

# HOUSE . . . . . No. 270

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## The Commonwealth of Massachusetts

PRESENTED BY:

*Alice Hanlon Peisch*

*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 regulating the granting of temporary licenses for the sale of wine, beer, and malt liquor at auctions.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>	<i>1/17/2013</i>
<i>Denise Andrews</i>	<i>2nd Franklin</i>	
<i>John W. Scibak</i>	<i>2nd Hampshire</i>	
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>	
<i>Cory Atkins</i>	<i>14th Middlesex</i>	

# HOUSE . . . . . No. 270

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By Ms. Peisch of Wellesley, a petition (accompanied by bill, House, No. 270) of Alice Hanlon Peisch and others relative to the granting of temporary licenses for the sale of wine, beer and malt liquor at auctions. Consumer Protection and Professional Licensure.

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Thirteen  
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An Act regulating the granting of temporary licenses for the sale of wine, beer, and malt liquor at auctions.

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

1           Chapter 153 of the Acts of 1997 is hereby amended by striking out sections 1 and 2, and  
2           inserting in place thereof the following sections:-

3           SECTION 1. Notwithstanding the provisions of any general or special law to the  
4           contrary, the local licensing authority in a city or town which votes to authorize the granting of  
5           licenses for the sale of an alcoholic beverage may, with the approval of the alcoholic beverages  
6           control commission, grant temporary licenses for the sale of wines, beers, and malt liquors at  
7           auction, not to be drunk on the premises, to applicants which are nonprofit charitable  
8           corporations organized under chapter 180 of the General Laws and registered with the public  
9           charities division of the office of the attorney general. Each such temporary license shall describe  
10          the premises to which it applies and shall be granted only for premises which are either the  
11          principal place of business or headquarters of the applicant and which are legally zoned to allow  
12          such sales or which are the premises of a licensee under section 12 or section 15 of chapter 138  
13          of the General Laws. No such temporary license shall be for a duration of more than ten  
14          consecutive calendar days and no holder of any such temporary license shall be granted more  
15          than two such licenses in a calendar year. The fee for such temporary license shall not exceed the  
16          minimum fee provided for holders of licenses to sell wine, beer, and malt liquor. A holder of a  
17          temporary license for the sale of wine, beer, and malt liquor at auctions shall be permitted to  
18          conduct such auctions on any day and at any time permitted under said section 12 of said chapter  
19          138. Any wine, beer, and malt liquor sold under this section shall be donated at no charge to the  
20          license holder and all proceeds from such sales shall be used for the holder's charitable purposes.  
21          The application procedures under section 15A of said chapter 138 shall not apply to temporary

22 licenses for the sale of wine, beer, and malt liquor at auctions; provided, however, that such  
23 applications may be granted by the local licensing authority according to the local procedures for  
24 granting licenses under section 14 of said chapter 138. Local licensing authorities may impose  
25 conditions as to the hours of operation of such auctions and such other terms and conditions as  
26 may be deemed to be necessary and reasonable.

27         SECTION 2. Notwithstanding the provisions of any general or special law to the  
28 contrary, the local licensing authority in a city or town which votes to authorize the granting of  
29 licenses for the sale of an alcoholic beverage may, with the approval of the alcoholic beverages  
30 control commission, grant temporary licenses for the sale of wine, beer, and malt liquor at  
31 auctions, not to be drunk on the premises, to applicants which are licensees under section 15 of  
32 chapter 138 of the General Laws. Each such temporary license shall describe the premises to  
33 which it applies and shall be granted only for premises which are either the principal place of  
34 business or headquarters of the applicant and which are legally zoned to allow such sales or  
35 which are the premises of a licensee under section 12 or 15 of said chapter 138. No such  
36 temporary license shall be for a duration of more than ten consecutive calendar days and no  
37 holder of any such temporary license shall be granted more than two such temporary licenses in a  
38 calendar year. The fee for such temporary license shall not exceed the minimum fee provided for  
39 holders of licenses to sell wine, beer, and malt liquor. A holder of a temporary license for the  
40 sale of wine, beer, and malt liquor at auctions shall be permitted to conduct such auctions on any  
41 day and at any time permitted under said section 15 of said chapter 138. The application  
42 procedures under section 15A of said chapter 138 shall not apply to temporary licenses for the  
43 sale of wines, beers, and malt liquors at auction; provided, however, that such applications may  
44 be granted by the local licensing authority according to the local procedures for granting licenses  
45 under section 14 of said chapter 138. Local licensing authorities may impose conditions as to the  
46 hours of operation of such auctions and such other terms and conditions as may be deemed to be  
47 necessary and reasonable.