

# SENATE BILL 1040

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2lr3328  
CF HB 1368

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By: **Senators Brinkley and Young**

Introduced and read first time: February 23, 2012

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County – Middletown Wine Festival License**

3 FOR the purpose of creating in Frederick County a Middletown Wine Festival License;  
4 authorizing the Frederick County Board of License Commissioners to issue the  
5 license to a holder of certain licenses; specifying that the license entitles the  
6 holder to display and sell at retail wine for consumption on or off the premises  
7 on the days and for the hours designated for the Middletown Wine Festival;  
8 requiring that the Board shall ensure that the primary focus of the Middletown  
9 Wine Festival is the promotion of wine produced in Frederick County; requiring  
10 a license holder to display and sell wine that is distributed in the State;  
11 providing for a license fee; specifying that this Act does not prohibit a license  
12 holder from holding another license of a different class or nature; authorizing  
13 the Burgess and Commissioners of Middletown to hold not more than a certain  
14 number of Middletown Wine Festivals annually; requiring the Burgess and  
15 Commissioners to choose certain festival locations; authorizing the Burgess and  
16 Commissioners to adopt certain regulations; making certain technical  
17 corrections; and generally relating to alcoholic beverages in Frederick County.

18 BY renumbering

19 Article 2B – Alcoholic Beverages  
20 Section 8–308.2  
21 to be Section 8–308.3  
22 Annotated Code of Maryland  
23 (2011 Replacement Volume)

24 BY repealing and reenacting, without amendments,

25 Article 2B – Alcoholic Beverages  
26 Section 8–211(a)  
27 Annotated Code of Maryland  
28 (2011 Replacement Volume)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,  
 2 Article 2B – Alcoholic Beverages  
 3 Section 8–211(d–1)  
 4 Annotated Code of Maryland  
 5 (2011 Replacement Volume)

6 BY adding to  
 7 Article 2B – Alcoholic Beverages  
 8 Section 8–308.2  
 9 Annotated Code of Maryland  
 10 (2011 Replacement Volume)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 12 MARYLAND, That Section(s) 8–308.2 of Article 2B – Alcoholic Beverages of the  
 13 Annotated Code of Maryland be renumbered to be Section(s) 8–308.3.

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

16 **Article 2B – Alcoholic Beverages**

17 8–211.

18 (a) The provisions of this section apply only in Frederick County.

19 (d–1) (1) The Board of License Commissioners may issue within the  
 20 municipal boundaries of the municipal corporation of Middletown:

21 (i) Class A, B, or C beer licenses; [or]

22 (ii) Class B beer, wine and liquor (on–sale) licenses if the  
 23 licensed premises derive at least 70% of its monthly gross revenue from the sale of  
 24 food; **OR**

25 **(III) MIDDLETOWN WINE FESTIVAL LICENSES.**

26 (2) In all other areas of the Middletown (3rd) election district, the  
 27 Board of License Commissioners may only issue:

28 **(I) Class A, B, or C beer licenses; OR**

29 **(II) MIDDLETOWN WINE FESTIVAL LICENSES.**

30 **8–308.2.**

31 **(A) THIS SECTION APPLIES ONLY IN FREDERICK COUNTY.**

1           **(B) THERE IS A SPECIAL MIDDLETOWN WINE FESTIVAL (MWF)**  
2 **LICENSE.**

3           **(C) THE FREDERICK COUNTY BOARD OF LICENSE COMMISSIONERS**  
4 **MAY ISSUE A SPECIAL MWF LICENSE TO A HOLDER OF A STATE CLASS 3**  
5 **WINERY LICENSE OR A STATE CLASS 4 LIMITED WINERY LICENSE.**

6           **(D) A SPECIAL MWF LICENSE ENTITLES THE HOLDER TO DISPLAY AND**  
7 **SELL AT RETAIL WINE FOR CONSUMPTION ON OR OFF THE PREMISES ON THE**  
8 **DAYS AND FOR THE HOURS DESIGNATED FOR THE MIDDLETOWN WINE**  
9 **FESTIVAL.**

10           **(E) (1) THE BOARD SHALL ENSURE THAT THE PRIMARY FOCUS OF**  
11 **THE MIDDLETOWN WINE FESTIVAL IS THE PROMOTION OF WINE PRODUCED IN**  
12 **FREDERICK COUNTY.**

13                   **(2) A HOLDER OF A SPECIAL MWF LICENSE SHALL DISPLAY AND**  
14 **SELL WINE THAT IS DISTRIBUTED IN THE STATE.**

15           **(F) THE SPECIAL MWF LICENSE FEE IS \$20.**

16           **(G) THIS SECTION DOES NOT PROHIBIT THE HOLDER OF A SPECIAL**  
17 **MWF LICENSE FROM HOLDING ANOTHER ALCOHOLIC BEVERAGES LICENSE OF**  
18 **A DIFFERENT CLASS OR NATURE.**

19           **(H) THE BURGESS AND COMMISSIONERS OF MIDDLETOWN:**

20                   **(1) MAY HOLD NOT MORE THAN TWO 1-DAY MIDDLETOWN WINE**  
21 **FESTIVALS ANNUALLY ON THE DAYS THAT THE BURGESS AND COMMISSIONERS**  
22 **CHOOSE; AND**

23                   **(2) SHALL CHOOSE FESTIVAL LOCATIONS THAT ARE NOT**  
24 **LICENSED UNDER THIS ARTICLE.**

25           **(I) THE BOARD OF LICENSE COMMISSIONERS MAY ADOPT**  
26 **REGULATIONS TO CARRY OUT THIS SECTION.**

27           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 July 1, 2012.