

HOUSE No. 4586

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, August 22, 2016.

The committee on Consumer Protection and Professional Licensure to whom was referred the joint petition (accompanied by bill, House, No. 4525) of Jerald A. Parisella and Joan B. Lovely (with the approval of the mayor and city council) that the city of Beverly be authorized to grant six additional licenses for the sale of wines and malt beverages to be drunk on the premises and three additional licenses for the sale of all alcoholic beverages to be drunk on the premises, reports recommending that the accompanying bill (House, No. 4586) ought to pass [Local Approval Received].

For the committee,

JENNIFER E. BENSON.

HOUSE No. 4586

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**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act authorizing the city of Beverly to grant additional licenses for the sale of alcoholic beverages.

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) For the purposes of this act, the word “map” shall refer to the map
2 entitled “Beverly Proposed Liquor License Area Locations” dated August 12, 2016, a copy of
3 which is on file at the Beverly City Clerk’s Office.

4 (b) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing
5 authority of the city of Beverly may grant; (i) 6 additional licenses for the sale of wines and malt
6 beverages to be drunk on the premises pursuant to section 12 of said chapter 138; (ii) 3
7 additional licenses for the sale of all alcoholic beverages to be drunk on the premises pursuant to
8 said section 12 of said chapter 138; provided, however, that 2 of these licenses shall be restricted
9 to establishments with seating capacities of not more than 150 persons; and (iii) 3 additional
10 licenses for the sale of all alcoholic beverages not to be drunk on the premises pursuant to
11 section 15 of said chapter 138; provided, however, these licenses shall be restricted to specialty
12 grocery stores as defined in subsection (c). The licensing board may restrict the all alcoholic

13 beverage licenses to holders of a common victualler license. The licensing authority of the city of
14 Beverly may grant the licenses in this Section, subject to the following conditions:

15 (1) One or more licenses may be granted to establishments within the North Beverly
16 area, the boundaries of which are shown on the map.

17 (2) One or more licenses may be granted to establishments within the Route 22 area,
18 the boundaries of which are shown on the map.

19 (3) One or more licenses may be granted to establishments within the Farms/Prides
20 area, the boundaries of which are shown on the map.

21 (4) One or more licenses may be granted to establishments within the Ryal Side area,
22 the boundaries of which are shown on the map.

23 (5) One or more licenses may be granted to establishments within the
24 Downtown/Waterfront area, the boundaries of which are shown on the map.

25 (c) For the purposes of this act, “specialty grocery store” shall mean retail food markets
26 that are limited in scale and offer food provisions including, but not limited to, fresh produce,
27 dairy, baked goods and meats similar to a delicatessen or green grocer. A specialty grocery store
28 may include locally-grown or locally-made food and beverages and may also include prepared
29 food for consumption off the premises.

30 (d) The licenses issued pursuant to subsection (b) shall be subject to all of said chapter
31 138 except said section 17.

32 SECTION 2. (a) Once a license is granted pursuant to this act, the licensing authority
33 shall not approve the transfer of the license to any other location or area, but it may grant the

34 license to a new applicant at the same location and under the same conditions as specified in this
35 act if the applicant files a letter from the department of revenue and a letter from the department
36 of unemployment assistance indicating that the license is in good standing with the those
37 departments and that all applicable taxes, fees and contributions have been paid.

38 (b) If a license issued under this act is cancelled, revoked or no longer in use, it shall be
39 returned physically, with all of the legal rights, privileges, and restrictions pertaining thereto, to
40 the licensing authority and the licensing authority may then grant the license to a new applicant
41 at the same location under the same conditions as specified in this act.

42 SECTION 3. Notwithstanding sections 12 and 15 of chapter 138 of the General Laws, a
43 license issued pursuant to this act may be subject to an initial, 1-time acquisition fee in an
44 amount to be determined by the city of Beverly which shall be in addition to any existing annual
45 license fee applicable in the city of Beverly for the sale of wines and malt beverages to be drunk
46 on the premises, for the sale of all alcoholic beverages to be drunk on premises or for the sale of
47 all alcoholic beverages not to be drunk on the premises, as the case may be. The initial 1-time
48 acquisition fee shall be due and payable upon the original issuance of the license and also upon
49 the issuance of any such license to a new applicant under this act.

50 SECTION 4. This act shall take effect upon its passage.