

SENATE No. 1944

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act authorizing the city of Salem to issue additional licenses for the sale of alcoholic beverages..

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith to increase the personal financial literacy of students in the Commonwealth, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public [Emergency Preamble Context].

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 section 17 or 17A of chapter 138 of the General Laws, the
2 licensing authority of the City of Salem may convert the three currently-issued seasonal licenses
3 for the sale of all alcoholic beverages to be drunk on the premises and the four currently-issued
4 seasonal licenses for wine and malt beverages to be drunk on the premises to three annual
5 licenses for the sale of all alcoholic beverages to be drunk on the premises and four annual
6 licenses for the sale of wine and malt beverages to be drunk on the premises. Any such license
7 shall be subject to all of said chapter 138 except said section 17 and 17A. An applicant for
8 conversion of a seasonal all alcoholic beverages license for the same premises and location shall
9 not be required to notify abutters as required by section 15A of said chapter 138. An applicant
10 for conversion from a seasonal all alcohol license to be drunk on the premises who also holds an
11 annual wine and malt beverage license to be drunk on the premises shall physically surrender the

12 annual wine and malt beverage license to the local licensing authority upon conversion, with all
13 of the legal rights, privileges and restrictions pertaining thereto, and said local licensing authority
14 may then grant the license to a new applicant at the same location.

15 SECTION 2. Notwithstanding the provisions of sections 17 and 17A of chapter 138 of
16 the General Laws, the licensing authority of the City of Salem may convert 1 currently issued
17 seasonal license for the sale of all alcoholic beverages to be drunk on the premises, pursuant to
18 Section 12 of Chapter 138, issued to DineMed Restaurant Group, Inc., located at 62 Wharf
19 Street, Salem, Massachusetts, 01970, to an annual license for the sale of all alcoholic beverages
20 to be consumed on the premises pursuant to section 12 of chapter 138. An annual license granted
21 under this section shall be subject to all of chapter 138 except section 17 and 17A.

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

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

31 SECTION 3. Notwithstanding the provisions of sections 17 and 17A of chapter 138 of
32 the General Laws, the licensing authority of the City of Salem may convert 1 currently issued
33 seasonal license for the sale of all alcoholic beverages to be drunk on the premises, pursuant to

34 Section 12 of Chapter 138, issued to Thai Hut Inc., located at 2 India Square, Salem,
35 Massachusetts, 01970, to an annual license for the sale of all alcoholic beverages to be consumed
36 on the premises pursuant to section 12 of chapter 138. An annual license granted under this
37 section shall be subject to all of chapter 138 except section 17 and 17A.

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

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

47 SECTION 4. Notwithstanding the provisions of sections 17 and 17A of chapter 138 of
48 the General Laws, the licensing authority of the City of Salem may convert 1 currently issued
49 seasonal license for the sale of all alcoholic beverages to be drunk on the premises, pursuant to
50 Section 12 of Chapter 138, issued to Wicked Howl Enterprises, Inc., located at 25 Front Street,
51 Salem, Massachusetts, 01970, to an annual license for the sale of all alcoholic beverages to be
52 consumed on the premises pursuant to section 12 of chapter 138. An annual license granted
53 under this section shall be subject to all of chapter 138 except section 17 and 17A.

54 The licensing authority shall not approve the transfer of said license to any other location.
55 Said license may be granted by the local alcohol licensing authority at the same location if an

56 applicant for said license files with said authority a letter from the department of revenue
57 indicating that said license is in good standing with said department and that any and all
58 applicable taxes have been paid.

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

63 SECTION 5. Notwithstanding the provisions of sections 17 and 17A of chapter 138 of
64 the General Laws, the licensing authority of the City of Salem may convert 1 currently issued
65 seasonal license for the sale of wine and malt beverages to be drunk on the premises, pursuant to
66 Section 12 of Chapter 138, issued to Coven LLC, located at 281 Essex Street, Salem,
67 Massachusetts, 01970, to an annual license for the sale of wine and malt beverages to be
68 consumed on the premises pursuant to section 12 of chapter 138. An annual license granted
69 under this section shall be subject to all of chapter 138 except section 17 and 17A.

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

75 If the license granted under this section is cancelled, revoked or no longer in use, such
76 license shall be returned physically, with all of the legal rights, privileges and restrictions

77 pertaining thereto to the licensing authority which may then grant the license to a new applicant
78 at the same location and under the same conditions as specified in this act.

79 SECTION 6. Notwithstanding the provisions of sections 17 and 17A of chapter 138 of
80 the General Laws, the licensing authority of the City of Salem may convert 1 currently issued
81 seasonal license for the sale of wine and malt beverages to be drunk on the premises, pursuant to
82 Section 12 of Chapter 138, issued to Derby Partners, LLC, located at 215 Derby Street, Salem,
83 Massachusetts, 01970, to an annual license for the sale of wine and malt beverages to be
84 consumed on the premises pursuant to section 12 of chapter 138. An annual license granted
85 under this section shall be subject to all of chapter 138 except section 17 and 17A.

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

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

95 SECTION 7. Notwithstanding the provisions of sections 17 and 17A of chapter 138 of
96 the General Laws, the licensing authority of the City of Salem may convert 1 currently issued
97 seasonal license for the sale of wine and malt beverages to be drunk on the premises, pursuant to
98 Section 12 of Chapter 138, issued to Howling Wolf Taqueria LLC, located at 76 Lafayette

99 Street, Salem, Massachusetts, 01970, to an annual license for the sale of wine and malt beverages
100 to be consumed on the premises pursuant to section 12 of chapter 138. An annual license granted
101 under this section shall be subject to all of chapter 138 except section 17 and 17A.

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

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

111 SECTION 8. Notwithstanding the provisions of sections 17 and 17A of chapter 138 of
112 the General Laws, the licensing authority of the City of Salem may convert 1 currently issued
113 seasonal license for the sale of wine and malt beverages to be drunk on the premises, pursuant to
114 Section 12 of Chapter 138, issued to Polonia Restaurant Group, located at 118 Washington
115 Street, Salem, Massachusetts, 01970, to an annual license for the sale of wine and malt beverages
116 to be consumed on the premises pursuant to section 12 of chapter 138. An annual license granted
117 under this section shall be subject to all of chapter 138 except section 17 and 17A.

118 The licensing authority shall not approve the transfer of said license to any other location.
119 Said license may be granted by the local alcohol licensing authority at the same location if an
120 applicant for said license files with said authority a letter from the department of revenue

121 indicating that said license is in good standing with said department and that any and all
122 applicable taxes have been paid.

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

127 SECTION 9. (a) Notwithstanding any general or special law or rule or regulation to the
128 contrary, the licensing authority may only approve the conversion of a license at the same
129 location as the current seasonal license. Failure to use or operate the license for six consecutive
130 months may, after a hearing, cause the license to revert to the city. That license may then be re-
131 issued by the licensing authority at the same location if the applicant for the license files with the
132 licensing authority a letter in writing from the department of revenue indicating that the license is
133 in good standing with the department and that all applicable taxes have been paid.

134 (b) If a license converted under this act is cancelled, revoked or no longer in use, it shall
135 be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto,
136 to the licensing authority which may then grant the license to a new applicant at the same
137 location.

138 SECTION 10. (a) The city of Salem shall charge a fair value fee for the issuance of a new
139 license or the conversion to an annual license for the sale of all alcoholic beverages or wine and
140 malt beverages issued pursuant to this act shall be paid by the licensee to the city in full at the
141 time of issuance, unless the licensing authority agrees to enter into an arrangement with the
142 recipient of a license which would enable the fee to be divided into multiple payments or

143 prorated over multiple periods of time. If the city elects to accept prorated payments over time
144 from a licensee, this option must be made available, upon request, to all qualified applicants for
145 licensure.

146 (b) Any fair value fees collected by the city of Salem for any new license or the
147 conversion of a seasonal license to an annual license for the sale of wine and malt beverages or
148 all alcoholic beverages issued pursuant to this act which is greater than the amount of the fee
149 charged for an annual renewal of a similar license issued by the city, then the city shall establish
150 an economic development account and deposit the fee which shall be expended by the city in a
151 manner consistent with the purposes of the account.

152 SECTION 11. This act shall take effect upon its passage.