

EMERGENCY BILL

By: The President (Department of Legislative Reference)

Introduced and read first time: February 12, 1997

Assigned to: Rules

Committee Report: Favorable

Senate action: Adopted

Read second time: February 14, 1997

CHAPTER _____

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

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1 Section 19-326.1(2)
2 Annotated Code of Maryland
3 (1996 Replacement Volume and 1996 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article - State Government
6 Section 10-617(b)(2)
7 Annotated Code of Maryland
8 (1995 Replacement Volume and 1996 Supplement)

9 BY repealing and reenacting, with amendments,
10 Article - Transportation
11 Section 26-410
12 Annotated Code of Maryland
13 (1992 Replacement Volume and 1996 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article 2B - Alcoholic Beverages
16 Section 2-207(a), 11-402, and 15-112
17 Annotated Code of Maryland
18 (1996 Replacement Volume)

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

21 **Article 27 - Crimes and Punishments**

22 12A-2.

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

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

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

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

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

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

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

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

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

8 DRAFTER'S NOTE:

9 %Error: Technical error in the exceptions to the law that expanded the crime
10 of reckless endangerment.

11 Occurred: Chapters 561 and 562, Acts of 1996.

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

14 **Article 2B - Alcoholic Beverages**

15 2-207.

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

17 (1) By the State Comptroller;

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

21 (3)[Only in the following jurisdictions:

22 (i) Anne Arundel County;

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

24 (iii) Baltimore City;

25 (iv) Baltimore County;

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

27 (vi) Cecil County;

28 (vii) Charles County;

29 (viii) Dorchester County;

30 (ix) Frederick County;

31 (x) Garrett County;

32 (xi) Harford County;

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- 1 (xii) Kent County;
- 2 (xiii) Montgomery County;
- 3 (xiv) Queen Anne's County;
- 4 (xv) Washington County;
- 5 (xvi) Wicomico County; and
- 6 (xvii) Worcester County] THROUGHOUT THE STATE, BUT NOT IN THE
- 7 FOLLOWING SUBDIVISIONS:

- 8 (I) ALLEGANY COUNTY;
- 9 (II) CALVERT COUNTY;
- 10 (III) CAROLINE COUNTY;
- 11 (IV) HOWARD COUNTY;
- 12 (V) PRINCE GEORGE'S COUNTY;
- 13 (VI) ST. MARY'S COUNTY;
- 14 (VII) SOMERSET COUNTY; AND
- 15 (VIII) TALBOT COUNTY;

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

18 DRAFTER'S NOTE:

19 %Error: Clarification of provision in Article 2B, § 2-207(a).
20 Occurred: Various chapters.

21 11-402.

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

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

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

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

31 (2) [Nothing in this] THIS article [shall] MAY NOT be construed to
32 require any holder of an on-sale license [in Anne Arundel County] to close [his] THE
33 LICENSED establishment at any time on January [1st] 1 of any year, and any holder of

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1 [said] THE license [shall be permitted to] MAY make any sale of alcoholic beverages
2 authorized by [his] THE license at any time on January [1st] 1 of any year.

3 [(a) Nothing in this article shall be construed to require any holder of an on-sale
4 license in Baltimore City, Baltimore County and Calvert County to close his establishment
5 at any time on January 1st of any year, and any holder of said license shall be permitted
6 to make any sale of alcoholic beverages authorized by his license at any time on January
7 1st of any year.]

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

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

14 (2) A LICENSEE MAY NOT BE REQUIRED TO CLOSE THE LICENSED
15 PREMISES AT ANY TIME ON JANUARY 1 OF ANY YEAR. THE LICENSEE MAY SELL
16 ALCOHOLIC BEVERAGES THAT ARE AUTHORIZED BY THE LICENSE AT ANY TIME ON
17 JANUARY 1.

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

19 (2) A LICENSEE MAY NOT BE REQUIRED TO CLOSE THE LICENSED
20 PREMISES AT ANY TIME ON JANUARY 1 OF ANY YEAR. THE LICENSEE MAY SELL
21 ALCOHOLIC BEVERAGES THAT ARE AUTHORIZED BY THE LICENSE AT ANY TIME ON
22 JANUARY 1.

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

25 (2) THE holder of any on-sale license may sell alcoholic beverages for
26 consumption on the premises only in accordance with the privileges granted by that
27 license on December 31 and January 1 between the hours of 2 p.m. December 31 and 12
28 midnight January 1, regardless of which day of the week December 31 and January 1 falls
29 on. However, the holder of any on-sale license may elect to sell alcoholic beverages in
30 accordance with the hours authorized by that license if the hours herein specified for
31 December 31 and January 1 restrict those regular hours. The holder of any Class B or
32 Class D license which permits beer sales for off-premises consumption may sell beer on
33 December 31 and January 1 in accordance with the off-sale privileges granted by that
34 license.

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

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

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

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

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

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

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

20 (i) Dorchester County[; and

21 (ii) Queen Anne's County].

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

26 (L) FREDERICK COUNTY - RESERVED.

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

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

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

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

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

38 (2) Notwithstanding § 11-304(a), § 11-514 and any other restrictions as to
39 hours imposed by this article, [in Howard County] a licensee, except any Class A

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1 (off-sale) licensee, may remain open and sell alcoholic beverages authorized by his
2 license at all times on January 1 of any year.

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

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

8 (2) THIS ARTICLE MAY NOT BE CONSTRUED TO RESTRICT THE SALE OF
9 ALCOHOLIC BEVERAGES UNDER ANY CLASS OF LICENSE ISSUED UNDER THIS
10 ARTICLE OR TO RESTRICT ANY PERSON FROM CONSUMING ANY ALCOHOLIC
11 BEVERAGES ON ANY PREMISES LICENSED UNDER THIS ARTICLE BETWEEN THE
12 HOURS OF 12 MIDNIGHT AND 4 A.M. ON JANUARY 1 OF ANY YEAR OR BETWEEN THE
13 HOURS OF 7 P.M. AND 12 MIDNIGHT, ON DECEMBER 31 IN ANY YEAR WHEN
14 DECEMBER 31 FALLS ON A SUNDAY. HOWEVER, IN ANY YEAR IN WHICH JANUARY 1
15 FALLS ON A SUNDAY, IT IS UNLAWFUL TO SELL ALCOHOLIC BEVERAGES UNDER
16 ANY CLASS OF LICENSE OR TO CONSUME ANY ALCOHOLIC BEVERAGES ON ANY
17 LICENSED PREMISES ON JANUARY 1 BETWEEN THE HOURS OF 4 A.M. AND 2 P.M. IN
18 KENT COUNTY.

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

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

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

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

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

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

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

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

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

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

6 (V) TALBOT COUNTY - RESERVED.

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

8 (2) [Nothing in this] THIS article [shall be] MAY NOT BE construed to
9 require any holder of an on-sale license [in Washington County] to close [his
10 establishment] THE LICENSED PREMISES until 2 a.m. on January [1st] 1 of any year[,
11 and any holder of the license shall be permitted to make sale of]. A LICENSEE MAY SELL
12 any alcoholic beverages authorized by [his] THE license until 2 a.m. on January [1st] 1
13 of any year.

14 [(2)] (3) When December 31 falls on a Sunday, any holder of an on-sale
15 license may make sales only for consumption on the premises of any alcoholic [beverage]
16 BEVERAGES authorized by [his] license from 9 p.m. on December 31 until 2 a.m. the
17 following day.

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

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

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

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

30 DRAFTER'S NOTE:

31 %Error: Clarification of provision and reorganization of Article 2B, § 11-402.

32 Occurred: Various chapters.

33 15-112.

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

37 [(b)] (2) [The respective] EACH board [shall be authorized to] MAY employ a
38 secretary and [such] inspectors, clerical and other assistance as [may be] IS necessary,

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1 and [to] fix the compensation of [such] THE employees, except as otherwise provided
2 by this article.

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

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

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

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

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

12 (III) FURNISH bond in the penalty of [\$2,000.00] \$2,000 to the Board
13 [of Alcoholic Beverages License Commissioners of Allegany County] and the Board of
14 County Commissioners [of Allegany County] jointly, conditioned, "that [said]
15 inspectors shall well and faithfully execute the [said] office in all things appertaining
16 thereto". The cost of [said] THE bond shall be paid by the County Commissioners [of
17 Allegany County]. The inspectors [for Allegany County] shall be known as "alcoholic
18 beverage inspectors for Allegany County".

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

22 [(1)] (2) (I) THIS PARAGRAPH APPLIES ONLY IN THE CITY OF
23 ANNAPOLIS. [the]

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

30 [(2)] (3) In addition to the powers given to the Board [of License
31 Commissioners for Anne Arundel County in subsections] IN SUBSECTION (a) [and (b)]
32 of this section, the Board [is authorized to] MAY employ one part-time chief inspector
33 at an annual salary of \$8,000, and 12 part-time inspectors at an annual salary of \$5,000
34 each. In addition to this salary, each of the inspectors shall receive a monthly expense of
35 \$150 per month, subject to the approval of the State Comptroller.

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

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

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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 shall
3 furnish]; AND

4 (III) FURNISH bond in the penalty of \$2,000 to the Board [of License
5 Commissioners of Anne Arundel County] and the [Board of County Commissioners of
6 Anne Arundel] County COUNCIL jointly, conditioned "that inspector shall well and
7 faithfully execute the office in all things appertaining thereto". The cost of the bond shall
8 be paid by the County [Commissioners of Anne Arundel County]. The inspectors for
9 Anne Arundel County are known as the "liquor inspectors for Anne Arundel County".

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

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

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

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

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

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

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

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

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

30 (IV) HOLD any other public office or employment, federal, State or
31 local.

32 [(2)] (3) (I) Every employee of [said] THE Board [shall devote his]:

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

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

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

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

9 [(3)] (4) (I) [No] AS TO ANY ENTITY LICENSED UNDER THE
10 PROVISIONS OF THIS ARTICLE, A commissioner or employee of the Board [shall] MAY
11 NOT solicit or receive directly or indirectly any commission, remuneration or gift
12 whatsoever from any [person,]:

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

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

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

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

24 [(4)] (5) The chairman of [said] THE Board [shall be the] :

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

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

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

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

34 [(5)] (6) [Rules and regulations] REGULATIONS adopted by the Board [in
35 said City] shall be published and distributed to [such] WHICHEVER licensees [as may
36 be] ARE affected [thereby] BY THEM. The Board [in said City shall have the power to]
37 MAY require any licensee to display prominently in [his] THE LICENSEE'S place of
38 business any [rule or] regulation of [said] THE Board, or any excerpt or statement from
39 this article.

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

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

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

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

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

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

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

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

20 [(2)] (3) In [Baltimore County, in] addition to the other powers and duties
21 conferred on them, the Board [of License Commissioners] may prescribe [rules and]
22 regulations [regarding]:

23 (I) REGARDING the presence of any person not designated under §
24 1-102(a)(6) of this article on any premises licensed to sell alcoholic beverages; and [also
25 may prescribe rules and regulations concerning]

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

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

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

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

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

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

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

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

7 (H) CARROLL COUNTY - RESERVED.

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

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

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

21 [(3)] (4) The inspector shall investigate all applicants for an alcoholic
22 beverages license or transfer of license, enforce all alcoholic beverages laws, and
23 investigate all violations of the alcoholic beverages laws and report [the same] THEM to
24 the Board [of License Commissioners].

25 (5) The inspector shall [have]:

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

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

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

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

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

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

14

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

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

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

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

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

12 [(2)] (3) A person who violates this section is guilty of a misdemeanor and
13 on conviction is subject to a fine not exceeding \$2,000 or a term of imprisonment not
14 exceeding 30 days.

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

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

19 (M) GARRETT COUNTY - RESERVED.

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

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

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

26 (2) The Board [of License Commissioners of Howard County] may employ
27 [such] inspectors as [may be] necessary at [such] A compensation as the County
28 Council [may by budget provide] BUDGETS. The inspectors [of Howard County] shall
29 [be]:

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

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

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

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

15

1 [(2)] (3) The services of the bureau of inspection and licenses, the office of
 2 the County solicitor, and other County departments and offices shall be made available to
 3 the Board.

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

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

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

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

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

15 [(4)] (5) (I) [No] A commissioner or County employee or Board
 16 employee [shall] MAY NOT solicit or receive directly or indirectly, any commission,
 17 remuneration or gift whatsoever from any person, or corporation engaged in the
 18 manufacture or sale of beer or other alcoholic beverages, nor from any agent or employee
 19 of such person or corporation, or from any licensee, licensed under the provisions of this
 20 article.

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

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

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

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

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

37 (3) The Board:

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

16

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

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

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

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

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

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

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

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

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

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

18 1. Inspection activities;

19 2. Complaints; and

20 3. Violations, either observed or reported.

21 (6) Before a person qualifies as an alcoholic beverages inspector, the person
22 shall make an oath to faithfully perform the duties entrusted, as provided in Article I, §
23 9 of the Constitution of Maryland.

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

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

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

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

17

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

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

5 [(2)] (3) (i) A [commissioner of the Montgomery County] MEMBER OF
6 THE Board [of License Commissioners] may not:

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

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

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

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

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

21 [(3)] (4) (I) [No] A commissioner or County employee [shall] MAY
22 NOT solicit or receive directly or indirectly any commission, remuneration or gift
23 whatsoever from any [person,];

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

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

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

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

35 [(4)] (5) Notwithstanding any other law, the [Montgomery County] Board
36 [of License Commissioners] shall collect the license fees and issue [in Montgomery
37 County] the alcoholic beverages licenses provided for in this article.

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

18

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

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

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

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

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

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

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

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

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

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

28 [(3)] (4) A commissioner, inspector, or employee of the Board may not:

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

32 (ii) Have any interest in any business wholly or partially devoted to the
33 manufacture or sale of alcoholic beverages in this State, or own any stock in any
34 corporation which has any interest, proprietary or otherwise, direct or indirect, in any
35 premises in this State where alcoholic beverages are manufactured or sold or in any
36 business wholly or partially devoted to the manufacture or sale of alcoholic beverages in
37 this State.

38 [(4)] (5) Employees of the Board:

19

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

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

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

9 [(5)] (6) Any employee of the Board who violates any of the provisions of
10 this section shall be removed.

11 [(6)] (7) A commissioner, inspector, or employee of the Board may not
12 solicit or receive any commission, remuneration, or gift whatsoever from any person or
13 corporation engaged in the manufacture or sale of beer or other alcoholic beverages, or
14 from any agent or employee of the person or corporation, or from any licensee, licensed
15 under the provisions of this article.

16 [(7)] (8) A commissioner shall immediately forfeit his office as a license
17 commissioner for [Prince George's] THE County if the commissioner:

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

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

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

28 [(9)] (10) (i) In this paragraph, "candidate", "contribution", and "political
29 committee" have the meanings stated in Article 33, § 1-1(a) of the Code.

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

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

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

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

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

20

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

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

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

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

13 (2) THE Board [shall]:

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

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

18 (V) TALBOT COUNTY - RESERVED.

19 (W) WASHINGTON COUNTY - RESERVED.

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

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

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

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

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

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

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

21

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

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

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

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

7 [(2)] (3) (i) [In Worcester County the] THE Board [of License
8 Commissioners], with the consent of the County Commissioners, may appoint an
9 inspector.

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

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

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

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

19 DRAFTER'S NOTE:

20 %Error: Clarification of provision and reorganization of Article 2B, § 15-112.

21 Occurred: Various chapters.

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

24 **Article - Business Regulation**

25 17-206.

26 (A) THIS SECTION DOES NOT APPLY TO:

27 (1) A CONSOLE MACHINE LICENSE, PINBALL MACHINE LICENSE,
28 WICOMICO COUNTY PINBALL MACHINE LICENSE, OR GARRETT COUNTY
29 AMUSEMENT DEVICE LICENSE ISSUED UNDER SUBTITLE 4 OF THIS TITLE;

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

32 (3) A JUNK DEALER OR SCRAP METAL PROCESSOR LICENSE, AGENT
33 LICENSE, OR CALVERT COUNTY JUNK DEALER OR SCRAP METAL PROCESSOR
34 LICENSE ISSUED UNDER SUBTITLE 10 OF THIS TITLE;

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

22

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

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

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

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

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

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

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

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

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

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

19 (i) to the municipal corporation where the licensed business or
20 activity is located, if the licensed business or activity is located in a municipal corporation;
21 or

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

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

26 (i) the most recent federal census; or

27 (ii) an official local census.

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

30 (i) levies, in its current fiscal year, taxes sufficient to collect at least
31 \$1.00 per capita in revenue; and

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

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

23

1 DRAFTER'S NOTE:

2 %Error: Erroneous recodification of applicability of Article 56, § 3 as § 17-206
 3 of the Business Regulation Article.
 4 Occurred: Chapter 4, Acts of 1992.

5 **Article - Environment**

6 15-521.

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

19 DRAFTER'S NOTE:

20 %Error: Erroneous reference in § 15-521(b)(1) of the Environment Article.
 21 Occurred: As a result of Chapter 488, Acts of 1995.

22 **Article - Health - General**

23 19-326.1.

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

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

30 DRAFTER'S NOTE:

31 %Error: Erroneous cross-reference in § 19-326.1 of the Health - General
 32 Article.
 33 Occurred: As a result of Chapter 120, Acts of 1995.

24

1 **Article - State Government**

2 10-617.

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

6 DRAFTER'S NOTE:

7 %Error: Obsolete cross-reference in § 10-617(b)(2) of the State Government
8 Article.
9 Occurred: As a result of Chapter 480, Acts of 1990.

10 **Article - Transportation**

11 26-410.

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

16 DRAFTER'S NOTE:

17 %Error: Erroneously omitted language as part of the nonsubstantive revision
18 of § 26-410 of the Transportation Article.
19 Occurred: Chapter 14, Acts of 1977.

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

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

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

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

