

HOUSE No. 393

The Commonwealth of Massachusetts

PRESENTED BY:

William M. Straus and Michael J. Rodrigues

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act authorizing the town of Rochester to grant an additional license for the sale of alcoholic beverages not to be drunk on the premises.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>William M. Straus</i>	<i>10th Bristol</i>	<i>1/20/2023</i>
<i>Michael J. Rodrigues</i>	<i>First Bristol and Plymouth</i>	<i>1/20/2023</i>

HOUSE No. 393

By Representative Straus of Mattapoisett and Senator Rodrigues, a joint petition (accompanied by bill, House, No. 393) of William M. Straus and Michael J. Rodrigues (by vote of the town) that the town of Rochester be authorized to grant an additional license for the sale of alcoholic beverages not to be drunk on the premises in said town. Consumer Protection and Professional Licensure. [Local Approval Received.]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 4747 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act authorizing the town of Rochester to grant an additional license for the sale of alcoholic beverages not to be drunk on the premises.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the
2 licensing authority of the town of Rochester may grant an additional license for the sale of all
3 alcoholic beverages not to be drunk on the premises pursuant to section 15 of said chapter 138 to
4 establishments located within the Cranberry Highway Smart Growth Overlay District, as defined
5 in subsection (b), upon approval of and under conditions set by the licensing authority of the
6 town of Rochester. The license shall be subject to all of said chapter 138 except said section 17.

7 (b) The licensing authority of the town of Rochester shall restrict the license granted
8 pursuant to this act to establishments located within the Cranberry Highway Smart Growth

9 Overlay District, which for purposes of this act shall comprise the area to include parcels
10 immediately along: (i) route 28; (ii) route 58; and (iii) Country Lane, as those areas are
11 designated as the Cranberry Highway Smart Growth Overlay District on the map. For the
12 purposes of this subsection, “map” shall mean the map entitled “Cranberry Highway Smart
13 Growth Overlay District, Rochester, Massachusetts” dated April 20, 2019, a copy of which is on
14 file in the office of the town clerk of the town of Rochester.

15 (c) The licensing authority of the town of Rochester shall not approve the transfer of the
16 license granted pursuant to this act to a location outside of the town’s Cranberry Highway Smart
17 Growth Overlay District, but it may grant the license to a new applicant within the Cranberry
18 Highway Smart Growth Overlay District if the applicant files with the local licensing authority a
19 letter from the department of revenue and a letter from the department of unemployment
20 assistance indicating that the license is in good standing with those departments and that all
21 applicable taxes, fees and contributions have been paid.

22 (d) The license granted pursuant to this act shall not be sold or transferred by the licensee.
23 If a licensee terminates or fails to renew the license granted pursuant to this act or any such
24 license is cancelled, revoked or no longer in use, it shall be returned physically, with all of the
25 legal rights, privileges and restrictions pertaining thereto, to the local licensing authority, and the
26 local licensing authority may then grant the license to a new applicant within the Cranberry
27 Highway Smart Growth Overlay District under the same conditions as specified in this act.

28 (e) The license granted pursuant to this act shall be issued within 3 years after the
29 effective date of this act; provided, however, that if the license is originally granted within that
30 time period, it may be granted to a new applicant pursuant to subsection (c) or (d) thereafter.

SECTION 2. This act shall take effect upon its passage.