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By: **Allegany County Delegation**

Introduced and read first time: February 8, 1999

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Allegany County - Alcoholic Beverages - Special Festival License**

3 FOR the purpose of creating in Allegany County a special festival alcoholic beverages  
4 license; providing for the terms and conditions of the license; and generally  
5 relating to alcoholic beverages in Allegany County.

6 BY renumbering

7 Article 2B - Alcoholic Beverages  
8 Section 8-301 through 8-313, respectively  
9 to be Section 8-302 through 8-314, respectively  
10 Annotated Code of Maryland  
11 (1998 Replacement Volume and 1998 Supplement)

12 BY adding to

13 Article 2B - Alcoholic Beverages  
14 Section 8-301  
15 Annotated Code of Maryland  
16 (1998 Replacement Volume and 1998 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
18 MARYLAND, That Section(s) 8-301 through 8-313, respectively, of Article 2B -  
19 Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be  
20 Section(s) 8-302 through 8-314, respectively.

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

23 **Article 2B - Alcoholic Beverages**

24 8-301.

25 (A) IN THIS SECTION, "BOARD" MEANS THE ALLEGANY COUNTY BOARD OF  
26 LICENSE COMMISSIONERS.

1 (B) THIS SECTION APPLIES ONLY IN ALLEGANY COUNTY.

2 (C) THE BOARD MAY ISSUE ANNUALLY ONE SPECIAL FESTIVAL LICENSE.

3 (D) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, AN  
4 APPLICANT FOR A SPECIAL FESTIVAL LICENSE SHALL BE A HOLDER OF AN EXISTING  
5 STATE RETAIL ALCOHOLIC BEVERAGES LICENSE, STATE CLASS 3 WINERY LICENSE,  
6 OR STATE CLASS 4 LIMITED WINERY LICENSE ISSUED UNDER THIS ARTICLE.

7 (E) A SPECIAL FESTIVAL LICENSEE SHALL:

8 (1) ONLY DISPLAY AND SELL:

9 (I) WINE THAT IS:

10 1. MANUFACTURED AND PROCESSED IN ANY STATE;

11 2. PRICE FILED IN ACCORDANCE WITH REGULATIONS  
12 ADOPTED BY THE COMPTROLLER; AND

13 3. DISTRIBUTED IN THE STATE AT THE TIME THE  
14 APPLICATION IS FILED; OR

15 (II) BEER THAT IS BREWED BY A BREWER:

16 1. WHO BREWS LESS THAN 60,000 BARRELS OF BEER  
17 ANNUALLY; AND

18 2. WHOSE PRODUCT IS DISTRIBUTED IN THE STATE AT THE  
19 TIME THE APPLICATION IS FILED;

20 (2) DISPLAY AND SELL BEER AND WINE AT RETAIL FOR CONSUMPTION  
21 ON OR OFF THE LICENSED PREMISES ON THE DAYS AND FOR THE HOURS  
22 DESIGNATED FOR THE SPECIAL FESTIVAL; AND

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

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

29 (G) THE BOARD:

30 (1) MAY ESTABLISH THE LICENSE FEE;

31 (2) MAY SELECT ONE WEEKEND, FRIDAY THROUGH SUNDAY INCLUSIVE,  
32 ANNUALLY FOR THE SPECIAL FESTIVAL PROVIDED THAT THE WEEKEND THAT IS  
33 SELECTED DOES NOT OCCUR ON THE SAME WEEKEND AS THE MARYLAND WINE  
34 FESTIVAL;

1           (3)     SHALL CHOOSE A LOCATION IN THE COUNTY THAT IS NOT LICENSED  
2 UNDER THIS ARTICLE FOR THE SPECIAL FESTIVAL; AND

3           (4)     SHALL ASSURE THAT THE PRIMARY FOCUS OF THE SPECIAL  
4 FESTIVAL IS THE PROMOTION OF MARYLAND BEER AND WINE.

5     (H)     (1)     PRODUCTS DISPLAYED AND SOLD SHALL BE:

6                   (I)     INVOICED TO THE SPECIAL FESTIVAL LICENSE HOLDER BY A  
7 LICENSED STATE WHOLESALER, WINERY, OR LIMITED WINERY; AND

8                   (II)    DELIVERED TO THE SPECIAL FESTIVAL FROM THE LICENSED  
9 PREMISES OF THE WHOLESALER, WINERY, OR LIMITED WINERY.

10           (2)     WHENEVER A SPECIAL FESTIVAL LICENSE IS ISSUED UNDER THIS  
11 SUBSECTION, HOLDERS OF WHOLESALE, WINERY, OR LIMITED WINERY LICENSES  
12 MAY ENTER INTO AN AGREEMENT WITH THE HOLDER OF A SPECIAL FESTIVAL  
13 LICENSE TO DELIVER BEER AND WINE 2 DAYS PRIOR TO THE EFFECTIVE DATE OF  
14 THE SPECIAL FESTIVAL LICENSE AND TO ACCEPT RETURNS 2 DAYS AFTER THE  
15 EXPIRATION DATE OF THE SPECIAL FESTIVAL LICENSE.

16     (I)     THE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

17     SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 June 1, 1999.