

HOUSE No. 286

The Commonwealth of Massachusetts

PRESENTED BY:

Frank I. Smizik

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 Brookline to grant 11 additional licenses for the sale of all alcoholic beverages to be drunk on the premises.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>	<i>1/17/2013</i>
<i>Cynthia S. Creem</i>	<i>First Middlesex and Norfolk</i>	<i>1/30/2013</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>	<i>1/18/2013</i>
<i>Michael J. Moran</i>	<i>18th Suffolk</i>	<i>1/31/2013</i>

HOUSE No. 286

By Mr. Smizik of Brookline, a petition (accompanied by bill, House, No. 286) of Frank I. Smizik and others (by vote of the town) that the town of Brookline be authorized to grant eleven additional licenses for the sale of all alcoholic beverages to be drunk on the premises. Consumer Protection and Professional Licensure. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act authorizing the town of Brookline to grant 11 additional licenses for the sale of all alcoholic beverages to be drunk on the premises.

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. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the
2 licensing authority of the Town of Brookline may grant 1 additional license for the sale of all
3 alcoholic beverages to be drunk on the premises, pursuant to section 12 of chapter 138, provided,
4 however, that such license is issued to an establishment that holds a common victuallers license
5 pursuant to section 2 of chapter 140 of the General Laws, to be used at a parcel depicted on page
6 59 of the Town of Brookline Assessor’s Atlas as block number 238, lot number 01. The license
7 shall be subject to all of said chapter 138 except said section 17.

8 (b) Once issued, the licensing authority shall not approve the transfer of the license to
9 any other location but it may grant the license to a new applicant at the same location if the
10 applicant files with the licensing authority a letter from the department of revenue and a letter
11 from the division of unemployment assistance indicating that the license is in good standing with
12 the department and that all applicable taxes, fees, and contributions have been paid.

13 (c) If the license granted under this section is cancelled, revoked or no longer in use, it
14 shall be returned physically, with all of the legal rights, privileges and restrictions pertaining
15 thereto, to the licensing authority, which may then grant the license to a new applicant at the
16 same location under the same conditions as specified in this act provided that the applicant files
17 with the licensing authority a letter from the department of revenue and a letter from the division
18 of unemployment assistance indicating that the license is in good standing with those entities and
19 that all applicable taxes, fees, and contributions have been paid.

20 SECTION 2. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the
21 licensing authority of the Town of Brookline may grant a total of 2 additional licenses for the
22 sale of all alcoholic beverages to be drunk on the premises, pursuant to section 12 of chapter 138,
23 provided, however, that such licenses are issued to establishments that hold a common
24 victuallers license pursuant to section 2 of chapter 140 of the General Laws, to be used at parcels
25 depicted on page 29B of the Town of Brookline Assessor's Atlas as block number 138, parcel
26 numbers 01 and 02. The licenses shall be subject to all of said chapter 138 except said section
27 17.

28 (b) Once issued, the licensing authority shall not approve the transfer of the licenses to
29 any other location but it may grant the licenses to new applicants at the same location if the
30 applicants file with the licensing authority a letter from the department of revenue and a letter
31 from the division of unemployment assistance indicating that the licenses are in good standing
32 with the department and that all applicable taxes, fees, and contributions have been paid.

33 (c) If the licenses granted under this section are cancelled, revoked or no longer in use,
34 they shall be returned physically, with all of the legal rights, privileges and restrictions pertaining
35 thereto, to the licensing authority which may then grant the licenses to new applicants at the
36 same locations under the same conditions as specified in this act provided that the applicants file
37 with the licensing authority a letter from the department of revenue and a letter from the division
38 of unemployment assistance indicating that the licenses are in good standing with those entities
39 and that all applicable taxes, fees, and contributions have been paid.

40 SECTION 3. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the
41 licensing authority of the Town of Brookline may grant a total of 5 additional licenses for the
42 sale of all alcoholic beverages to be drunk on the premises, pursuant to section 12 of chapter 138,
43 provided, however, that such licenses are issued to establishments that hold a common
44 victuallers license pursuant to section 2 of chapter 140 of the General Laws, to be used at parcels
45 depicted on page 9 of the Town of Brookline Assessor's Atlas as block number 045, lot numbers
46 01, 11 and 02-01. The licenses shall be subject to all of said chapter 138 except said section 17.

47 (b) Once issued, the licensing authority shall not approve the transfer of the licenses to
48 any other location but it may grant the licenses to new applicants at the same locations if the
49 applicants file with the licensing authority a letter from the department of revenue and a letter
50 from the division of unemployment assistance indicating that the licenses are in good standing
51 with the department and that all applicable taxes, fees, and contributions have been paid.

52 (c) If the licenses granted under this section are cancelled, revoked or no longer in use,
53 they shall be returned physically, with all of the legal rights, privileges and restrictions pertaining
54 thereto, to the licensing authority which may then grant the licenses to new applicants at the
55 same locations under the same conditions as specified in this act provided that the applicants file
56 with the licensing authority a letter from the department of revenue and a letter from the division

57 of unemployment assistance indicating that the licenses are in good standing with those entities
58 and that all applicable taxes, fees, and contributions have been paid.

59 SECTION 4. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the
60 licensing authority of the Town of Brookline may grant up to 3 additional licenses for the sale of
61 all alcoholic beverages to be drunk on the premises, pursuant to section 12 of chapter 138,
62 provided, however, that such licenses are issued to establishments that hold a common
63 victuallers license pursuant to section 2 of chapter 140 of the General Laws.

64 (b) A license under this section shall not be transferable to any other person, corporation
65 or organization for a period of 3 years from the date of original issuance or 3 years from the
66 enactment of this legislation, whichever is later. Any transfer in violation of sections (a) or (b)
67 of this section shall render said license null and void.

68 (c) If a license granted under this section is revoked or no longer in use at the location of
69 original issuance, it shall be returned physically, with all of the legal rights and privileges
70 pertaining thereto, to the licensing authority which may then grant the license to a new applicant
71 only at the same location under the same conditions as specified in this act provided that the
72 applicant files with the licensing authority a letter from the department of revenue and a letter
73 from the division of employment assistance indicating that the license is in good standing with
74 those entities and that all applicable taxes, fees, and contributions have been paid.

75 SECTION 5. This act shall take effect upon its passage.

76 or act on anything relative thereto. The General Court may make such amendments as
77 are within the scope of the general public objectives of this petition.