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May 2, 2011

The Honorable Martin O’Malley
Governor of Maryland
State House
100 State Circle
Annapolis, Maryland 21401-1991

Re: House Bill 1095

Dear Governor O’Malley:

We have reviewed and hereby approve for constitutionality and legal sufficiency House Bill 1095, “Prince George’s County - Alcoholic Beverages - Development District Licenses.” We write to discuss the interpretation of the bill.

House Bill 1095 amends Article 2B, § 6-201(r)(15), which allows the Board of License Commissioner in Prince George’s County to set the number of Class B-DD licenses, but prohibits issuance of Class B-DD for a restaurant located within an area defined in Article 2B, § 9-217(f)(7) if there are four restaurants with Class B-DD licenses already located in that area. The change to this section appears to permit issuance of the permits until there are six restaurants with Class B-DD licenses operating in any of the listed areas. House Bill 1095 also amends Article 2B, § 9-217(f)(7) to add the area of Ritchie Station Marketplace. This amendment reflects that this area may have up to six Class B-DD licenses. The existing provisions relating to the area around Capital Plaza and around the Greenbelt Metro Station, however, continue to reflect a maximum of four Class B-DD licenses in each of those areas.

When two provisions of a statute relate to the same subject matter, they should be construed together and harmonized with each other where consistent with their general object and scope. *120 W. Fayette v. Baltimore*, 413 Md. 309, 331 (2010). Where the two provisions cannot be reconciled, it is a general rule that “a specific enactment prevails over an incompatible general enactment in the same or another statute.” *Mamsi Life & Health Ins. Co. v. Kuei-I Wu*, 411 Md. 166, 185 (2009).

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Because Article 2B, § 9-217(f)(7) sets specific limits for each area listed, while the number in Article 2B, § 6-201(r)(15) is a general one applicable to any area listed in Article 2B, § 9-217(f)(7), it is my view that the specific numbers in Article 2B, § 9-217(f)(7) prevail. This is consistent with the title of the bill, which describes the bill as applying to restaurants in "a certain area of Prince George's County."

Very truly yours,



Douglas F. Gansler
Attorney General

DFG/KMR/kk

cc: The Honorable John P. McDonough
Joseph Bryce
Karl Aro