

**HOUSE . . . . . No. 397**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act relative to the sale of wine at auction..

*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. Chapter 138 of the General Laws is hereby amended by inserting after  
2 Section 14 the following section:

3 Section 14A. The local licensing authority in any city or town wherein the granting of  
4 licenses to sell all alcoholic beverages or wines and malt beverages only is authorized may grant  
5 temporary licenses for the sale of wines and spirits at auction, not be drunk on the premises, to  
6 applicants which have been licensed as auctioneers under the laws of Massachusetts for no less  
7 than ten years and which have their corporate headquarters in Massachusetts. Each such license  
8 shall describe the premises to which it applies, and may be granted only for premises which are  
9 either the principal place of business or headquarters of the applicant and legally zoned to allow  
10 such sales, or the premises of a licensee under section twelve or fifteen. No license shall be for a  
11 duration of more than ten consecutive calendar days, and no holder of any such license shall be  
12 granted more than four such licenses in any calendar year. The amount of the license fee shall  
13 not exceed the minimum fee for holders of temporary licenses under section fourteen. Any  
14 holder of a temporary license for the sale of wines at auction shall be permitted to conduct such

15 auctions on any day and at any time permitted under section 12. The holder of the temporary  
16 license shall be responsible for payment to the Commonwealth of an excise pursuant to the  
17 provisions of section 21 for all wine and spirits sold at auction. Applications shall be granted by  
18 the local licensing authority according to the local procedure for granting licenses under section  
19 fourteen.

20           A licensee who holds a license under this section may provide, without charge, on-  
21 premises sample wine tastings for prospective customers if such wines shall be available for sale  
22 at auction on said premises; provided, however, that no single serving of said wines shall exceed  
23  $\frac{1}{4}$  of an ounce; and provided further, that such licensee shall control the dispensing of said wines.