HOUSE . . . . No. 1990

The Commonwealth of Massachusetts

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PRESENTED BY:

Michael J. Moran

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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 relative to the constitutionality of statutes in case of invalidation of any provision.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Michael J. Moran	*18th Suffolk*	*1/20/2017*

HOUSE . . . . No. 1990

By Mr. Moran of Boston, a petition (accompanied by bill, House, No. 1990) of Michael J. Moran relative to the application of the remaining provisions of statutes governing the taxation, distribution and sale of alcoholic beverages in cases when certain provisions are deemed unconstitutional. Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *239* OF 2015-2016.]

The Commonwealth of Massachusetts

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In the One Hundred and Ninetieth General Court
(2017-2018)

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An Act relative to the constitutionality of statutes in case of invalidation of any provision.

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. Chapter 138 of the Massachusetts General Laws as appearing in the 2012

2   Official Edition is hereby amended by adding the following section:-

3   Section 138:79. If any provision of the Chapter 138 of the Massachusetts General Laws,

4   or its application to any person or circumstance, is determined by a court to be invalid or

5   unconstitutional, the remaining provisions shall be construed in accordance with the intent of the

6   legislature to further limit rather than to expand commerce in alcoholic liquor and to enhance

7   strict regulatory control over taxation, distribution and sale of alcoholic liquor through the three-

8   tier regulatory system imposed by the Massachusetts liquor control act upon all alcoholic liquor

9   and cereal malt beverages.