

FOR the purpose of repealing certain provisions providing that certain decisions of the Prince George's County Board of License Commissioners may be modified based on certain prejudicial evidence or findings of the court; and generally relating to appeals from and decisions of the Prince George's County Board of License Commissioners.

BY repealing and reenacting, with amendments,

Article 2B - Alcoholic Beverages
Section 175(e)(1)
Annotated Code of Maryland
(1981 Replacement Volume and 1981 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland read(s) as follows:

Article 2B - Alcoholic Beverages

175.

(e) (1) (i) Upon the hearing of such appeal, the action of the local board shall be presumed by the court to be proper and to best serve the public interest. The burden of proof shall be upon the petitioner to show that the decision complained of was against the public interest and that the local board's discretion in rendering its decision was not honestly and fairly exercised, or that such decision was arbitrary, or procured by fraud, or unsupported by any substantial evidence, or was unreasonable, or that such decision was beyond the powers of the board, and was illegal. The case shall be heard by the court without the intervention of a jury. If in the opinion of the court it is impracticable to determine the question presented to the court, in the case on appeal, without the hearing of additional evidence, or if in the opinion of the court any qualified litigant has been deprived of the opportunity to offer evidence, or if the interests of justice otherwise require that further evidence should be taken, the court may hear such additional testimony to such extent and in such manner as may be necessary.

(ii) In Prince George's County notwithstanding any other provision of this article, but in addition thereto, if, before the date set for hearing, written application by petition to show cause is made to the court for leave to present additional evidence on the issues in the case, either by the party appealing or any party in interest properly before the court, and it is shown to the satisfaction of the court after a hearing thereon that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before