltimore] THE County[,  
6 Maryland"], but the salary of the Chief License Inspector may not be less than \$9,500 a  
7 year and the salary of each of the remaining license inspectors may not be less than \$9,000  
8 a year. Each license inspector and the Chief License Inspector may request and examine  
9 any identification used as proof of age by any person for the purchase of alcoholic  
10 beverages provided that the request and examination is made on the licensed premises in  
11 [Baltimore] THE County.

12 [(2)] (3) In [Baltimore County, in] addition to the other powers and duties  
13 conferred on them, the Board [of License Commissioners] may prescribe [rules and]  
14 regulations [regarding]:

15 (I) REGARDING the presence of any person not designated under §  
16 1-102(a)(6) of this article on any premises licensed to sell alcoholic beverages; and [also  
17 may prescribe rules and regulations concerning]

18 (II) CONCERNING the granting and the date of issuing licenses when  
19 the actual use of the license is to be deferred until the completion of construction work or  
20 alterations on the premises.

21 [(g)] (F) (1) [In] THIS SUBSECTION APPLIES ONLY IN Calvert County[, the].

22 (2) THE Board [of License Commissioners] may appoint [a]:

23 (I) A clerk and an attorney at a salary to be set by the County  
24 Commissioners[.]; AND

25 (II) With the approval of the County Commissioners, [the Board may  
26 appoint] full-time or part-time alcoholic beverages inspectors whose salary shall be set  
27 by the County Commissioners on an annual or per diem basis, and who shall be paid  
28 reasonable expenses related to performance of duties.

29 [(f-1)] (G) (1) [In] THIS SUBSECTION APPLIES ONLY IN Caroline County[,  
30 the].

31 (2) THE county codes administrator is the inspector for the Board [ of  
32 License Commissioners].

33 [(2)] (3) The salary of the inspector shall be as provided in the county  
34 budget. The duties of the inspector shall be as specified by the Board, including the  
35 proper administration and enforcement of the alcoholic beverages laws of [Caroline]  
36 THE County.

37 (H) CARROLL COUNTY - RESERVED.

38 [(p)] (I) (1) [In] THIS SUBSECTION APPLIES ONLY IN Cecil County[, the].

13

1 (2) THE Board [of License Commissioners] shall issue all retail alcoholic  
2 beverages licenses authorized under this article, except Class E, F, and G licenses.

3 [(2)] (3) The Board [of License Commissioners shall] MAY employ one  
4 full-time alcoholic beverages inspector and may also employ as many additional  
5 part-time alcoholic beverages inspectors as it deems necessary [ at the salary]. THE  
6 SALARY SHALL BE AS provided in the annual budget of the Board of County  
7 Commissioners for part-time inspectors and within the total appropriations for this  
8 purpose. The employment of the alcoholic beverages inspectors shall be subject to the  
9 provisions of the Cecil County Personnel Policy and Procedure Manual. The salaries and  
10 travel expenses of the alcoholic beverages inspectors shall be established by the Board of  
11 County Commissioners of Cecil County using County personnel department regulations  
12 and guidelines.

13 [(3)] (4) The inspector shall investigate all applicants for an alcoholic  
14 beverages license or transfer of license, enforce all alcoholic beverages laws, and  
15 investigate all violations of the alcoholic beverages laws and report [the same] THEM to  
16 the Board [of License Commissioners].

17 (5) The inspector shall [have]:

18 (I) HAVE all the powers of a peace officer of [the] THIS State [of  
19 Maryland] in respect to the enforcement of the alcoholic beverages laws of [Cecil] THE  
20 County [and shall make];

21 (II) MAKE an oath, as provided in the Constitution of Maryland, to  
22 faithfully perform the duties entrusted to him[. The inspector shall visit];

23 (III) VISIT and inspect at unannounced times every licensed premises in  
24 [Cecil] THE County at least every 90 days[. The inspector shall make]; AND

25 (IV) MAKE monthly reports in writing to the Board [of License  
26 Commissioners] covering his activities, setting forth any complaints, and listing any  
27 violations that may have been observed or reported to the inspector.

28 (6) A person may not accept appointment or continue as an inspector if  
29 either the inspector or any member of the inspector's immediate family has any personal  
30 or financial interest either directly or indirectly in any license or in any licensed premises  
31 under the provisions of this article.

32 [(h)] (J) (1) [In] THIS SUBSECTION APPLIES ONLY IN Charles County[, the].

33 (2) THE Board [of License Commissioners] is the alcoholic beverages  
34 license issuing authority.

35 [(h-1)] (K) (1) THIS SUBSECTION APPLIES ONLY IN DORCHESTER COUNTY.

36 (2) A member or employee of the Board [of License Commissioners of  
37 Dorchester County] may not:

38 (i) Have any financial interest, directly or indirectly, in the  
39 manufacture of any alcoholic beverage or in any alcoholic beverage purchased or sold  
40 under the provisions of this article; or

14

1 (ii) Derive any profit or remuneration from the purchase or sale of any  
2 alcoholic beverage, other than the salary or wages payable for the performance of the  
3 duties of the office or position as required and authorized under this section.

4 [(2)] (3) A person who violates this section is guilty of a misdemeanor and  
5 on conviction is subject to a fine not exceeding \$2,000 or a term of imprisonment not  
6 exceeding 30 days.

7 [(t)] (L) (1) [In] THIS SUBSECTION APPLIES ONLY IN Frederick County[,  
8 the].

9 (2) THE appointment of an inspector and the employment of clerical  
10 assistants are provided for in § 15-103 of this article.

11 (M) GARRETT COUNTY - RESERVED.

12 [(i)] (N) (1) [In] THIS SUBSECTION APPLIES ONLY IN Harford County[, in].

13 (2) IN addition to any inspector who is serving prior to July 1, 1979, the  
14 Board and general manager may appoint additional inspectors as necessary to provide  
15 appropriate control over newly created Class A off-sale licensees. Each inspector shall be  
16 directly responsible on a day to day basis to the general manager.

17 [(q)] (O) (1) THIS SUBSECTION APPLIES ONLY IN HOWARD COUNTY.

18 (2) The Board [of License Commissioners of Howard County] may employ  
19 [such] inspectors as [may be] necessary at [such] A compensation as the County  
20 Council [may by budget provide] BUDGETS. The inspectors [of Howard County] shall  
21 [be]:

22 (I) BE known as "alcoholic [beverage] BEVERAGES inspectors for  
23 Howard County"[, and they shall each];

24 (II) EACH have all the powers of a peace officer or a constable or  
25 sheriff of [the] THIS State [of Maryland, and shall make];

26 (III) MAKE oath to faithfully perform the duties entrusted to them, as  
27 provided in Article I, § 9 of the Constitution of [the] THIS State [of Maryland. The  
28 inspectors shall have such]; AND

29 (IV) HAVE THE duties [as] PRESCRIBED BY the Board [of License  
30 Commissioners of Howard County may prescribe].

31 [(2)] (3) The services of the bureau of inspection and licenses, the office of  
32 the County solicitor, and other County departments and offices shall be made available to  
33 the Board.

34 [(3)] (4) [No] A commissioner [shall have] MAY NOT:

35 (I) HAVE any interest, direct or indirect, either proprietary or by  
36 means of any loan, mortgage or lien, or in any other manner, in or to any premises where  
37 alcoholic beverages are manufactured or sold; [nor shall he have]

15

1 (II) HAVE any interest, direct or indirect, in any business wholly or  
2 partially devoted to the manufacture or sale of alcoholic beverages[, or own];

3 (III) OWN any stock in any corporation which has any interest,  
4 proprietary or otherwise, direct or indirect, in any premises where alcoholic beverages are  
5 manufactured or sold or in any business wholly or partially devoted to the manufacture or  
6 sale of alcoholic beverages[.]; or

7 (IV) [hold] HOLD any other public office or employment.

8 [(4)] (5) (I) [No] A commissioner or County employee or Board  
9 employee [shall] MAY NOT solicit or receive directly or indirectly, any commission,  
10 remuneration or gift whatsoever from any person, or corporation engaged in the  
11 manufacture or sale of beer or other alcoholic beverages, nor from any agent or employee  
12 of such person or corporation, or from any licensee, licensed under the provisions of this  
13 article.

14 (II) [No] A person or corporation engaged in the manufacture or sale  
15 of beer or other alcoholic beverages, nor any agent or employee of [ such] THAT person  
16 or corporation, and [no ] A licensee licensed under the provisions of this article, [shall,]  
17 either directly or indirectly, MAY NOT offer to pay any commission, profit or  
18 remuneration or make any gift to any commissioner or County or Board employee or to  
19 anyone on behalf of [such ] THE commissioners or County or Board employee.

20 (III) Any person violating any of the provisions of this subsection [shall  
21 be deemed] IS guilty of a misdemeanor and upon conviction [thereof shall be subject to  
22 a fine of] MAY BE FINED not more than [one thousand dollars (\$1,000.00)] \$1,000.

23 [(j)] (P) (1) [(i)] This subsection applies only in Kent County.

24 [(ii) In this subsection "Board" means the Board of License  
25 Commissioners.]

26 (2) Notwithstanding §§ 10-401 and 10-403 of this article, the Board may  
27 suspend any alcoholic beverages license for any violation of this article for not less than 15  
28 nor more than 90 days. An appeal does not stay the order of the Board suspending a  
29 license.

30 (3) The Board:

31 (i) Shall employ one full-time alcoholic beverages inspector whose  
32 salary shall be set by the County Commissioners; and

33 (ii) May employ one additional part-time or full-time alcoholic  
34 beverages inspector whose compensation shall be set by the County Commissioners.

35 (4) (i) Each inspector is entitled to reimbursement for travel expenses at  
36 a rate determined by the Board [of License Commissioners].

37 (ii) The compensation and travel expenses of each inspector shall be  
38 paid by the County Commissioners.

39 (5) An alcoholic beverages inspector has the following powers and duties:

16

1 (i) To investigate all applicants for an alcoholic beverages license or  
2 transfer of license;

3 (ii) To enforce all alcoholic beverages laws of Kent County with the  
4 same powers as a law enforcement officer of the State;

5 (iii) To inspect, at unannounced times, every licensed premises at least  
6 once every 90 days;

7 (iv) To investigate all violations of the alcoholic beverages laws;

8 (v) To report all violations of the alcoholic beverages laws to the  
9 Board; and

10 (vi) To give monthly written reports to the Board covering all:

11 1. Inspection activities;

12 2. Complaints; and

13 3. Violations, either observed or reported.

14 (6) Before a person qualifies as an alcoholic beverages inspector, the person  
15 shall make an oath to faithfully perform the duties entrusted, as provided in Article I, §  
16 9 of the Constitution of Maryland.

17 (7) A person may not qualify nor continue service as an alcoholic beverages  
18 inspector if the inspector or the inspector's immediate family has any personal or  
19 financial interest, either directly or indirectly, in any license, licensee, or in any premises  
20 licensed under the provisions of this article.

21 (8) (i) After appointment, an alcoholic beverages inspector shall serve as  
22 such and shall be discharged only for cause involving dishonesty, incompetence, or  
23 immoral conduct while in the performance of duty.

24 (ii) Before the discharge of an alcoholic beverages inspector, the  
25 Board shall give the inspector written notice of all pending charges and shall afford the  
26 inspector an opportunity to reply in an open hearing before the Board, either in person or  
27 by counsel.

28 (iii) The Board shall give notice and hold the hearing in accordance  
29 with the Administrative Procedure Act.

30 [(k)] (Q) (1) [In] THIS SUBSECTION APPLIES ONLY IN Montgomery County[,  
31 the].

32 (2) THE office of the County Attorney and other County departments shall  
33 be made available to the Board.

34 [(2)] (3) (i) A [commissioner of the Montgomery County] MEMBER OF  
35 THE Board [of License Commissioners] may not:



17

1 1. Have any interest, direct or indirect, either proprietary or by  
2 means of any loan, mortgage or lien, or in any other manner, in or on any premises where  
3 alcoholic beverages are manufactured or sold;

4 2. Have any interest, direct or indirect, in any business wholly  
5 or partially devoted to the manufacture or sale of alcoholic beverages;

6 3. Own any stock in any corporation which has any interest,  
7 proprietary or otherwise, direct or indirect, in any premises where alcoholic beverages are  
8 manufactured or sold or in any business wholly or partially devoted to the manufacture or  
9 sale of alcoholic beverages; or

10 4. Hold any other public office, federal, State or local.

11 (ii) Subject to the provisions of the Montgomery County public ethics  
12 law, a commissioner of the Board [of License Commissioners] may be an employee of  
13 the federal, State, or local government[, provided that]. HOWEVER, a commissioner may  
14 not be an employee of the County department of liquor control.

15 [(3)] (4) (I) [No] A commissioner or County employee [shall] MAY  
16 NOT solicit or receive directly or indirectly any commission, remuneration or gift  
17 whatsoever from any [person,];

18 1. PERSON or corporation engaged in the manufacture or sale  
19 of beer or other alcoholic beverages[, nor from any agent];

20 2. AGENT or employee of [such] THAT person or corporation  
21 [, or from any licensee,]; OR

22 3. LICENSEE licensed under the provisions of this article.

23 (II) [No] A person or corporation engaged in the manufacture or sale  
24 of beer or other alcoholic beverages, nor any agent or employee of [ such] THAT person  
25 or corporation, and [no] A licensee licensed under the provisions of this article, [shall,]  
26 either directly or indirectly, MAY NOT offer to pay any commission, profit or  
27 remuneration or make any gift to any commissioner or County employee or to anyone on  
28 behalf of [such] THE commissioner or County employee.

29 [(4)] (5) Notwithstanding any other law, the [Montgomery County] Board  
30 [of License Commissioners] shall collect the license fees and issue [ in Montgomery  
31 County] the alcoholic beverages licenses provided for in this article.

32 [(n)] (R) (1) [In] THIS SUBSECTION APPLIES ONLY IN Prince George's  
33 County[, the ].

34 (2) THE Board [of License Commissioners] shall appoint an administrator,  
35 an attorney, and all inspectors for the Board.

36 [(2)] (3) (I) The inspectors shall [each]:

37 1. EACH have all the powers of a peace officer or a constable or  
38 sheriff of [the] THIS State [of Maryland, and shall make];

18

1                                   2. MAKE oath to faithfully perform the duties entrusted to  
2 them, as provided in Article I, § 9 of the Maryland Constitution[. The inspectors of  
3 Prince George's County shall be];

4                                   3. BE known as "alcoholic [beverage]BEVERAGES inspectors  
5 for Prince George's County"[. The inspectors shall have];

6                                   4. HAVE the duty of visiting and inspecting every licensed  
7 premises [in Prince George's County] periodically; and

8                                   5. [carrying]CARRY on [such] THE other duties [as] the  
9 Board [ of License Commissioners of Prince George's County might prescribe]  
10 PRESCRIBES.

11                                   (II) There [shall be] ARE 2 full-time and 29 part-time inspectors, all  
12 of whom shall be COUNTY residents [of Prince George's County, Maryland]. The 2  
13 full-time inspector positions shall be designated as the chief inspector and the deputy  
14 chief inspector. The 2 full-time inspectors who meet the standards set out by the Prince  
15 George's County merit board and who are certified by the personnel director as meeting  
16 these standards shall be entitled to the provisions of the County merit system.

17                                   (III) Each part-time inspector shall receive an annual salary of not less  
18 than \$9,270.

19                                   (IV) The Board [of License Commissioners for Prince George's  
20 County] shall designate annually a chief inspector from among the 2 full-time inspectors.  
21 The chief inspector, under the direction of the Board [of License Commissioners], shall  
22 regulate the duties, hours, and assignments of the various inspectors.

23                                   [[3]] (4) A commissioner, inspector, or employee of the Board may not:

24                                   (i) Have any interest, either proprietary or by means of any loan,  
25 mortgage, or lien, or in any other manner, in or on any premises in this State where  
26 alcoholic beverages are manufactured or sold; AND

27                                   (ii) Have any interest in any business wholly or partially devoted to the  
28 manufacture or sale of alcoholic beverages in this State, or own any stock in any  
29 corporation which has any interest, proprietary or otherwise, direct or indirect, in any  
30 premises in this State where alcoholic beverages are manufactured or sold or in any  
31 business wholly or partially devoted to the manufacture or sale of alcoholic beverages in  
32 this State.

33                                   [[4]] (5) Employees of the Board:

34                                   (i) Shall devote their whole time and attention to the business of the  
35 Board during the hours designated by the Board for the performance of their official  
36 duties;

37                                   (ii) May not engage in any occupation, business, or profession in any  
38 way connected or associated with the manufacture or sale of alcoholic beverages; and

19

1 (iii) May not transact any business of any kind whatsoever beyond their  
 2 official duties with any licensee, or in connection with the operation of any establishment  
 3 licensed for the manufacture or sale of alcoholic beverages.

4 [(5)] (6) Any employee of the Board who violates any of the provisions of  
 5 this section shall be removed.

6 [(6)] (7) A commissioner, inspector, or employee of the Board may not  
 7 solicit or receive any commission, remuneration, or gift whatsoever from any person or  
 8 corporation engaged in the manufacture or sale of beer or other alcoholic beverages, or  
 9 from any agent or employee of the person or corporation, or from any licensee, licensed  
 10 under the provisions of this article.

11 [(7)] (8) A commissioner shall immediately forfeit his office as a license  
 12 commissioner for [Prince George's] THE County if the commissioner:

13 (i) Ceases to reside in [Prince George's] THE County; or

14 (ii) Ceases to be a registered voter of [Prince George's] THE County.

15 [(8)] (9) A license commissioner may not serve in any other position of  
 16 public office. At the time of filing a certificate of candidacy for election to a public office,  
 17 or within 30 days prior to the filing deadline for the primary election for the public office  
 18 sought, whichever occurs later, a license commissioner shall certify to the local Board of  
 19 Supervisors of Elections under oath that the individual is no longer a license  
 20 commissioner. The certification shall be accompanied by a letter addressed to the  
 21 Governor containing the resignation of the commissioner from the Board [of License  
 22 Commissioners for Prince George's County].

23 [(9)] (10) (i) In this paragraph, "candidate", "contribution", and "political  
 24 committee" have the meanings stated in Article 33, § 1-1(a) of the Code.

25 (ii) A commissioner, inspector, or employee of the Board may not  
 26 solicit or transmit any contribution for the benefit of any candidate or political committee  
 27 from any [person]:

28 1. PERSON or corporation engaged in the sale of beer or other  
 29 alcoholic beverages in [Prince George's] THE County[, or from any agent];

30 2. AGENT or employee of the person or corporation[, or from  
 31 any licensee]; OR

32 3. LICENSEE licensed under the provisions of this article.

33 [(1)] (S) (1) THIS SUBSECTION APPLIES ONLY IN QUEEN ANNE'S COUNTY.

34 (2) The Board [of County Commissioners of Queen Anne's County] shall  
 35 appoint a full-time inspector and fix [his] THE INSPECTOR'S compensation at [a figure]  
 36 AN AMOUNT not less than \$3,000 [per annum] A YEAR, plus a mileage allowance as  
 37 determined by the County Commissioners. The inspector shall visit and inspect every  
 38 premises in [Queen Anne's] THE County licensed under the provisions of this article at  
 39 least every 60 days.

20

1 (3) The Board of County Commissioners also shall appoint an attorney to  
2 handle legal matters for the Board [of License Commissioners] and set [his] THE  
3 ATTORNEY'S compensation.

4 (T) ST. MARY'S COUNTY - RESERVED.

5 [(o)] (U) (1) [In] THIS SUBSECTION APPLIES ONLY IN Somerset County  
6 [the].

7 (2) THE Board [shall]:

8 (I) SHALL appoint a clerk to the Board at an annual salary of \$1,800;  
9 and [may]

10 (II) MAY designate an attorney for the Board [who shall receive] AT  
11 an annual salary of \$2,400.

12 (V) TALBOT COUNTY - RESERVED.

13 (W) WASHINGTON COUNTY - RESERVED.

14 [(r)] (X) (1) [(i)] This subsection applies only in Wicomico County.

15 [(ii) In this subsection, "Board" means the Board of License  
16 Commissioners.]

17 (2) (i) The Board shall appoint both an inspector and a part-time  
18 inspector whose salaries shall be as provided in the County budget.

19 (ii) The Board shall specify both the duties of the inspector and the  
20 part-time inspector, which shall be for the proper administration and enforcement of the  
21 alcoholic beverages laws in the County. For the purposes of the alcoholic beverages laws,  
22 both the inspector and the part-time inspector have the powers of a peace officer or  
23 sheriff of this State.

24 (iii) Both the inspector and the part-time inspector shall make oath  
25 faithfully to perform the duties entrusted to them, as provided in Article I, § 9 of the  
26 Maryland Constitution.

27 (iv) Both the inspector and part-time inspector shall separately furnish  
28 a bond in the amount of \$2,000 to the Board and the County, jointly, conditioned that the  
29 inspector and the part-time inspector will well and faithfully execute their offices in all  
30 things pertaining to them. The cost of the bonds shall be paid by the County.

31 (3) The Board shall coordinate the enforcement of all alcoholic beverages  
32 licensing laws for the County.

33 (4) (i) The Board may designate an attorney for the Board.

34 (ii) The annual salary is \$4,500 which shall be provided in the County  
35 budget.

36 [(s)] (Y) (1) THIS SUBSECTION APPLIES ONLY IN WORCESTER COUNTY.

21

1 (2) [No] A County Commissioner [of Worcester County] shall receive any  
2 additional compensation for serving on the Board.

3 [(2)] (3) (i) [In Worcester County the] THE Board [of License  
4 Commissioners], with the consent of the County Commissioners, may appoint an  
5 inspector.

6 (ii) 1. The salary of the inspector shall be as provided in the County  
7 budget.

8 2. The duties of the inspector shall be as specified by the Board  
9 [of License Commissioners], including the proper administration and enforcement of the  
10 alcoholic beverages laws in [Worcester] THE County.

11 (iii) For the purpose of the alcoholic beverages laws, the inspector shall  
12 have all the powers of a peace officer or sheriff of this State.

13 (iv) The inspector shall make an oath to perform the duties entrusted,  
14 as provided in Article I, § 9, of the Constitution of Maryland.

15 DRAFTER'S NOTE:

16 %Error: Clarification of provision and reorganization of Article 2B, § 15-112.

17 Occurred: Various chapters.

18 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
19 read as follows:

20 **Article - Business Regulation**

21 17-206.

22 (A) THIS SECTION DOES NOT APPLY TO:

23 (1) A CONSOLE MACHINE LICENSE, PINBALL MACHINE LICENSE,  
24 WICOMICO COUNTY PINBALL MACHINE LICENSE, OR GARRETT COUNTY  
25 AMUSEMENT DEVICE LICENSE ISSUED UNDER SUBTITLE 4 OF THIS TITLE;

26 (2) A GARRETT COUNTY PEDDLER LICENSE OR MAGAZINE SELLER  
27 LICENSE ISSUED UNDER SUBTITLE 9 OF THIS TITLE;

28 (3) A JUNK DEALER OR SCRAP METAL PROCESSOR LICENSE, AGENT  
29 LICENSE, OR CALVERT COUNTY JUNK DEALER OR SCRAP METAL PROCESSOR  
30 LICENSE ISSUED UNDER SUBTITLE 10 OF THIS TITLE;

31 (4) A LICENSE TO KEEP A STORAGE WAREHOUSE ISSUED UNDER  
32 SUBTITLE 12 OF THIS TITLE;

33 (5) A STATE JUKE BOX LICENSE OR HARFORD COUNTY JUKE BOX  
34 LICENSE ISSUED UNDER SUBTITLE 13 OF THIS TITLE;

35 (6) A PROMOTER LICENSE ISSUED UNDER SUBTITLE 14 OF THIS TITLE;

22

1 (7) A VENDING MACHINE LICENSE ISSUED UNDER SUBTITLE 19 OF THIS  
2 TITLE; OR

3 (8) A LICENSE TO DO BUSINESS AS A TRADING STAMP ISSUER ISSUED  
4 UNDER SUBTITLE 20 OF THIS TITLE.

5 [(a)] (B) [Except as otherwise provided in this title] EXCEPT AS PROVIDED IN  
6 SUBSECTION (A) OF THIS SECTION OR OTHERWISE IN THIS TITLE, each clerk shall  
7 account for and distribute the fees received for licenses issued under this title as follows:

8 (1) the clerk shall pay into the General Fund of the State:

9 (i) the percentage of license fees authorized by law as a fee of the  
10 office;

11 (ii) the additional issuance fee now allowed; and

12 (iii) 3% of license fees to defray the expenses of the State License  
13 Bureau; and

14 (2) except as provided in subsection [(b)] (C) of this section, the clerk shall  
15 distribute the remaining license fees:

16 (i) to the municipal corporation where the licensed business or  
17 activity is located, if the licensed business or activity is located in a municipal corporation;  
18 or

19 (ii) to the county where the licensed business or activity is located, if  
20 the licensed business or activity is not located in a municipal corporation.

21 [(b)] (C) (1) For purposes of this subsection, per capita revenue shall be  
22 computed by using the population figures from the later of:

23 (i) the most recent federal census; or

24 (ii) an official local census.

25 (2) The clerk may not distribute license fees to a county or municipal  
26 corporation unless the county or municipal corporation:

27 (i) levies, in its current fiscal year, taxes sufficient to collect at least  
28 \$1.00 per capita in revenue; and

29 (ii) certifies to the Comptroller a copy of the levy.

30 (3) The clerk shall pay into the General Fund of the State any money that is  
31 not distributed at the end of the fiscal year of a county or municipal corporation because  
32 the county or municipal corporation failed to make the levy and certification required by  
33 paragraph (2) of this subsection.

34 DRAFTER'S NOTE:

35 %Error: Erroneous recodification of applicability of Article 56, § 3 as § 17-206  
36 of the Business Regulation Article.

23

1 Occurred: Chapter 4, Acts of 1992.

2 **Article - Environment**

3 15-521.

4 (b) (1) In addition to any other remedies available at law or in equity, a civil  
5 penalty may be assessed for violation of any provision of this subtitle, or rule, regulation,  
6 order or permit issued under it; and shall be assessed whenever the Bureau issues a cease  
7 and desist order on imminent danger or significant imminent environmental harm under  
8 § 15-508(e) of this subtitle. The penalty may be assessed by the Secretary [of Natural  
9 Resources] or a hearing officer designated by the Secretary, only after the person  
10 charged with the violation has been given an opportunity for a public hearing in  
11 accordance with paragraph (4) of this subsection. Where the person charged with the  
12 violation fails to request a public hearing, a civil penalty shall be assessed only after the  
13 Department determines that a violation did occur and the amount of the penalty which is  
14 warranted and has issued an order requiring the penalty be paid. The civil penalty  
15 assessed may not exceed \$5,000 for each day of violation.

16 DRAFTER'S NOTE:

17 %Error: Erroneous reference in § 15-521(b)(1) of the Environment Article.

18 Occurred: As a result of Chapter 488, Acts of 1995.

19 **Article - Health - General**

20 19-326.1.

21 If a hospital voluntarily closes, merges, or is delicensed under § 19-325 of this  
22 subtitle and workers are displaced:

23 (2) The Secretary of Labor, Licensing, and Regulation shall pay the fees  
24 received under this section into the Hospital Employees Training Fund established under  
25 [Article 83A, § 3-201 of the Code]§ 11-201 OF THE LABOR AND EMPLOYMENT  
26 ARTICLE.

27 DRAFTER'S NOTE:

28 %Error: Erroneous cross-reference in § 19-326.1 of the Health - General  
29 Article.

30 Occurred: As a result of Chapter 120, Acts of 1995.

31 **Article - State Government**

32 10-617.

33 (b) (2) A custodian shall permit the person in interest to inspect the public  
34 record to the extent permitted under § [4-302(b)] 4-304(A) of the Health - General  
35 Article.

36 DRAFTER'S NOTE:

37 %Error: Obsolete cross-reference in § 10-617(b)(2) of the State Government

24

1 Article.  
2 Occurred: As a result of Chapter 480, Acts of 1990.

3 **Article - Transportation**

4 26-410.

5 Notwithstanding any local law to the contrary, a sheriff is not entitled to any fee for  
6 services rendered in connection with a prosecution under the vehicle laws of this State IN  
7 EXCESS OF THE FEES PRESCRIBED FOR SHERIFFS BY § 7-402 OF THE COURTS  
8 ARTICLE.

9 DRAFTER'S NOTE:

10 %Error: Erroneously omitted language as part of the nonsubstantive revision  
11 of § 26-410 of the Transportation Article.  
12 Occurred: Chapter 14, Acts of 1977.

13 SECTION 4. AND BE IT FURTHER ENACTED, That if legislation is enacted  
14 in the 1997 Session of the General Assembly, the Michie Company shall delete that  
15 jurisdiction from the list of jurisdictions in which pub-brewery licenses may be issued and  
16 renumber accordingly Article 2B, Section 2-207 of the Code.

17 SECTION 5. AND BE IT FURTHER ENACTED, That the Drafter's Notes  
18 contained in this Act are not law and may not be considered to have been enacted as part  
19 of this Act.

20 SECTION 6. AND BE IT FURTHER ENACTED, That, except for Section 2 of  
21 this Act, the provisions of this Act are intended solely to correct technical errors in the  
22 law and that there is no intent to revive or otherwise affect law that is the subject of other  
23 acts, whether those acts were signed by the Governor prior to or after the signing of this  
24 Act.

25 SECTION 7. AND BE IT FURTHER ENACTED, That this Act is an emergency  
26 measure, is necessary for the immediate preservation of the public health and safety, has  
27 been passed by a yea and nay vote supported by three-fifths of all the members elected to  
28 each of the two Houses of the General Assembly, and shall take effect from the date it is  
29 enacted.