

SENATE No. 2239

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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 town of Rockport to grant a license for the sale of wines and malt beverages at a food store.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|------------------------------|-------------------|
| <i>Bruce E. Tarr</i> | |
| <i>Ann-Margaret Ferrante</i> | <i>5th Essex</i> |

SENATE No. 2239

By Mr. Tarr, a petition (accompanied by bill, Senate, No.2239) of Bruce E. Tarr and Ann-Margaret Ferrante for legislation to authorize the town of Rockport to grant a license for the sale of wines and malt beverages at a food store. Consumer Protection and Professional Licensure. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act authorizing the town of Rockport to grant a license for the sale of wines and malt beverages at a food store.

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 of chapter 138 of the General Laws, the
2 licensing authority of the Town of Rockport may grant to a food store a license for the sale of
3 wines and malt beverages not to be drunk on the premises under section 15 of said chapter 138.
4 Except as otherwise provided herein, such license shall be subject to all of said chapter 138
5 except said section 17.

6 For the purposes of this act, a “food store” shall mean a grocery store or supermarket
7 which sells at retail, food for consumption off the seller’s premises either alone or in
8 combination with grocery items or other nondurable items typically found in a grocery store and
9 sold to individuals for personal, family or household use; provided, however, that such food store
10 shall carry fresh and processed meats, poultry, dairy products, eggs, fresh fruits and produce,
11 baked goods and baking ingredients, canned goods and dessert items. Notwithstanding the
12 foregoing, a food store shall not be a convenience store or specialty store; provided, however,

13 that the Board of Selectmen shall determine whether an applicant is a food store under this act. In
14 making such determination, the Board of Selectmen shall consider such factors as the volume of
15 sales, actual or proposed, and the extent and range of merchandise offered for sale. The holder of
16 a license under this act may sell wine or beer alone or in combination with any other items
17 offered for sale. The amount of any initial or renewal fee for such a license shall be determined
18 by the licensing authority issuing or renewing that license.

19 The licensing authority may approve a transfer of the license at the same location, if an
20 applicant for the license files with the authority a letter in writing from the department of revenue
21 indicating that the licensee is in good standing with the department and that all applicable taxes
22 have been paid.

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

27 SECTION 2. Notwithstanding sections 11 and 11A of chapter 138 of the General Laws
28 or any other general or special law to the contrary, the Board of Selectmen of the Town of
29 Rockport shall cause to be placed on the ballot at a regular or special election the following
30 question:-

31 “Shall an act passed by the general court in the year 2012, entitled ‘An Act Authorizing
32 the Town of Rockport to Grant a License for the Sale of Wines and Malt Beverages at a Food
33 Store’, be accepted?”

34 Below the ballot question shall appear a fair and concise summary of the ballot question
35 prepared by the town counsel. If a majority of votes cast in answer to the question is in the
36 affirmative, the town shall be taken to have authorized the granting of a license for the sale of
37 wines and malt beverages at a food store as set forth in section 1.

38 SECTION 3. This act shall take effect upon its passage.