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States' Agritourism Statutes

State of Maryland

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UNIVERSITY of ARKANSAS
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States' Agritourism Statutes

STATE OF MARYLAND

Current through all chapters of the 2008 Regular Session of the General Assembly, effective through June 1, 2008.

§ 2-203. Membership

(a) The Commission has 30 members. One member is ex officio and is the principal administrative official for agricultural affairs at the University System of Maryland as designated by the Chancellor of the University. The Governor appoints the remaining 29 members as follows:

- (1) Two from a list of at least four nominees representing the dairy industry;
- (2) Two from a list of at least four nominees representing the poultry industry;
- (3) One from a list of at least two nominees representing the livestock industry;
- (4) One from a list of at least two nominees representing the tobacco industry;
- (5) Two from a list of at least four nominees representing the nursery industry;
- (6) One from a list of at least two nominees representing the horticulture industry;
- (7) One from a list of at least two nominees representing the field crops industry;
- (8) One from a list of at least two nominees representing the vegetable industry;
- (9) One from a list of at least two nominees representing the veterinary profession;
- (10) One from a list of at least two nominees of the Maryland State Grange;
- (11) One from a list of at least two nominees of the Maryland Farm Bureau;
- (12) Two without nomination appointed at large from services related to agriculture;
- (13) One from a list of at least two nominees representing the turf industry;
- (14) One from a list of at least two nominees representing the horse-breeding industry;

- (15) One from a list of at least two nominees representing the food processing industry;
- (16) One without nomination appointed at large from the general public to be the consumer member;
- (17) One from a list of at least two nominees representing the organic farming industry;
- (18) One from a list of at least two nominees representing direct farm marketing;
- (19) One from a list of at least two nominees representing viticulture;
- (20) One from a list of at least two nominees representing agriculture education in primary or secondary schools;
- (21) One from a list of at least two nominees representing agri-business;
- (22) One from a list of at least two nominees representing the forestry industry;
- (23) One from a list of at least two nominees representing the aquaculture industry;
- (24) One from a list of at least two nominees representing agri-tourism; and
- (25) One from a list of two nominees representing the biofuel industry.

(b)(1) The consumer member of the Commission:

- (i) Shall be a member of the general public;
- (ii) May not be involved in any way with the activities on which the Commission advises the Secretary; and
- (iii) May not, within 1 year before appointment, have had a financial interest in or have received compensation from a person who is involved in any way with the activities on which the Commission advises the Secretary.

(2) While a member of the Commission, the consumer member may not have a financial interest in or receive compensation from a person who is involved in any way with the activities on which the Commission advises the Secretary.

(c) The term of membership is 3 years. A person may not serve more than two consecutive terms. Members of the Commission appointed before January 1, 1973, may continue to serve until the expiration of their terms. New appointments shall be made from nominees of the industry, profession, or organization represented by the member whose term is expiring.

Public Safety § 12-508. Agritourism building requirements

"Agricultural building" defined

(a)(1) In this section, "agricultural building" means a structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products.

(2) "Agricultural building" does not include a place of human residence.

Scope of section

(b) This section applies only to Calvert County, Charles County, Dorchester County, Frederick County, Harford County, Prince George's County, St. Mary's County, Somerset County, and Talbot County.

Application of Standards

(c) The Standards do not apply to the construction, alteration, or modification of an agricultural building for which agritourism is an intended subordinate use.

Building permits

(d) An existing agricultural building used for agritourism is not considered a change of occupancy that requires a building permit if the subordinate use of agritourism:

- (1) is in accordance with limitations set forth in regulations adopted by the Department;
- (2) occupies only levels of the building on which a ground level exit is located; and
- (3) does not require more than 50 people to occupy an individual building at any one time.

Building requirements

(e) An agricultural building used for agritourism:

- (1) shall be structurally sound and in good repair; but
- (2) need not comply with:
 - (i) requirements for bathrooms, sprinkler systems, and elevators set forth in the Standards; or
 - (ii) any other requirements of the Standards or other building codes as set forth in regulations adopted by the Department.

Regulations

(f) The Department shall adopt regulations to implement this section.

Econ. Dev. § 10-505. Board of Directors

(a)(1) There is a Board of Directors of the Corporation.

(2) The Board manages the Corporation and exercises all of its corporate powers.

(b) The Board consists of the following members:

(1) As ex officio members:

(i) The Secretary of Agriculture or a designee of the Secretary who must be a senior-level departmental official;

(ii) The Secretary of Natural Resources or a designee of the Secretary who must be a senior-level departmental official;

(iii) The Secretary of Business and Economic Development or a designee of the Secretary who must be a senior-level departmental official;

(iv) The Executive Director of the Maryland Food Center Authority;

(v) The Executive Director of the Rural Maryland Council; and

(vi) The Director of the Maryland Cooperative Extension Service; and

(2) Eleven individuals appointed by the Governor with the advice and consent of the Senate as follows:

(i) Two agricultural producers representing at least two different farm commodity industries in the State;

(ii) Two representatives from commercial lending institutions serving rural regions in the State, one of whom must represent a major farm credit organization operating in the State;

(iii) One representative of the timber and forest products industry;

(iv) One representative of the aquaculture industry;

(v) One representative of the commercial seafood harvesting and processing industry;

(vi) One individual with knowledge and experience in the area of operating commercial food or fiber processing facilities;

(vii) One individual with knowledge and experience in the area of public finance;

(viii) One individual with knowledge and experience in the area of rural economic development or agricultural marketing; and

(ix) One individual with knowledge about the agricultural, forestry, or seafood industries or agritourism in the State or with substantial and relevant economic development experience.

(c)(1) In appointing Board members under subsection (b)(2) of this section, the Governor shall consider all of the geographic regions of the State.

(2) A Board member must be a resident of the State.

(3) A Board member:

(i) Serves without compensation; but

(ii) Is entitled to reimbursement for expenses under the Standard State Travel Regulations as provided in the State budget.

(4) The Governor may remove a Board member for incompetence, misconduct, or failure to perform the duties of the position.

(d)(1) The term of a Board member appointed under subsection (b)(2) of this section is 4 years.

(2) The terms of the appointed members are staggered as required by the terms provided for the members on July 1, 2004.

(3) At the end of a term, an appointed member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(e) The Board shall elect a chair from among its members. (f) The Board may act with an affirmative vote of nine members.

§ 4-103. Limitations on authority

(a) The admissions and amusement tax may not be imposed by:

(1) a county on gross receipts derived from any source within a municipal corporation located in that county, if the municipal corporation imposes an admissions and amusement tax on any gross receipts or specifically exempts any gross receipts from the admissions and amusement tax;

(2) Baltimore County on gross receipts:

(i) of a not for profit community association that is organized and operated to

promote the general welfare of the community that the association serves and the net earnings of which do not inure to the benefit of any stockholder or member of the association; or

(ii) derived from any admissions and amusement charge for any activities related to agricultural tourism;

(3) Calvert County on gross receipts that are subject to the sales and use tax;

(4) Washington County on gross receipts from an amusement device that is subject to the license and permit requirements of Article 24, § 11-202 of the Code;

(5) Montgomery County on gross receipts derived within an area designated as an enterprise zone under Article 83A, § 5-402 of the Code from a charge for:

(i) admission to a nightclub or room in a hotel, restaurant, hall, or other place where dancing privileges, music, or other entertainment is provided; or

(ii) merchandise, refreshment, or a service sold or served in connection with entertainment at a nightclub or room in a hotel, restaurant, hall, or other place where dancing privileges, music, or other entertainment is provided; and

(6) Harford County on gross receipts derived from:

(i) any admissions and amusement charge for golf entertainment;

(ii) any admissions and amusement charge in connection with a business that provides drive-in movie entertainment;

(iii) any admissions and amusement charge for any activities related to agricultural tourism; or

(iv) any admissions and amusement charge by a roller skating rink.

(b) The admissions and amusement tax may not be imposed by a county or municipal corporation on gross receipts:

(1) derived from any charge for merchandise, refreshments, or a service sold or served at a place where:

(i) dancing is prohibited; and

(ii) the only entertainment provided is mechanical music, radio, or television;

(2) derived from any charge for admission to:

(i) a live boxing or wrestling match; or

(ii) a concert or theatrical event presented or offered by a not for profit group

that:

1. is organized and operated to present or offer an annual series of scheduled musical concerts; or

2. is organized and operated for a cultural purpose and receives a grant directly or indirectly from the Maryland State Arts Council;

(3) derived from any charge for admission to or use of:

(i) a facility or equipment in connection with a bingo game that is operated in accordance with § 13-507 of the Criminal Law Article;

(ii) a bowling alley or lane; or

(iii) a charter fishing boat;

(4) derived from any charge for admission or for merchandise, refreshments, or a service, if the gross receipts are used exclusively for:

(i) a charitable, educational, or religious purpose;

(ii) a volunteer fire company or nonprofit rescue squad;

(iii) a fraternal, service, or veterans' organization chartered by a grant of Congress; or

(iv) the improvement, maintenance, or operation of an agricultural fair, if no net earnings inure to the benefit of any stockholder or member of the association that conducts the fair; or

(5) obtained at admission and used for the cost of prizes or as money winnings distributed, as part of its operation, by a commercial bingo game in Anne Arundel County.