

Maryland Annotated Code Article 2B, § 15-201

Annotated Code of Maryland

*** Statutes current through 2014 legislation effective July 1, 2014 ***
*** 2014 General Assembly Regular Session ***

ARTICLE 2B. ALCOHOLIC BEVERAGES
TITLE 15. LICENSING AGENCIES.
SUBTITLE 2. COUNTY LIQUOR CONTROL BOARDS AND DISPENSARIES.

Md. Ann. Code art. 2B, § 15-201 (2014)

§ 15-201. Liquor control boards and departments.

(a) Establishment. --

(1) Subject to paragraphs (2) and (3) of this subsection, there is hereby constituted and established in each county a liquor control board, to be appointed and to have the tenure, compensation, powers and duties as provided in this subtitle.

(2) (i) In Montgomery County there is hereby constituted and established, effective July 1, 1951, a Department of Liquor Control, which shall be a department of the county government under the general supervision of the chief administrative officer, and which shall have the powers of a liquor control board as defined in § 15-205 of this subtitle.

(ii) Whenever used in this subtitle the words "liquor control board" or "board" shall be construed to apply to the Department of Liquor Control in Montgomery County whenever such construction would be reasonable.

(3) (i) In Worcester County there is a Department of Liquor Control that:

1. Is a department of the county government; and
2. Has the powers of a liquor control board as defined in § 15-205 of this subtitle.

(ii) The words "liquor control board" or "board" in this subtitle apply to the Worcester County Department of Liquor Control when that construction would be reasonable.

(b) Members. --

(1) (i) Except in Harford County, Montgomery County, and Worcester County, the liquor control board shall consist of three members in each county.

(ii) Those persons who are members of the respective boards on June 1, 1947, shall continue as such for the balance of the period for which they may have been appointed or elected, according to the terms and conditions of their original appointment or election.

(iii) In Montgomery County, effective July 1, 1951, there is hereby created the position of director of the Department of Liquor Control, who shall be the chief administrative officer of said Department of Liquor Control.

(iv) In Worcester County, there is a director of the Department of Liquor Control, who is the chief administrative officer of the Department.

(2) (i) In Harford County, the Liquor Control Board consists of 5 members.

(ii) Notwithstanding any other provision of the Code or local law, the members of the Harford County Liquor Control Board are subject to the provisions regarding financial disclosure, conflicts of interest, and lobbying activities under Title 15, Subtitle 5, Part I, and Subtitles 6 and 7 of the State Government Article.

(c) Appointment. --

(1) The members of the respective boards shall be appointed by the Governor with the advice and consent of the Senate.

(2) In Somerset County Board members shall be appointed by the Governor.

(3) (i) Nominees shall be selected for vacancies on the Harford County Liquor Control Board with consideration given to geographical representation.

(ii) 1. The appointment process to fill vacancies resulting from expired terms on the Harford County Liquor Control Board is as provided in this subparagraph.

2. At least 60 days before the expiration of a member's term, the County Executive shall submit the name of one nominee to the Harford County Delegation to the Maryland General Assembly, consisting of Harford County Senators and Delegates, for the advice and consent of the Delegation.

3. Within 7 working days after the Delegation receives the name of the nominee:

A. The Delegation shall approve or reject the nominee; or

B. If the Delegation fails to act, the nominee shall be considered to have been approved.

4. If the Delegation rejects the nominee, the County Executive shall submit the name of a new nominee to the Delegation within 7 working days after the County Executive receives notice of the rejection.

5. The County Executive shall continue to submit names of nominees in accordance with subparagraphs 3 and 4 of this subparagraph to the Delegation until a nominee is approved.

6. The County Executive shall submit the name of the approved nominee to the County Council for its advice and consent.

(4) **In Garrett County**, the members of the Board shall be appointed by the Governor. He shall appoint two members of the Board who are members of that political party which has elected a majority of the members of the Board of County Commissioners and one member of the Board from that political party other than the one electing a majority of the Board of County Commissioners. The appointments shall be confirmed by the House of Delegates if there is no resident Senator elected from the county.

(5) In Worcester County, the Board of County Commissioners shall appoint the director of the Department of Liquor Control, who shall serve at the pleasure of the Board.

(6) **In Garrett** and Harford counties the Board shall also be known as the Board of License Commissioners of these respective counties, upon which shall be devolved all the duties and rights given elsewhere in this article.

(7) In Montgomery County, the director of the Department of Liquor Control shall be appointed by the County Executive with the approval of the County Council. The director of the Department of Liquor Control serves at the pleasure of the County Executive. There is also an advisory board which consists of five members who shall be appointed and removed by the County Executive with the approval of the County Council. All members shall be residents of Montgomery County, and of the five members, only one shall be a bona fide holder of either a Class B or C beer, wine and liquor license in Montgomery County and only one shall be a bona fide license holder of any other class license in Montgomery County. The members of the Board may not receive any compensation, but are entitled to necessary expenses in connection with their duties. Of the members first appointed, one shall serve a term of two years from June 1, 1976, two shall serve a term of three years from June 1, 1976, two shall serve a term of four years from June 1, 1976, and their successors shall fill the unexpired portion of the term or four years for the new term as the case may be. The Board shall have three ex officio members including the director of the Department of Liquor Control, the superintendent of police and the chairman of the Board of License Commissioners. The advisory board shall report to the County Executive periodically but at least quarterly on recommendations for the improvement of the alcoholic beverages control and enforcement activities of the county and of the operations of the dispensary and distribution systems from the standpoint of efficiency, service and convenience to the public.

(d) Time for appointment. -- In computing the time at which appointments to the several boards normally expire, and when new terms of office begin, the following dates shall be used:

(1) Harford County -- First Monday in April, 1941. One appointment shall expire each year.

(2) Montgomery County -- May 1, 1945. Provided that the members whose terms expire on May 1, 1951, shall continue in office until July 1, 1951, or until the Department of Liquor Control is established.

(3) Somerset County -- June 1, 1943.

(4) Wicomico County -- July 1, 1977.

(5) Repealed by Acts 2011, ch. 304, effective July 1, 2011.

(6) **Garrett County** -- June 1, 1966. Initial appointments shall be for two, four and six years.

(e) Tenure. --

(1) Except as provided in paragraph (2) of this subsection, members of the boards shall serve for a term of two years.

(2) Members of the boards in the following counties shall serve for terms as specified:

- (i) **Garrett County**.....6 years
- (ii) Harford County.....3 years
- (iii) Somerset County.....4 years

(f) Qualifications of members. -- Members appointed to the several boards shall be residents and voters of the county in which appointed, and shall be persons of high character, integrity, and recognized business capacity. In Harford County they shall also be taxpayers of said county. In Montgomery County, qualifications of the director of the Department of Liquor Control shall be determined by the County Executive. **In Garrett County** no person may be appointed to the Board who is then serving as a County Commissioner for the county and no person may be appointed to the Board who is receiving any other compensation from the county.

(g) Organization. -- The board in each county shall organize by electing its own chairman.

(h) Compensation. -- Members of the several boards shall receive compensation as follows:

(1) **Garrett County** -- The salary of the members of the Liquor Control Board of Garrett County shall be set by the County Commissioners in accordance with Chapter 91 of the Public Local Laws of Garrett County. Each member is entitled to a mileage fee in amounts equal to the mileage fees provided for in the Standard State Travel Regulations when attending meetings.

(2) In Harford County:

- (i) The Chairman of the Board shall receive an annual compensation of \$ 7,000;
- (ii) Each member of the Board shall receive an annual compensation of \$ 6,000; and
- (iii) The Chairman and each member of the Board shall receive any additional compensation that the County Council deems appropriate.

(3) Repealed.

(4) Montgomery County -- The salary of the director of the Department of Liquor Control shall be fixed by the County Executive with the approval of the County Council.

(5) In Somerset County:

- (i) The chairman \$ 2,500 annually; and
- (ii) Each member \$ 2,000 annually.

(6) Wicomico County -- \$ 5,000 per annum, and a salary of \$ 6,000 per annum for the Chairman of the Board.

(7) Repealed by Acts 2011, ch. 304, effective July 1, 2011.

(i) Meetings. --

(1) Except as otherwise provided in this subsection, the Board shall meet as frequently as in their respective opinions may be necessary for the public business.

(2) In Somerset County they shall meet at least twice each month.

(3) In Harford County they shall meet at least fifty times each year, but the chairman may cancel any of those meetings for lack of an agenda.

(4) In Montgomery County, the director of the Department of Liquor Control shall devote all his time to the duties of his office.

(5) **In Garrett County** the Board shall meet at least once each month, but the chairman may cancel a meeting for lack of an agenda.

(j) Vacancies. --

(1) Except as provided in paragraph (2) of this subsection, in case of a vacancy on an appointive board for any reason whatsoever, it shall be filled for the unexpired term in the same manner as the original appointment.

(2) In Harford County, to fill a vacancy other than one resulting from an expired term:

(i) The County Executive, as soon as practicable, shall submit the name of one nominee to the Harford County Delegation to the Maryland General Assembly, consisting of Harford County Senators and Delegates, for the advice and consent of the Delegation; and

(ii) Thereafter, the procedures under subsection (c)(3)(ii)3 through 6 of this section shall be followed.

(k) Bonds. -- In Harford County the members of the Board shall each give a bond to the county in an amount to be prescribed from time to time by the County Executive and County Council for the faithful performance of the duties of their office, the premium on said bonds to be paid by the Board from the gross receipts derived from the operation of the dispensaries.

HISTORY: An. Code, 1951, § 150; 1947, ch. 501, § 142; 1951, ch. 550, § 139 (h)(7); ch. 633, § 139; 1953, chs. 76, 193; 1955, ch. 183; 1959, chs. 36, 119; 1961, ch. 156; ch. 615, § 1; 1963, ch. 250, § 1; ch. 760; 1965, ch. 683; 1966, ch. 306, § 2; ch. 309, § 1; ch. 353, § 1; chs. 481, 738; 1967, chs. 65, 611, 757, 758; 1968, chs. 316, 441; 1970, chs. 469, 630; ch. 633, § 2; 1971, chs. 58, 112; 1974, ch. 807, § 1; 1975, ch. 747; 1976, ch. 832; ch. 868, § 3; 1977, chs. 231, 712; 1978, ch. 956; 1979, ch. 81; 1980, ch. 68; 1981, ch. 54; 1982, ch. 733; 1984, ch. 758; 1988, chs. 36, 328, 654; 1989, ch. 5, § 15; ch. 202; 1990, ch. 105; 1991, chs. 219, 236; 1995, ch. 3, § 1; 1996, ch. 536; 1997, ch. 726, § 1; 1999, chs. 113, 414; 2000, ch. 181; 2001, ch. 29, § 6; 2004, ch. 212; 2007, chs. 195, 389; 2010, ch. 43; 2011, ch. 304.