
By: **Delegate Elmore**

Introduced and read first time: January 20, 2006

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 2006

CHAPTER _____

1 AN ACT concerning

2 **Somerset County - Alcoholic Beverages - License Fees and Miscellaneous**
 3 **Provisions**

4 FOR the purpose of increasing certain fees relating to alcoholic beverages licenses
 5 issued in Somerset County; establishing a certain fee for the transfer or
 6 assignment of licenses; authorizing the Somerset County Board of License
 7 Commissioners to waive a certain publication notice with respect to the transfer
 8 or assignment of Class C club licenses; increasing the fee required for filing
 9 changes in the officers of certain corporations and clubs; increasing the salaries
 10 of the members, chairman, attorney, and clerk for the Somerset County Board of
 11 License Commissioners; authorizing the Board to issue a wine tasting license in
 12 Somerset County; requiring applications for alcoholic beverages licenses in
 13 Somerset County to contain a statement that the applicant consents to the
 14 Board investigating the applicant's criminal record; requiring the Board to
 15 fingerprint applicants for alcoholic beverages licenses and to charge a ~~certain~~
 16 fee in connection with the to cover the cost of fingerprinting and performing a
 17 State and national criminal history records check; requiring the Board to have
 18 certain notice of applications for alcoholic beverages licenses advertised in a
 19 certain manner and requiring the applicants for those licenses to pay a certain
 20 fee to cover the costs of the advertising; providing for a certain late fee to be
 21 assessed if renewals for alcoholic beverages licenses are not filed in a certain
 22 manner; requiring an alcoholic beverages licensee that appeals a decision of the
 23 Board to the Circuit Court for Somerset County to pay a certain fee; providing
 24 that the provisions of this Act relating to the salaries of the members and
 25 chairman of the Board of License Commissioners do not apply to the incumbent
 26 members and chairman of the Board; making a technical correction; and
 27 generally relating to alcoholic beverages in Somerset County.

1 BY adding to

2 Article 2B - Alcoholic Beverages
3 Section 8-410.2, 10-103(b)(9)(v), 10-202(p), 10-301(s), and 10-503(u)
4 Annotated Code of Maryland
5 (2005 Replacement Volume)

6 BY repealing and reenacting, without amendments,

7 Article 2B - Alcoholic Beverages
8 Section 3-101(a), 3-201(a), 3-301(a), 3-401(a), 4-201(a), 5-101(a), 5-201(a),
9 5-301(a), 5-401(a), 6-201(a)(1) and (2), 6-301(a), 6-401(a), 10-103(b)(9)(i),
10 (ii), and (iv), and 10-503(a)(1)
11 Annotated Code of Maryland
12 (2005 Replacement Volume)

13 BY repealing

14 Article 2B - Alcoholic Beverages
15 Section 10-202(p) and 10-503(u)
16 Annotated Code of Maryland
17 (2005 Replacement Volume)

18 BY repealing and reenacting, with amendments,

19 Article 2B - Alcoholic Beverages
20 Section 3-101(u), 3-201(u), 3-301(u), 3-401(u), 4-201(b), 5-101(u), 5-201(u),
21 5-301(u), 5-401(u), 6-201(u)(1) and (2), 6-301(u)(1) and (2), 6-401(u)(1),
22 7-101(s), 8-312, 10-103(b)(9)(iii), 10-301(h)(1), 15-109(u), 15-112(u), and
23 16-101(b)
24 Annotated Code of Maryland
25 (2005 Replacement Volume)

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

28 **Article 2B - Alcoholic Beverages**

29 8-410.2.

30 (A) THIS SECTION APPLIES ONLY IN SOMERSET COUNTY.

31 (B) (1) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A WINE
32 TASTING (WT) LICENSE FOR WINE TASTING AND SAMPLING.

33 (2) A WT LICENSE MAY BE ISSUED ONLY TO A HOLDER OF A CLASS A
34 BEER AND WINE (OFF-SALE) LICENSE.

35 (C) THE ANNUAL WT LICENSE FEE IS \$150.

1 (D) (1) AN APPLICATION FOR A WT LICENSE SHALL BE MADE ON A FORM
2 THAT THE BOARD OF LICENSE COMMISSIONERS PROVIDES.

3 (2) A RENEWAL OF THE WT LICENSE MAY BE MADE AT THE TIME THE
4 CLASS A BEER AND WINE (OFF-SALE) LICENSE IS RENEWED.

5 (3) THE BOARD OF LICENSE COMMISSIONERS MAY GRANT A WT
6 LICENSE WITHOUT A HEARING.

7 (4) IF APPLICATION FOR A WT LICENSE IS DENIED, THE APPLICANT MAY
8 REQUEST A PUBLIC HEARING BEFORE THE BOARD OF LICENSE COMMISSIONERS.

9 (E) (1) A WT LICENSE HOLDER MAY NOT SERVE TO ANY PERSON FOR
10 SAMPLING OR TASTING PURPOSES MORE THAN 1 OUNCE FROM EACH BRAND.

11 (2) A MAXIMUM OF SIX BOTTLES MAY BE OPENED AT ANY ONE TIME AT A
12 WINE SAMPLING OR TASTING EVENT.

13 (3) THE TOTAL NUMBER OF DAYS DURING WHICH WINE SAMPLING OR
14 TASTING EVENTS ARE HELD MAY NOT EXCEED 15 IN ANY PERIOD FOR WHICH A WT
15 LICENSE IS IN EFFECT.

16 (4) A WT LICENSE HOLDER SHALL NOTIFY THE BOARD OF LICENSE
17 COMMISSIONERS IN WRITING AT LEAST 5 DAYS BEFORE A WINE SAMPLING OR
18 TASTING EVENT.

19 (5) ONCE OPENED, EACH BOTTLE USED FOR A WINE SAMPLING OR
20 TASTING EVENT SHALL BE MARKED THAT IT IS TO BE USED FOR THAT PURPOSE
21 ONLY.

22 (6) THE CONTENTS OF EACH BOTTLE MAY NOT BE MIXED WITH ANY
23 OTHER BOTTLE, AND ALL BOTTLES SHALL BE DESTROYED ONCE THEY ARE EMPTY.

24 (F) (1) A WT LICENSE IS FOR ON-PREMISES CONSUMPTION ONLY.

25 (2) WINE SAMPLING OR TASTING MAY NOT BE CONDUCTED FROM A
26 DRIVE-THROUGH WINDOW.

27 10-103.

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

32 (9) (i) A statement that the applicant has never been convicted of a
33 felony and a further statement as to whether he has ever been adjudged guilty of
34 violating the laws governing the sale of alcoholic beverages or for the prevention of
35 gambling in the State of Maryland;

1 (ii) In Worcester County a statement that the applicant has never
2 offered a plea of nolo contendere to a felony indictment which was accepted by a court;

3 (iii) In SOMERSET AND Wicomico [County] COUNTIES, a statement
4 that the applicant consents to the Board investigating the applicant's criminal record;
5 and

6 (iv) 1. In Prince George's and Worcester counties, a signed
7 statement by the applicant that the applicant has not been convicted of a felony or if
8 the application is being made for the use of a corporation, that the applicant and none
9 of the stockholders of that corporation have been convicted of a felony;

10 2. In Worcester County, that the owner of the corporation has
11 not been convicted of a felony; and

12 3. In Charles County, a signed statement by the applicant
13 that the applicant has not been convicted of a felony, or, except for an applicant for a
14 Class B beer, wine and liquor (BLX) luxury restaurant license, if the application is
15 being made for the use of a corporation, that the applicant and none of the
16 stockholders of that corporation have been convicted of a felony;

17 (V) 1. A. IN THIS SUBPARAGRAPH THE FOLLOWING WORDS
18 HAVE THE MEANINGS INDICATED.

19 B. "APPLICANT" MEANS AN APPLICANT FOR A NEW
20 ALCOHOLIC BEVERAGES LICENSE OR FOR A TRANSFER OF AN EXISTING ALCOHOLIC
21 BEVERAGES LICENSE.

22 C. "BOARD" MEANS THE BOARD OF LICENSE
23 COMMISSIONERS OF SOMERSET COUNTY.

24 2. THIS SUBPARAGRAPH APPLIES ONLY IN SOMERSET
25 COUNTY.

26 3. THE BOARD SHALL:

27 A. REQUIRE AN APPLICANT TO BE FINGERPRINTED;

28 B. FORWARD THE FINGERPRINTS TO THE CRIMINAL JUSTICE
29 SYSTEM CENTRAL REPOSITORY IN THE DEPARTMENT OF PUBLIC SAFETY AND
30 CORRECTIONAL SERVICES; AND

31 C. REQUEST FROM THE CENTRAL REPOSITORY A STATE AND
32 NATIONAL CRIMINAL HISTORY RECORDS CHECK OF THE APPLICANT.

33 4. THE BOARD MAY NOT DISSEMINATE INFORMATION FROM
34 CRIMINAL RECORDS TO THE PUBLIC BUT MAY MAKE INFORMATION FROM CRIMINAL
35 RECORDS AVAILABLE TO MEMBERS OF THE BOARD AND THEIR DESIGNEES.

1 is payable to the local collecting agent. In Worcester County, this section applies only
2 to Class C (clubs) establishments for which the fee is \$5. In Wicomico County, an
3 application for renewal of a restaurant license is subject to requirements specified in
4 § 6-201(x) of this article, as amended from time to time.

5 (S) (1) THIS SUBSECTION APPLIES ONLY IN SOMERSET COUNTY.

6 (2) IN THIS SUBSECTION, "BOARD" MEANS THE BOARD OF LICENSE
7 COMMISSIONERS.

8 (3) AN APPLICANT FOR A RENEWAL OF A LICENSE ISSUED BY THE
9 BOARD SHALL PAY A RENEWAL APPLICATION FEE OF \$50 TO THE LOCAL COLLECTING
10 AGENT.

11 (4) THE BOARD MAY NOT RENEW AN ALCOHOLIC BEVERAGES LICENSE
12 UNTIL THE LICENSEE HAS PRESENTED THE BOARD WITH A CERTIFICATE OF
13 RECEIPT FROM THE COUNTY FINANCE OFFICE THAT SHOWS THAT THERE ARE NOT
14 UNPAID TAXES ON THE MERCHANDISE, FIXTURES, AND STOCK OF THE APPLICANT
15 DUE TO THE COUNTY OR STATE.

16 (5) IF AN APPLICANT FAILS TO RENEW AN ALCOHOLIC BEVERAGES
17 LICENSE IN A TIMELY MANNER AS DETERMINED BY THE BOARD, THE APPLICANT
18 SHALL PAY A LATE RENEWAL FEE OF \$100 IN ADDITION TO THE RENEWAL
19 APPLICATION FEE OF \$50 REQUIRED BY PARAGRAPH (3) OF THIS SUBSECTION.

20 10-503.

21 (a) (1) In this section, "board" means the board of license commissioners or
22 liquor control board, as the case may be, of the county or Baltimore City.

23 [(u) The provisions of subsection (a) of this section apply in Somerset County.]

24 (U) (1) THIS SUBSECTION APPLIES ONLY IN SOMERSET COUNTY.

25 (2) THE BOARD MAY WAIVE THE PUBLICATION NOTICE REQUIRED
26 UNDER SUBSECTION (A) OF THIS SECTION FOR THE TRANSFER OR ASSIGNMENT OF
27 LICENSES BUT ONLY WITH RESPECT TO CLASS C CLUB LICENSES WHEN A PERSON
28 WHOSE NAME APPEARS ON THE LICENSE BECOMES INELIGIBLE, PROVIDED THAT A
29 NEW APPLICATION FOR THE SAME CLASS OF LICENSE IS PROPERLY FILED WITH THE
30 BOARD WITHIN 10 DAYS OF THE DATE ON WHICH THE PERSON BECOMES INELIGIBLE.

31 (3) THE FEE FOR TRANSFER OR ASSIGNMENT OF A LICENSE IS \$50 IN
32 ADDITION TO THE COST OF PUBLICATION, NOTICE, AND ANY HEARING FEES
33 REQUIRED.

34 15-109.

35 (u) (1) In Somerset County each of the members of the Board, except the
36 chairman, shall receive an annual salary of [\$2,000] \$3,000, and the chairman shall
37 receive an annual salary of [\$2,500] \$3,500.

1 (2) The County Commissioners shall provide a sum sufficient to pay for
2 the salaries of the members of the Board.

3 (3) The County Commissioners may provide a sum sufficient to pay for
4 all expenses of the Board, including:

5 (i) Salaries of personnel other than members of the Board; and

6 (ii) Costs of printing, supplies, and other expenses related to the
7 operation of the Board.

8 15-112.

9 (u) (1) This subsection applies only in Somerset County.

10 (2) The Board:

11 (i) Shall appoint a clerk to the Board at an annual salary of
12 [\$2,500] \$3,500; and

13 (ii) May designate an attorney for the Board at an annual salary of
14 [\$3,000] \$4,000.

15 16-101.

16 (b) (1) Subject to [paragraph (2)] PARAGRAPHS (2) AND (3) of this
17 subsection, the following persons may appeal a decision of a local licensing board to
18 the circuit court of the county upon payment of all costs incident to the hearing before
19 the local licensing board:

20 (i) Any alcoholic beverages licensee that holds a license issued by
21 the local licensing board;

22 (ii) An applicant for an alcoholic beverages license that is the
23 subject of the decision by the local licensing board; and

24 (iii) Any group of not less than 10 persons who are residents or real
25 estate owners in the precinct or voting district in which the licensed place of business
26 is located or proposed to be located.

27 (2) IN SOMERSET COUNTY, IN ADDITION TO THE REQUIREMENTS OF
28 PARAGRAPH (1) OF THIS SUBSECTION WITH RESPECT TO THE PAYMENT OF ALL
29 COSTS INCIDENT TO THE HEARING BEFORE THE BOARD OF LICENSE
30 COMMISSIONERS, A PERSON THAT APPEALS A DECISION OF THE BOARD TO THE
31 CIRCUIT COURT SHALL PAY TO THE BOARD AN APPEAL FEE OF \$100.

32 [(2)] (3) A licensee, license applicant, or group that appeals a decision of
33 a local licensing board under paragraph (1) of this subsection, must be aggrieved by
34 the decision of the board and must have appeared at the hearing of the board either in
35 person, by a representative, or by the submission of a written document that was
36 introduced at the hearing.

1 keep for sale and sell beer at retail to bona fide members and their guests, at any
2 club, at the place described in the license for consumption on the premises only.

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

5 (u) In Somerset County the annual license fee is [\$25] \$27.50.

6 3-401.

7 (a) (1) A Class D beer license shall be issued by the license issuing authority
8 of the county in which the place of business is located. The holder of the license may
9 keep for sale and sell beer at retail at the place described in the license. The beer may
10 be consumed on the premises or elsewhere, but a license may not be issued for any
11 drugstore.

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

14 (u) In Somerset County the annual license fee is [\$200] \$220.

15 4-201.

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

17 (1) Anne Arundel County;

18 (2) Baltimore County;

19 (3) Calvert County;

20 (4) Caroline County;

21 (5) Carroll County;

22 (6) Cecil County;

23 (7) Dorchester County;

24 (8) Frederick County;

25 (9) Garrett County;

26 (10) Harford County;

27 (11) Montgomery County;

28 (12) Queen Anne's County;

29 (13) St. Mary's County;

30 (14) Somerset County;

1 (15) Talbot County; and

2 (16) Washington County.

3 (b) (1) Except as otherwise provided in this subsection, the annual fee for
4 this license is \$50.

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

6 (3) In Garrett County, the issuing fee for this license is \$50.

7 (4) In Harford County, the annual fee for this license is \$100.

8 (5) In Caroline County, the annual fee for this license shall be set by the
9 Board of License Commissioners with the approval of the Board of County
10 Commissioners.

11 (6) IN SOMERSET COUNTY, THE ANNUAL FEE FOR THIS LICENSE IS \$55.

12 5-101.

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

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

21 (u) (1) This subsection applies only in Somerset County.

22 (2) The annual license fee for a 6 day license is [~~\$150~~] \$165.

23 (3) The annual license fee for a 7 day license is [~~\$175~~] \$192.50.

24 (4) A person may not hold a license under the provisions of this
25 subsection upon any premises having any direct or indirect connection with any drug
26 or pharmaceutical, or other business establishments of a type commonly known as or
27 referred to as drugstore.

28 5-201.

29 (a) (1) A Class B beer and light wine license shall be issued by the license
30 issuing authority of the county in which the place of business is located. The holder
31 may keep for sale and sell beer and light wines at retail at any hotel or restaurant, at
32 the place described in the license, for consumption on the premises or elsewhere.

33 (2) The annual fee shall be paid to the local collecting agent before any
34 license is issued.

1 (u) In Somerset County the annual license fee is [\$200] \$220.

2 5-301.

3 (a) (1) Except as provided in subsection (n) of this section, a Class C beer
4 and light wine license shall be issued by the license issuing authority of the county in
5 which the place of business is located. The holder of the license may keep for sale and
6 sell beer and light wines at retail to bona fide members and their guests, at any club,
7 at the place described in the license, for consumption on the premises only.

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

10 (u) In Somerset County the annual license fee is [\$35] \$38.50.

11 5-401.

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

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

19 (u) In Somerset County the annual license fee is [\$200] \$220.

20 6-201.

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

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

28 (u) (1) This subsection applies only in Somerset County.

29 (2) The annual license fee is [\$1,000] \$1,100 for a restaurant [and] OR
30 for a hotel.

31 6-301.

32 (a) (1) Except as provided in subsection (n) of this section, a Class C beer,
33 wine and liquor license shall be issued by the license issuing authority of the county
34 in which the place of business is located. It authorizes the holder to keep for sale and
35 sell all alcoholic beverages at retail at any club, at the place described in the license,
36 for consumption on the premises only.

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

3 (3) In this section, "board" means the board of commissioners for the
4 jurisdiction to which the subsection applies.

5 (u) (1) This subsection applies only in Somerset County.

6 (2) The annual license fee is [~~\$250~~] \$275.

7 6-401.

8 (a) (1) A Class D beer, wine and liquor license shall be issued by the license
9 issuing authority of the county in which the place of business is located. It authorizes
10 the holder to keep for sale and sell all alcoholic beverages at retail at the place
11 described in it, for consumption on the premises or elsewhere. A license may not be
12 issued for any drugstore.

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

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

17 (u) (1) In Somerset County the annual license fee is [~~\$1,000~~] \$1,100.

18 7-101.

19 (s) (1) This subsection applies only in Somerset County.

20 (2) The Board of License Commissioners may grant special licenses of
21 any class except manufacturer's and wholesaler's licenses.

22 (3) The licenses entitle the holder to exercise any of the privileges
23 conferred by the respective classes of licenses at any bona fide entertainment held or
24 conducted by any club, society, association, or civic or charitable organization.

25 (4) (i) A special beer or beer and light wine license may be issued for
26 up to 7 consecutive days.

27 (ii) A special beer, wine and liquor license may be issued for up to
28 14 consecutive days.

29 (5) (i) The fee for a special beer, beer and light wine, or beer, wine and
30 liquor license is [~~\$50~~] \$55 for each license for an initial 2-day period.

31 (ii) After the initial 2-day period, the fee for each additional day is
32 [~~\$25~~] \$27.50.

33 (6) The fees shall be paid to the Board for the use of the county before the
34 license is issued.

1 (7) The Board may not require the publication of an application for a
2 special temporary alcoholic beverages license as a prerequisite to the granting of such
3 a license.

4 8-312.

5 (a) The provisions of this section apply only in Somerset County.

6 (b) The Liquor Licensing Board may issue a special Maryland Wine Festival
7 (MWF) license.

8 (c) An applicant for a special MWF license shall be a holder of a special
9 temporary alcoholic beverages license, State Class 3 winery license, or State Class 4
10 winery license.

11 (d) A special MWF licensee shall only display and sell wine that is produced
12 and processed in Maryland.

13 (e) A special MWF license entitles the holder to display and sell at retail wine
14 for consumption on or off the licensed premises on the days and for the hours
15 designated for the Maryland Wine Festival.

16 (f) The license fee is [~~\$15~~] \$16.50.

17 (g) The provisions of this section do not prohibit the licensee from holding
18 another alcoholic beverages license of a different class or nature.

19 (h) The Liquor Licensing Board:

20 (1) May select one weekend annually during the month of May or June
21 for the Maryland Wine Festival; and

22 (2) Shall choose a location for this festival.

23 (i) The Liquor Licensing Board shall adopt regulations for implementing this
24 section.

25 SECTION 3. AND BE IT FURTHER ENACTED, That, pursuant to Article III, §
26 35 of the Maryland Constitution, this Act may not be construed to extend or apply to
27 the salary or compensation of the chairman or members of the Somerset County
28 Board of License Commissioners in office on the effective date of this Act, but the
29 provisions of this Act concerning the salary or compensation of the chairman or
30 members of the Somerset County Board of License Commissioners shall take effect at
31 the beginning of the next following term of office.

32 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 July 1, 2006.

