

HOUSE No. 4435

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

An Act Modifying the Lowell Civic Stadium Commission.

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

1 Notwithstanding any general or special law or ordinance to the contrary, the licensing
2 commissioners may issue to the university, a non-profit supporting organization of the university
3 as designated by the university or to any other persons operating the civic stadium under a
4 contract pursuant to paragraph (a) of section 8 or who has been granted a concession for the sale
5 of food or beverages pursuant to paragraph (b) of section 7, a common victualler's license for the
6 premises of the civic stadium or any part thereof pursuant to section 2 of chapter 140 of the
7 General Laws; provided, however, the provisions of section 5 of said chapter 140 shall not apply
8 to the license so issued.

9 (c) A license issued under this section shall not be transferable to any other location and
10 the license shall be renewed annually subject to chapter 138 of the General Laws.

11 (d) A license issued under this section shall expire and be returned by the licensee to the
12 licensing commissioner upon the termination of the licensee's lease or concession to carry out a
13 permitted purpose of this act.

14 Section 11. Notwithstanding the provisions of any general or special law to the contrary,
15 the university shall not be required to pay a fee or costs of any kind for use of the stadium for all
16 National Collegiate Athletic Association, hereinafter called NCAA, related activities and events;
17 provided further that the university shall not be charged a fee for non-NCAA related events held
18 in accordance with its lease with the civic stadium commission and the city; provided, however,
19 that the university shall be responsible for actual costs resulting from such non-NCAA related
20 events.

21 SECTION 10. (a) Notwithstanding any limitation on the number of licenses which may
22 be issued under section 17 of chapter 138 of the General Laws, the licensing commissioners of
23 the city of Lowell may issue to the University of Massachusetts Building Authority, in this
24 section called the authority, the University of Massachusetts at Lowell, in this section called the
25 university, a non-profit supporting organization of the university as designated by the university
26 or to any other persons or entities operating the Tsongas Arena under a contract with the
27 authority or the university, or who has been granted a concession by the authority or the
28 university for the sale of food and alcoholic beverages, a license as a common victualler to serve
29 all alcoholic beverages to be drunk on the premises of the Tsongas Arena or any part thereof and
30 the provisions of sections 12A and 16C of said chapter 138 shall not apply to such premises. A
31 licensee shall not be required by the licensing board under said section 12 of said chapter 138 to
32 have the licensed premises open during any hours when there is no activity being conducted in
33 the Tsongas Arena nor shall the licensee be permitted to serve food or alcoholic beverages to
34 strangers, travelers or members of the general public who are not attending an activity then being
35 conducted in the Tsongas Arena.

36 (b) Notwithstanding any general or special law or ordinance to the contrary, the licensing
37 commissioners may issue to the authority, the university, a non-profit supporting organization of
38 the university as designated by the university or to any other persons operating the Tsongas
39 Arena under a contract with the authority or the university or who has been granted a concession
40 by the authority or the university for the sale of food or beverages, a common victualler's license
41 for the premises of the Tsongas Arena or any part thereof pursuant to section 2 of chapter 140 of
42 the General Laws; provided, however, the provisions of section 5 of said chapter 140 shall not
43 apply to the license so issued.

44 (c) A license issued under this section shall not be transferable to any other location and
45 the license shall be renewed annually subject to chapter 138 of the General Laws.

46 (d) A license issued under this section shall expire and be returned by the licensee to the
47 licensing commissioner upon the termination of the licensee's lease or concession to carry out a
48 permitted purpose of this act.

49 SECTION 11. Notwithstanding any general or special law to the contrary, the Lowell
50 arena and civic stadium commission established by subsection (a) of section 3 of chapter 325 of
51 the acts of 1995, as amended by section 4, shall be renamed the Lowell civic stadium
52 commission for the purpose of operating and maintaining the civic stadium and upon the
53 effective date of this act all members of the Lowell arena and civic stadium commission shall
54 continue in office as members of the Lowell civic stadium commission for the remainder of their
55 respective terms.

56 SECTION 12. Notwithstanding any general or special law to the contrary, all existing
57 contractual rights and obligations of the Lowell arena and civic stadium commission with respect

58 to the Tsongas Arena shall become the contractual rights and obligations of the University of
59 Massachusetts at Lowell”; by inserting before the enacting clause the following emergency
60 preamble:

61 “Whereas, The deferred operation of this act would tend to defeat its purpose, which is
62 forthwith to authorize the transfer of certain contractual rights and obligations of the Lowell
63 arena and civic stadium commission relative to the Tsongas Arena to the University of
64 Massachusetts at Lowell, therefore it is hereby declared to be an emergency law, necessary for
65 the immediate preservation of the public convenience.”; and by striking out the title and inserting
66 in place thereof the following title: “An act relative to the Lowell Civic Stadium Commission.”.