

at the time of the sale, or delivery, is visibly under the influence of any alcoholic beverage.

(2) Any licensee or any of his employees who is charged with a violation of this subsection shall receive a summons for his appearance in court on a certain day to answer the charges placed against him. The person charged may not be required to post bail bond pending trial in any court of this State.

(3) A licensee or employee of the licensee violating any of the provisions of this subsection is guilty of a misdemeanor and, upon conviction, suffers the penalties provided by § 200 of this article. However, a licensee or employee of the licensee charged with selling or furnishing any alcoholic beverages to a person under 21 years of age may not be found guilty of a violation of this subsection, if the person establishes to the satisfaction of the jury or the court sitting as a jury that he used due caution to establish that the person under 21 years of age was not, in fact, a person under 21 years of age if a nonresident of the State. If the person is a resident of the State of Maryland, the licensee or employee of the licensee may accept, as proof of a person's age, the display of the person's driver's license or identification card as provided for in the Maryland Vehicle Law. If any licensee or employee of the licensee shall be found not guilty, or placed on probation without a verdict, of any alleged violation of this subsection, this finding operates as a complete bar to any proceeding by any alcoholic beverage law enforcement or licensing authorities against the licensee on account of the alleged violation.

(E) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION TO THE CONTRARY, IN QUEEN ANNE'S COUNTY, IF ANY LICENSEE OR EMPLOYEE OF THE LICENSEE IS PLACED ON PROBATION ~~WITHOUT A VERDICT BEFORE JUDGMENT~~ FOR ANY ALLEGED VIOLATION OF SUBSECTION (A) OF THIS SECTION, THIS FINDING MAY NOT OPERATE AS A BAR TO ANY PROCEEDING BROUGHT BY THE BOARD OF LICENSE COMMISSIONERS AGAINST THE LICENSEE ON ACCOUNT OF THE ALLEGED VIOLATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1990.

Approved May 2, 1990.

CHAPTER 335

(House Bill 531)

AN ACT concerning

Calvert County – Erosion and Sediment Control Ordinance – Enforcement