



COUNTY COMMISSIONERS SCHEDULE
THURSDAY, JANUARY 2, 2019

PUBLIC NOTICE

The County Commissioners of Queen Anne's County have determined that they will hold a special meeting on Thursday, January 2, 2020 at 4:30 p.m. at the Liberty Building , 107 North Liberty Street, Centreville, Maryland 21617.

By Authority of

THE COUNTY COMMISSIONERS
OF QUEEN ANNE S COUNTY

Margie A. Houck
Executive Assistant to Commissioners

1. CALL TO ORDER

Call to Order,
Pledge of Allegiance,
Moment of Silence,
Approval of Agenda

2. NEW BUSINESS

Press and Public Comments**

Joyce Jones, Esquire, Liquor Board Chair
Jeff Thompson, Esquire, Liquor Board Attorney
Pat Thompson, Esquire, County Attorney
"Review of Proposed Draft State Legislation"
Alcoholic Article 27
Transportation Article 25

Press and Public Comments**

Documents:

[01.02.2020.Pdf](#)

* Please note the scheduled times are subject to change, except for public hearings. PUBLIC COMMENT SIGN-IN SHEET WILL BE AVAILABLE 1 HOUR PRIOR TO THE MEETING.

**Press and Public Comment at the beginning of the meeting will last 15 minutes. Additional time will be available at the end of the meeting for anyone wishing to speak. Comments are limited to 3 minutes in length. Comments longer than 3 minutes must be submitted in writing. PRESS AND PUBLIC COMMENT SIGN-IN SHEET WILL BE AVAILABLE 1 HOUR PRIOR TO THE MEETING.

***Part of the meeting may be closed to the Public in accordance to the Open Meetings Act procedures.

**ALCOHOLIC BEVERAGES ARTICLE
SECTION 27-1601
OF
THE ANNOTATED CODE OF MARYLAND**

The Queen Anne’s County Board of License Commissioners (Liquor Board), by and through Jeffrey E. Thompson and Thompson & Richard, LLP, its attorneys, hereby requests amendment to Alcoholic Beverages Article, §27-1601 of the Annotated Code of Maryland, as follows:

* [Brackets and ~~strikethrough~~ indicates language to be deleted]
**Red and underlined indicates language to be added

§ 27-1601. Distance restriction from ~~place of worship~~, school, library, or youth center

-
- (a) In general. --**
- (1) Except as provided in subsection (b) of this section, the Board may not issue a license for an establishment unless the establishment is located at least 500 feet away from:
 - (i) ~~a place of worship~~;
 - ~~(ii)~~ an elementary or secondary school;
 - (iii) a public library; or
 - (ii)iv** a youth center sponsored or conducted by a governmental unit.
 - (2) The distance is to be measured from the nearest point of the building of the establishment to the nearest point of the property line of the place of worship, elementary or secondary school, public library, or youth center.
- (b) Exceptions. --** The prohibition against issuing a license in subsection (a) of this section does not apply to:
- (1) the renewal or transfer of a license issued before May 1, 1976; or
 - (2) the issuance of a Class B (on-sale) hotel and restaurant license of any type.

**ALCOHOLIC BEVERAGES ARTICLE
SECTION 27-205
OF
THE ANNOTATED CODE OF MARYLAND**

The Queen Anne's County Board of License Commissioners (Liquor Board), by and through Jeffrey E. Thompson and Thompson & Richard, LLP, its attorneys, hereby requests amendment to Alcoholic Beverages Article, §27-205 of the Annotated Code of Maryland, as follows:

* *Blue*, [Brackets] and ~~striketrough~~ indicates language to be deleted
***Red, Italicized* and underlined indicates language to be added

Section 27-205. Inspector

- (a) ~~[Full-time position; compensation]~~ *Appointment*. -- The Board shall appoint an inspector at not less than \$ 3,000 annually and with a mileage allowance that the County Commissioners determine.
- (b) **Restrictions.** -- An individual may not qualify or continue service as an inspector if the inspector or any member of the inspector's immediate family has a personal or financial interest, directly or indirectly, in a license, license holder, or premises licensed under this article.
- (c) **Duties.** -- An inspector shall:
- (1) investigate all applicants for a license or transfer of a license;
 - (2) inspect at unannounced times every licensed premises in the county at least once every 60 days;
 - (3) except as provided in subsections (d) and (e) of this section, enforce all alcoholic beverages laws with the same power as a law enforcement officer of the State;
 - (4) investigate all violations of the alcoholic beverages laws and report them to the Board;
 - (5) submit monthly reports in writing to the Board of the inspector's activities, setting forth complaints and listing violations that the inspector observed or that were reported to the inspector; and
 - (6) conduct compliance checks relating to the sale of alcoholic beverages to an individual under the age of 21 years in violation of Section 6-304 of this article for every licensed premises in accordance with regulations adopted by the Board.
- (d) **Enforcement of violations.** -- The Office of the Sheriff shall enforce violations of Section 6-304 of this article.
- (e) **No arrest powers.** -- An inspector has no power of arrest.
- (f) **Oath.** -- An inspector shall take the oath required by Article I, Section 9 of the Maryland Constitution.

**ALCOHOLIC BEVERAGES ARTICLE
SECTION 27-1401
OF
THE ANNOTATED CODE OF MARYLAND**

The Queen Anne's County Board of License Commissioners (Liquor Board), by and through Jeffrey E. Thompson and Thompson & Richard, LLP, its attorneys, hereby requests amendment to Alcoholic Beverages Article, §27-1401 of the Annotated Code of Maryland, as follows:

* *Blue*, [Brackets] and ~~strikethrough~~ indicates language to be deleted
***Red*, *Italicized* and underlined indicates language to be added

Section 27-1401. Application of general provisions

(a) Without exception or variation. -- The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article apply in the county without exception or variation:

- (1) Section 4-102 ("Applications to be filed with local licensing board");
- (2) Section 4-106 ("Payment of notice expenses");
- (3) Section 4-108 ("Application form required by Comptroller");
- ~~[(4) Section 4-110 ("Required information on application — Petition of support")];~~
- ~~[(5)]~~ (4) Section 4-111 ("Payment of license fees");
- ~~[(6)]~~ (5) Section 4-112 ("Disposition of license fees"); and
- ~~[(7)]~~ (6) Section 4-114 ("Fees for licenses issued for less than 1 year").

(b) Exceptions. -- The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article do not apply in the county:

- (1) Section 4-107 ("Criminal history records check"); ~~[and]~~
- (2) Section 4-110 ("Required information on application -- Petition of support");; and*
- ~~(23)~~ (3) Section 4-113 ("Refund of license fees"), which is superseded by Section 27-1406 of this subtitle; ~~and~~

(c) Variations. -- The following sections of Title 4, Subtitle 1 ("Applications for Local Licenses") of Division I of this article apply in the county:

- (1) Section 4-103 ("Application on behalf of partnership"), subject to Section 27-1402 of this subtitle;
- (2) Section 4-104 ("Application on behalf of corporation or club"), subject to Section 27-1403 of this subtitle;
- (3) Section 4-105 ("Application on behalf of limited liability company"), subject to Section 27-1403 of this subtitle; and
- (4) Section 4-109 ("Required information on application -- In general"), subject to Section 27-1404 of this subtitle.

**ALCOHOLIC BEVERAGES ARTICLE
SECTION 27-101
OF
THE ANNOTATED CODE OF MARYLAND**

The Queen Anne's County Board of License Commissioners (Liquor Board), by and through Jeffrey E. Thompson and Thompson & Richard, LLP, its attorneys, hereby requests amendment to Alcoholic Beverages Article, §27-101 of the Annotated Code of Maryland, as follows:

* *Blue*, [Brackets] and ~~strikethrough~~ indicates language to be deleted
***Red*, *Italicized* and underlined indicates language to be added

Section 27-101. Definitions

- (a) **In general.** -- In this title:
- (1) the definitions in Section 1-101 of this article apply without exception or variation; and
 - (2) the following words have the meanings indicated.
- (b) **Board.** -- "Board" means the Board of License Commissioners for Queen Anne's County.
- (c) **County.** -- "County" means Queen Anne's County.
- (d) Deliver. -- "Deliver" means to transport alcohol outside of a licensed premises.*

**ALCOHOLIC BEVERAGES ARTICLE
SECTION 27-1902
OF
THE ANNOTATED CODE OF MARYLAND**

LB5

The Queen Anne's County Board of License Commissioners (Liquor Board), by and through Jeffrey E. Thompson and Thompson & Richard, LLP, its attorneys, hereby requests amendment to Alcoholic Beverages Article, §27-1902 of the Annotated Code of Maryland, as follows:

* Blue, [Brackets] and ~~strikethrough~~ indicates language to be deleted
***Red, Italicized* and underlined indicates language to be added

Section 27-1902. Employment of underage individuals

(a) **Scope of section.** -- This section applies to the holder of:

- (1) a Class A (off-sale) license;
- (2) a Class B (on-sale) license; ~~{or}~~
- (3) a Class C (on-sale) beer, wine, and liquor license;
- (4) a Class B-D (on-sale and off-sale) license; and*
- (5) a Class D (on-sale and off-sale) license.*

(b) **Individuals under the age of 21 years.** --

- (1) *An individual under the age of 21 years may not be employed to deliver alcoholic beverages.*
- (2) ~~[Except as provided in paragraph {2} of this subsection, an]~~ *An* individual under the age of 21 years may not be employed to sell ~~[deliver]~~, *serve, pour, stock,* or otherwise deal with alcoholic beverages, *unless:*
 - (i) The individual is at least 18 years old, and*
 - (ii) The individual has completed training in an approved alcohol awareness program as outlined in Alcoholic Beverages § 4-505.*

- ~~{2}~~ (3) An individual at least 18 years old may be employed to:
 - ~~(i) [stock alcoholic beverages in a premises for which a Class A license is issued;~~
 - ~~(ii) serve alcoholic beverages while acting as a server on the licensed premises other than a premises for which a Class A license is issued;~~ and
 - ~~(iii)]~~ operate a lottery ticket terminal in a premises for which a Class A license is issued.

**ALCOHOLIC BEVERAGES ARTICLE
SECTION 27-204
OF
THE ANNOTATED CODE OF MARYLAND**

The Queen Anne's County Board of License Commissioners (Liquor Board), by and through Jeffrey E. Thompson and Thompson & Richard, LLP, its attorneys, hereby requests amendment to Alcoholic Beverages Article, §27-204 of the Annotated Code of Maryland, as follows:

* *Blue*, [Brackets] and ~~strikethrough~~ indicates language to be deleted
** *Red*, *Italicized* and underlined indicates language to be added

Section 27-204. Quorum; salary; staff

(a) **Quorum.** -- Three members of the Board are a quorum for transacting business.

(b) **Salary.** --

(1) Subject to paragraph (2) of this subsection, the County Commissioners shall determine the rate of compensation for the Board.

(2) The rate may not be less than:

(i) \$ ~~[65]~~ *105* per meeting for the chair; and

(ii) \$ ~~[60]~~ *100* per meeting for each other member.

(c) **Staff.** -- Subject to subsection (d) of this section and Section 27-205 of this subtitle, the Board may:

(1) employ:

(i) a secretary;

(ii) inspectors; and

(iii) clerical and other assistants as are necessary; and

(2) set the compensation of the employees.

(d) **Attorney.** --

(1) The County Commissioners shall appoint an attorney, *with the advice and consent of the Board*, at a salary that the County Commissioners set.

(2) The attorney shall handle legal matters for the Board *and may not take action on behalf of the Board or regarding the Board's rights, powers, and/or duties without the Board's knowledge or consent.*

LB7

**ALCOHOLIC BEVERAGES ARTICLE
SECTION 27-1402
OF
THE ANNOTATED CODE OF MARYLAND**

The Queen Anne's County Board of License Commissioners (Liquor Board), by and through Jeffrey E. Thompson and Thompson & Richard, LLP, its attorneys, hereby requests amendment to Alcoholic Beverages Article, §27-1402 of the Annotated Code of Maryland, as follows:

* *Blue*, [Brackets] and ~~striketrough~~ indicates language to be deleted
***Red*, *Italicized* and underlined indicates language to be added

Section 27-1402. Application on behalf of partnership

An applicant on behalf of a partnership may not be issued a Class A beer, wine and liquor license unless:

- (1) the [~~owners of 75% of the interest in the partnership have been residents of the county for 2 years immediately before the application is filed~~] partnership designates a Maryland resident agent for the partnership; and
- (2) the license holder consents to process in Maryland courts.

**ALCOHOLIC BEVERAGES ARTICLE
SECTION 27-1403
OF
THE ANNOTATED CODE OF MARYLAND**

The Queen Anne's County Board of License Commissioners (Liquor Board), by and through Jeffrey E. Thompson and Thompson & Richard, LLP, its attorneys, hereby requests amendment to Alcoholic Beverages Article, §27-1403 of the Annotated Code of Maryland, as follows:

* *Blue*, [Brackets] and ~~strikethrough~~ indicates language to be deleted
***Red, Italicized* and underlined indicates language to be added

Section 27-1403. Application on behalf of corporation or limited liability company

(a) Requirements for Class A beer, wine, and liquor license application. --

(1) An individual on behalf of a corporation or limited liability company may not be issued a Class A beer, wine, and liquor license unless *[the owners {of 75%}] of the total issued capital stock or interest in the corporation or limited liability company is have: [been residents of the county for 2 years immediately before the application is filed:]*

(i) a Maryland entity in good standing, or

(ii) a foreign entity registered to do business in the State of Maryland.

(2) A Class A beer, wine, and liquor license may not be issued for a corporation if more than one class of common stock is authorized by the corporate charter.

(b) For applications other than for Class A beer, wine, and liquor licenses. --

(1) This subsection does not apply to:

(i) a Class A beer, wine, and liquor license; or

(ii) any other license issued before May 1, 1976.

(2) *[An applicant for a license on behalf of a corporation or limited liability company is not required to be a resident of the county.]*

~~{3}~~ Except as provided in subsection (c) of this section, each applicant applying for a license for a corporation or limited liability company shall:

~~(i)~~ *[be a resident of the State; and]*

~~{ii}~~ own at least 15% of the total outstanding shares of common stock of the corporation or at least a 15% interest in the limited liability company, entitling the applicant to vote at a meeting of stockholders or members.

~~{4}~~ **3** A license may not be issued for a corporation if more than one class of common stock is authorized by the corporate charter.

~~(5)~~ (4) Except as provided in subsection (c) of this section, each year, an applicant, the corporation, or the limited liability company shall submit to the Board a sworn statement that contains:

(i) the name and address of each stockholder of the corporation and the number of shares the stockholder owns and is entitled to vote at a stockholder meeting; or

(ii) the name and address of each member of the limited liability company and the amount of interest the member owns and is entitled to vote at a meeting of members.

~~(6)~~ (5) The Board may require an applicant to submit other information regarding the background and prior activities of the applicant.

(c) Conference center. -- Subsections (b)(~~2~~ [3]) and (~~4~~ [5]) of this section does not apply to a Class B beer, wine, and liquor (on-sale) license for use in a conference center.

**ALCOHOLIC BEVERAGES ARTICLE
SECTION 27-101
OF
THE ANNOTATED CODE OF MARYLAND**

The Queen Anne's County Board of License Commissioners (Liquor Board), by and through Jeffrey E. Thompson and Thompson & Richard, LLP, its attorneys, hereby requests amendment to Alcoholic Beverages Article, §27-101 of the Annotated Code of Maryland, as follows:

* [Brackets and ~~strikethrough~~ indicates language to be deleted]
**Red and underlined indicates language to be added

§ 27-101. Definitions.

(a) **In general.** -- In this title:

(1) the definitions in § 1-101 of this article apply without exception or variation;
and

(2) the following words have the meanings indicated.

(b) **Board.** -- "Board" means the Board of License Commissioners for Queen Anne's County.

(c) **County.** -- "County" means Queen Anne's County.

(d) Controlling Interest. -- "Controlling Interest" means the ownership or control of sufficient shares or interest in a company to allow for an exercise of control over that company.

**ALCOHOLIC BEVERAGES ARTICLE
SECTION 27-1404
OF
THE ANNOTATED CODE OF MARYLAND**

The Queen Anne's County Board of License Commissioners (Liquor Board), by and through Jeffrey E. Thompson and Thompson & Richard, LLP, its attorneys, hereby requests amendment to Alcoholic Beverages Article, §27-1404 of the Annotated Code of Maryland, as follows:

* [Brackets and ~~striketrough~~ indicates language to be deleted]
****Red** and underlined indicates language to be added

§ 27-1404. Required Statement

(a) An applicant for a license shall:

- (1) include a statement in the application that the applicant is at least 21 years old; and
- (2) submit an affidavit verifying the application.

(b) License holder to meet qualifications:

- (1) Except as provided in paragraph (2) of this subsection, a license holder shall meet all requirements of the respective licenses.
- (2) The term "financial interest" as used in § 4-109 (a) (11), (13), and (16) of this article refers to an applicant who is the owner of a "controlling interest" in a place of business where or for which a license has been applied for or issued.

§ 27-204. Quorum; salary; staff

Quorum

(a) Three members of the Board are a quorum for transacting business.

Salary

(b) (1) Subject to paragraph (2) of this subsection, the County Commissioners shall determine the rate of compensation for the Board.

(2) The rate may not be less than;

(i) \$65 per meeting for the chair; and

(ii) \$60 per meeting for each other member.

Staff

(c) Subject to subsection (d) of this section and § 27-205 of this subtitle, the ~~Board~~ County Commissioners may;

(1) employ;

(i) a secretary;

(ii) inspectors; and

(iii) clerical and other assistants as are necessary; and

(2) set the compensation of the employees.

Attorney

(d) (1) The County Commissioners shall appoint an attorney at a salary that the County Commissioners set.

(2) The attorney shall handle legal matters for the Board.

§ 27-205. Inspector

Full-time pPosition; compensation

(a) The ~~Board~~ County Administrator shall appoint an inspector at not less than \$3,000 annually and with a mileage allowance that the County Administrator ~~Commissioners~~ determine.

Qualifications

(b) An individual may not qualify or continue service as an inspector if the inspector or any member of the inspector's immediate family has a personal or financial interest, directly or indirectly, in a license, license holder, or premises licensed under his article.

Duties

(c) An inspector shall:

- (1) Investigate all applicants for a license or transfer of a license;
- (2) inspect at unannounced times every licensed premises in the county at least once every 60 days;
- (3) except as provided in subsections (d) and (e) of this section, enforce all alcoholic beverages laws with the same power as a law enforcement officer of the State;
- (4) investigate all violations of the alcoholic beverages laws and report them to the Board;
- (5) submit monthly reports in writing to the Board of the inspector's activities, setting forth complaints and listing violations that the inspector observed or that were reported to the inspector; and
- (6) conduct compliance checks relating to the sale of alcoholic beverages to an individual under the age of 21 years in violation of § 6-304 of this article for every licensed premises in accordance with regulations adopted by the Board.

Enforcement of violations of § 6-304 of article

(d) The Office of the Sheriff shall enforce violations of § 6-304 of this article.

No power of arrest

(e) An inspector has no power of arrest.

Oath

(f) An inspector shall take the oath required by Article I, § 9 of the Maryland Constitution.

§ 27-1403. Application on behalf of corporation or limited liability company

Requirements for Class A beer, wine, and liquor license application

(a)(1) An individual on behalf of a corporation or limited liability company may not be issued a Class A beer, wine, and liquor license unless the owners of 75% of the total issued capital stock or interest in the corporation or limited liability company have been residents of the county for 2 years immediately before the application is filed.

(2) A Class A beer, wine, and liquor license may not be issued for a corporation if more than one class of common stock is authorized by the corporate charter.

For applications other than for Class A beer, wine, and liquor licenses

(b)(1) This subsection does not apply to:

(i) a Class A beer, wine, liquor license; or

(ii) any other license issued before May 1, 1976.

(2) An applicant for a license on behalf of a corporation or limited liability company is not required to be a resident of the county.

~~(3) Except as provided in subsection (c) of this section, each applicant applying for a license for a corporation or limited liability company shall:~~

~~(i) be a resident of the State; and~~

~~(ii) own at least 15% of the total outstanding shares of common stock of the corporation or at least a 15% interest in the limited liability company, entitling the applicant to vote at a meeting of stockholders or members.~~

~~(4) A license may not be issued for a corporation if more than one class of common stock is authorized by the corporate charter.~~

~~(5) Except as provided in subsection (c) of this section, each year, an applicant, the corporation, or the limited liability company shall submit to the Board a sworn statement that contains:~~

~~(i) the name and address of each stockholder of the corporation and the number of shares the stockholder owns and is entitled to vote at a stockholder meeting; or~~

~~(ii) the name and address of each member of the limited liability company and the amount of interest the member owns and is entitled to vote at a meeting of members.~~

(6) The Board may require an applicant to submit other information regarding the background and proper activities of the applicant.

Conference center

~~(e) Subsection (b)(3) and (5) of this section does not apply to a Class B beer, wine, and liquor (on sale) license for use in a conference center.~~

§25-102(a)(20)

25-102. Powers of local authorities relating to highways.

Scope of Powers.

- (a) The provisions of the Maryland Vehicle Law do not prevent a local authority, in the reasonable exercise of its police power, from exercising the following powers as to highways under its jurisdiction:

...

(20). In Queen Anne's County, during times of anticipated severe traffic congestion approaching the William Preston Lane Memorial Bridge on Kent Island, restricting and regulating access off of U.S. Route 50/301 for emergency and local traffic only and restricting and regulating use of state highways other than U.S. Route 50/301 for access to and crossing of the William Preston Lane Memorial Bridge westbound.