SENATE . . . . . No. 2031

Senate, October 6, 2011 - Substituted by amendment (Senator Berry) for the Senate Bill authorizing the city of Salem to issue additional licenses for the sale of alcoholic beverages (Senate, No. 1944)

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act authorizing the city of Salem to convert seasonal licenses to annual licenses for the sale of all alcoholic beverages and wines and malt beverages 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:

SECTION 1. Notwithstanding sections 17 and 17A of chapter 138 of the General Laws, the licensing authority of the city of Salem may convert 1 seasonal license for the sale of all alcoholic beverages to be drunk on the premises under section 12 of said chapter 138, currently issued to DineMed Restaurant Group, Inc., located at 62 Wharf street, to an annual license for the sale of all alcoholic beverages to be drunk on the premises under said section 12 of said chapter 138 to DineMed Restaurant Group, Inc., located at 62 Wharf street. A license converted under this section shall be subject to all of said chapter 138, except said sections 17 and 17A.

The licensing authority shall not approve the transfer of the license converted under this section to any other location, but it may grant the license to a new applicant at the same location if the applicant for the license files with the authority a letter from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

13 If a license converted or granted under this section is cancelled, revoked or no longer in
14 use, it shall be returned physically, with all of the legal rights, privileges and restrictions
15 pertaining thereto, to the licensing authority which may then grant the license to a new applicant
16 at the same location under the same conditions as specified in this section.

17 SECTION 2. Notwithstanding sections 17 and 17A of chapter 138 of the General Laws,
18 the licensing authority of the city of Salem may convert 1 seasonal license for the sale of all
19 alcoholic beverages to be drunk on the premises under section 12 of said chapter 138, currently
20 issued to Thai Hut Inc., located at 2 East India square, to an annual license for the sale of all
21 alcoholic beverages to be drunk on the premises under said section 12 of said chapter 138 to Thai
22 Hut Inc., located at 2 East India square. A license converted under this section shall be subject to
23 all of said chapter 138, except said sections 17 and 17A.

24 The licensing authority shall not approve the transfer of the license converted under this
25 section to any other location, but it may grant the license to a new applicant at the same location
26 if the applicant for the license files with the authority a letter from the department of revenue
27 indicating that the license is in good standing with the department and that all applicable taxes
28 have been paid.

29 If a license converted or granted under this section is cancelled, revoked or no longer in
30 use, it shall be returned physically, with all of the legal rights, privileges and restrictions
31 pertaining thereto, to the licensing authority which may then grant the license to a new applicant
32 at the same location under the same conditions as specified in this section.

33 SECTION 3. Notwithstanding sections 17 and 17A of chapter 138 of the General Laws,
34 the licensing authority of the city of Salem may convert 1 seasonal license for the sale of all

35 alcoholic beverages to be drunk on the premises under section 12 of said chapter 138, currently
36 issued to Wicked Howl Enterprises, Inc., located at 25 Front street, to an annual license for the
37 sale of all alcoholic beverages to be drunk on the premises under said section 12 of said chapter
38 138 to Wicked Howl Enterprises, Inc., located at 25 Front street. A license converted under this
39 section shall be subject to all of said chapter 138, except said sections 17 and 17A.

40 The licensing authority shall not approve the transfer of the license converted under this
41 section to any other location, but it may grant the license to a new applicant at the same location
42 if the applicant for the license files with the authority a letter from the department of revenue
43 indicating that the license is in good standing with the department and that all applicable taxes
44 have been paid.

45 If the license converted or granted under this section is cancelled, revoked or no longer in
46 use, it shall be returned physically, with all of the legal rights, privileges and restrictions
47 pertaining thereto, to the licensing authority which may then grant the license to a new applicant
48 at the same location under the same conditions as specified in this section.

49 SECTION 4. Notwithstanding sections 17 and 17A of chapter 138 of the General Laws,
50 the licensing authority of the city of Salem may convert 1 seasonal license for the sale of wines
51 and malt beverages to be drunk on the premises under section 12 of said chapter 138, currently
52 issued to Coven, LLC, located at 281 Essex street, to an annual license for the sale of wines and
53 malt beverages to be drunk on the premises under said section 12 of said chapter 138 to Coven
54 LLC, located at 281 Essex street. An annual license converted under this section shall be subject
55 to all of said chapter 138, except said sections 17 and 17A.

56 The licensing authority shall not approve the transfer of the license converted under this
57 section to any other location, but it may grant the license to a new applicant at the same location
58 if the applicant for the license files with the authority a letter from the department of revenue
59 indicating that the license is in good standing with the department and that all applicable taxes
60 have been paid.

61 If the license converted or granted under this section is cancelled, revoked or no longer in
62 use, it shall be returned physically, with all of the legal rights, privileges and restrictions
63 pertaining thereto, to the licensing authority which may then grant the license to a new applicant
64 at the same location under the same conditions as specified in this section.

65 SECTION 5. Notwithstanding sections 17 and 17A of chapter 138 of the General Laws,
66 the licensing authority of the city of Salem may convert 1 seasonal license for the sale of wines
67 and malt beverages to be drunk on the premises under section 12 of said chapter 138, currently
68 issued to Derby Partners, LLC, located at 215 Derby street, to an annual license for the sale of
69 wines and malt beverages to be drunk on the premises under said section 12 of said chapter 138
70 to Derby Partners, LLC, located at 215 Derby street. An annual license converted under this
71 section shall be subject to all of said chapter 138, except said sections 17 and 17A.

72 The licensing authority shall not approve the transfer of the license converted under this
73 section to any other location but it may grant the license to a new applicant at the same location
74 if the applicant for the license files with the authority a letter from the department of revenue
75 indicating that the license is in good standing with the department and that all applicable taxes
76 have been paid.

77 If the license converted or granted under this section is cancelled, revoked or no longer in
78 use, it shall be returned physically, with all of the legal rights, privileges and restrictions
79 pertaining thereto, to the licensing authority which may then grant the license to a new applicant
80 at the same location under the same conditions as specified in this section.

81 SECTION 6. Notwithstanding sections 17 and 17A of chapter 138 of the General Laws,
82 the licensing authority of the city of Salem may convert 1 seasonal license for the sale of wines
83 and malt beverages to be drunk on the premises under section 12 of said chapter 138, currently
84 issued to Howling Wolf Taqueria, LLC, located at 76 Lafayette street, No. 102, to an annual
85 license for the sale of wines and malt beverages to be drunk on the premises under said section
86 12 of said chapter 138 to Howling Wolf Taqueria LLC, located at 76 Lafayette street. An annual
87 license converted under this section shall be subject to all of said chapter 138, except said
88 sections 17 and 17A.

89 The licensing authority shall not approve the transfer of said license to any other location.
90 Said license may be granted by the local alcohol licensing authority at the same location if an
91 applicant for said license files with said authority a letter from the department of revenue
92 indicating that said license is in good standing with said department and that any and all
93 applicable taxes have been paid.

94 If the license converted or granted under this section is cancelled, revoked or no longer in
95 use, such license shall be returned physically, with all of the legal rights, privileges and
96 restrictions pertaining thereto to the licensing authority which may then grant the license to a
97 new applicant at the same location and under the same conditions as specified in this section.

98 SECTION 7. Notwithstanding sections 17 and 17A of chapter 138 of the General Laws,
99 the licensing authority of the city of Salem may convert 1 seasonal license for the sale of wines
100 and malt beverages to be drunk on the premises under section 12 of said chapter 138, currently
101 issued to Polonia Restaurant Group, Inc., located at 118 Washington street, Unit C, to an annual
102 license for the sale of wines and malt beverages to be drunk on the premises under said section
103 12 of said chapter 138 to Polonia Restaurant Group, Inc., located at 118 Washington street. An
104 annual license converted under this section shall be subject to all of said chapter 138, except said
105 sections 17 and 17A.

106 The licensing authority shall not approve the transfer of the license converted under this
107 section to any other location but it may grant the license to a new applicant at the same location
108 if the applicant for the license files with the authority a letter from the department of revenue
109 indicating that the license is in good standing with the department and that all applicable taxes
110 have been paid.

111 If the license converted or granted under this section is cancelled, revoked or no longer in
112 use, it shall be returned physically, with all of the legal rights, privileges and restrictions
113 pertaining thereto, to the licensing authority which may then grant the license to a new applicant
114 at the same location under the same conditions as specified in this section.

115 SECTION 8. (a) The city of Salem shall charge a fee for the conversion to an annual
116 license for the sale of all alcoholic beverages or wines and malt beverages pursuant to this act
117 which shall be paid by the licensee at the time of issuance unless the licensing authority agrees to
118 enter into an arrangement with the licensee which would enable the fee to be divided into
119 multiple payments or prorated over multiple periods of time. If the city elects to accept prorated

120 payments over time from a licensee, the option shall be made available, upon request, to all
121 qualified applicants for licensure.

122 (b) Any fees collected by the city of Salem for a license converted or granted under this
123 act which is greater than the amount of the fee charged for an annual renewal of a similar license
124 issued by the city, shall be deposited into an economic development account which shall be
125 established by the city to be expended by the city in a manner consistent with the purposes of the
126 account.

127 SECTION 9. This act shall take effect upon its passage.