

The Committee also added the reference to being "guilty of a misdemeanor" to certain criminal penalty provisions of this article to state expressly that which only was implied in the former law. Since a violation of a licensing law was not a felony at common law and has not been declared a felony by statute, it is considered to be a misdemeanor. See State v. Canova, 278 Md. 483, 490 (1976); Dutton v. State, 123 Md. 373, 378 (1914); and Williams v. State, 4 Md. App. 342, 347 (1968).

Also throughout this article, the Committee deleted former minimum penalties to conform to the statement of legislative policy in Art. 27, § 643 of the Code, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article 2B – Alcoholic Beverages

44A.

(A) A LICENSE TO SELL ALCOHOLIC BEVERAGES MAY NOT BE ISSUED BY A CLERK OF THE CIRCUIT COURT TO A MINOR WITHOUT A SPECIAL ORDER OF A JUDGE.

(B) A JUDGE MAY PASS A SPECIAL ORDER TO ISSUE A LICENSE TO SELL ALCOHOLIC BEVERAGES TO A MINOR ONLY ON THE RECOMMENDATION OF AT LEAST 10 RESIDENTS OF THE DISTRICT WHERE THE LICENSE WILL BE OPERATIVE.

(C) WHENEVER A LICENSE TO SELL ALCOHOLIC BEVERAGES IS ISSUED TO A MINOR, THE MINOR IS RESPONSIBLE FOR ALL CONTRACTS MADE IN CONDUCTING BUSINESS UNDER THE LICENSE AND MAY BE SUED ON THE CONTRACTS IN ANY COURT OF THE STATE.

(D) THE RESPONSIBILITY OF THE MINOR DOES NOT AFFECT OR IMPAIR THE RESPONSIBILITY OF THE PARENT OF THE MINOR UNDER EXISTING LAW.

REVISOR'S NOTE: Chapter ____, Acts of 1992, which enacted the Business Regulation Article, also added this section, which is derived without substantive change from former Art. 56, § 33(b).

Throughout this section, the term "minor" is substituted for the former references to a "person under the age of eighteen years" and "the infant" for clarity.

In subsections (a) and (b) of this section, the term "alcoholic beverages" is substituted for the former references to "spirituous or fermented liquors" to conform to the language of Art. 2B of the Code.

In subsection (b) of this section, the former words "respectable freeholders", which modified "residents", are deleted as obsolete.