

HOUSE No. 3739

The Commonwealth of Massachusetts

PRESENTED BY:

Paul Tucker and Joan B. Lovely

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 city of Salem to convert 3 licenses for the sale of wines and malt beverages to be drunk on the premises to licenses for the sale of all alcoholic beverages to be drunk on the premises.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Paul Tucker</i>	<i>7th Essex</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>

HOUSE No. 3739

By Representative Tucker of Salem and Senator Lovely, a joint petition (accompanied by bill, House, No. 3739) of Paul Tucker and Joan B. Lovely (with the approval of the mayor and city council) that the city of Salem be authorized to convert three licenses for the sale of wine and malt beverages to licenses for the sale all alcohol beverages to be drunk on the premises. Consumer Protection and Professional Licensure. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act authorizing the city of Salem to convert 3 licenses for the sale of wines and malt beverages to be drunk on the premises to licenses for the sale of all alcoholic 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:

1 SECTION 1. Notwithstanding sections 17 and 17A of chapter 138 of the General Laws,
2 the licensing authority of the City of Salem may convert one annual license for the sale of wines
3 and malt beverages to be drunk on the premises under section 12 of said chapter 138, originally
4 issued pursuant to Section 5 of Chapter 149 of the Acts of 2011, and currently issued to MMJ
5 Partners, Inc. d/b/a Brodie’s Seaport at 215 Derby Street, to an annual license for the sale of all
6 alcohol to be drunk on the premises under said section 12 of said chapter 138 to MMJ Partners,
7 Inc. d/b/a Brodie’s Seaport at 215 Derby Street. An annual license converted under this section
8 shall be subject to all of said chapter 138, except sections 17 and 17A.

9 The licensing authority shall not approve the transfer of the license converted pursuant to
10 this section to any other location, but it may grant the license to a new applicant at the same

11 location if the applicant for the license files with the authority a letter from the department of
12 revenue and a letter from the division of unemployment assistance indicating that the license is
13 in good standing and that all applicable taxes have been paid.

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

19 SECTION 2. Notwithstanding sections 17 and 17A of chapter 138 of the General Laws,
20 the licensing authority of the City of Salem may convert one annual license for the sale of wines
21 and malt beverages to be drunk on the premises under section 12 of said chapter 138, originally
22 issued pursuant to Section 6 of Chapter 149 of the Acts of 2011, and currently issued to AJJ
23 Restaurant Group, Inc. d/b/a The Howling Wolf Taqueria at 76 Lafayette Street, Unit 102, to an
24 annual license for the sale of all alcohol to be drunk on the premises under said section 12 of said
25 chapter 138 to AJJ Restaurant Group, Inc. d/b/a The Howling Wolf Taqueria at 76 Lafayette
26 Street, Unit 102. An annual license converted under this section shall be subject to all of said
27 chapter 138, except sections 17 and 17A.

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

33 If the license converted pursuant to this section is cancelled, revoked or no longer in use
34 at the location of original issuance, it shall be returned physically, with all of the legal rights,
35 privileges and restrictions pertaining thereto, to the licensing authority which may then grant the
36 license to a new applicant at the same location under the same conditions as specified in this
37 section.

38 SECTION 3. Notwithstanding sections 17 and 17A of chapter 138 of the General Laws,
39 the licensing authority of the City of Salem may convert one annual license for the sale of wines
40 and malt beverages to be drunk on the premises under section 12 of said chapter 138, originally
41 issued pursuant to Section 7 of Chapter 149 of the Acts of 2011, and currently issued to Buckeye
42 Hospitality, LLC d/b/a Naumkeag Ordinary at 118 Washington Street, Unit C, to an annual
43 license for the sale of all alcohol to be drunk on the premises under said section 12 of said
44 chapter 138 to Buckeye Hospitality, LLC d/b/a Naumkeag Ordinary at 118 Washington Street,
45 Unit C. An annual license converted under this section shall be subject to all of said chapter 138,
46 except sections 17 and 17A.

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

52 If the license converted pursuant to this section is cancelled, revoked or no longer in use
53 at the location of original issuance, it shall be returned physically, with all of the legal rights,
54 privileges and restrictions pertaining thereto, to the licensing authority which may then grant the

55 license to a new applicant at the same location under the same conditions as specified in this
56 section.

57 SECTION 4.(a) The city of Salem shall charge a fee for the conversion to an annual
58 license for the sale of all alcoholic beverages pursuant to this act that shall be paid by the
59 licensee at the time of issuance unless the licensing authority agrees to enter into an arrangement
60 with the licensee which would enable the fee to be divided into multiple payments or prorated
61 over multiple periods of time. If the city elects to accept prorated payments over time from the
62 licensee, the option shall be made available, upon request, to all qualified applicants for
63 licensure.

64 (b) Any fee collected by the city of Salem for a license converted pursuant to this act that
65 is greater than the amount of the fee charged for an annual renewal of a similar license issued by
66 the city, shall be deposited into an economic development account which shall be established by
67 the city of Salem to be expended by it in a manner consistent with the purposes of the account.

68 SECTION 5. This act shall take effect upon its passage.