

HOUSE No. 4752

The Commonwealth of Massachusetts

PRESENTED BY:

Paul J. Donato and Patricia D. Jehlen

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 increasing the number of licenses for the sale of wines and malt beverages in the city of Medford from twenty five to forty.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Paul J. Donato</i>	<i>35th Middlesex</i>	<i>12/6/2016</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>12/7/2016</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>12/7/2016</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>12/7/2016</i>

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By Representative Donato of Medford and Senator Jehlen, a joint petition (accompanied by bill, House, No. 4752) of Paul J. Donato, Patricia D. Jehlen and others (with the approval of the mayor and city council) that the city of Medford be authorized to increase the number of licenses for the sale of wines and malt beverages to be drunk on the premises in the city of Medford from twenty five to forty. Consumer Protection and Professional Licensure. [Local Approval Received.]

The Commonwealth of Massachusetts

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

An Act increasing the number of licenses for the sale of wines and malt beverages in the city of Medford from twenty five to forty.

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 sections 11 and 17 of chapter 138 of the General Laws,
2 any vote cast in the city of Medford pursuant to chapter 595 of the acts of 1977 or any other
3 general or special law or any rule or regulation to the contrary, the licensing authority of the city
4 of Medford may, subject to the approval of the alcoholic beverages control commission, grant
5 not more than 40 licenses for the sale of wines and malt beverages to be drunk on the premises
6 under section 12 of said chapter 138 to restaurants with a seating capacity of at least 19 persons.

7 (b) The licenses shall be granted in economic development areas, the boundaries of which
8 are described as follows in accordance with the 2000 United States census:

(i) West Medford Area: Census Tracts 3393 and 3392;^[L]^[SEP](ii) Medford Square Area: Census Tract 3391;^[L]^[SEP](iii) Hillside Area: Census Tracts 3394, 3395, 3399 and 3400; (iv) South Medford Area: Census Tracts 3396 and 3397; and (v) Wellington Area: Census Tract 3398.

(c) A license granted under this section shall only be exercised in the dining room of a restaurant and in such other public rooms or areas as may be deemed reasonable and proper by the licensing authority as certified in writing. The licensing authority shall not require as a condition to granting of a license under this section that parking be provided for the licensed establishment other than the parking that is required by applicable zoning laws or regulations. Licenses granted under this section shall be subject to all of said chapter 138 except said sections 11 and 17.

(d) The licensing authority shall not approve the transfer of a license under this act to any area outside the economic development area but a license may be re-issued by the licensing authority to an establishment within that area if the applicant for the license files with the licensing authority a letter in writing from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

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

(f) Notwithstanding any general or special law to the contrary, the licensing authority may grant special licenses for the sale of wines and malt beverages to be drunk on the premises pursuant to section 14 of said chapter 138 and the granting of such special licenses shall be

31 subject to the same conditions for the granting of licenses pursuant to section 12 of said chapter
32 138 as specified in this act.

33 SECTION 2. Chapter 210 of the acts of 2008 is hereby repealed.