

SENATE No. 114

The Commonwealth of Massachusetts

PRESENTED BY:

Eileen M. Donoghue

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 issuance of temporary licenses for the sale and auction of wines and malt beverages by nonprofit charitable corporations.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Eileen M. Donoghue

First Middlesex

Sheila C. Harrington

1st Middlesex

SENATE No. 114

By Ms. Donoghue, a petition (accompanied by bill, Senate, No. 114) of Eileen M. Donoghue and Sheila C. Harrington for legislation to authorize the issuance of temporary licenses for the sale and auction of wines and malt beverages by nonprofit charitable corporations. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

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

An Act authorizing the issuance of temporary licenses for the sale and auction of wines and malt beverages by nonprofit charitable corporations.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the issuance of certain licenses for the sale of wines and malt beverages at certain auctions not to be drunk on the premises and for the sale of wines to be drunk on the premises for nonprofit charitable corporations, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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 General Laws is hereby amended by inserting after
2 section 14A the following section:-

3 Section 14B. (a) Notwithstanding any general or special law to the contrary, the local
4 licensing authority in a city or town which votes to authorize the granting of licenses for the sale
5 of alcoholic beverages may, with the approval of the alcoholic beverages control commission,
6 grant temporary licenses for the sale of wines and malt beverages at auction not to be drunk on
7 the premises to applicants which are nonprofit charitable corporations organized under chapter

8 180 and registered with the non-profit organizations and public charities division of the office of
9 the attorney general. Each such temporary license shall describe the premises to which the
10 license applies and shall be granted only for premises that are the principal place of business or
11 headquarters of the applicant or a location owned or leased by the applicant from which the
12 applicant regularly conducts business and which are legally zoned to allow such sales or which
13 are the premises of a licensee under section 12 or 15. The temporary license shall not be valid for
14 more than 10 consecutive calendar days and a holder of a temporary license shall not be granted
15 more than 5 licenses in a calendar year. The fee for a temporary license under this subsection
16 shall not exceed the minimum fee provided for holders of licenses to sell wines and malt
17 beverages. A holder of a temporary license under this subsection may conduct such auctions on
18 any day and at any time permitted under said section 12. Any wines or malt beverages sold under
19 this section shall be donated at no charge to the license holder and all proceeds from such sales
20 shall be used for the license holder's charitable purposes. The application procedures under
21 section 15A shall not apply to temporary licenses under this subsection; provided, however, that
22 such applications may be granted by the local licensing authority according to the local
23 procedures for the granting licenses under section 14. Local licensing authorities may impose
24 conditions as to the hours of operation of auctions and other necessary and reasonable terms and
25 conditions.

26 (b) Notwithstanding any general or special law to the contrary, the local licensing
27 authority in a city or town which votes to authorize the granting of licenses for the sale of an
28 alcoholic beverage may, with the approval of the alcoholic beverages control commission, grant
29 temporary licenses for the sale of wines and malt beverages at auctions, not to be drunk on the
30 premises, to applicants which are licensees under section 15. Each such temporary license shall

31 describe the premises to which it applies and shall be granted only for premises that are the
32 principal place of business or headquarters of the applicant and which are legally zoned to allow
33 such sales or which are the premises of a licensee under said section 15. The temporary license
34 shall not be valid for more than 10 consecutive calendar days and a holder of any such temporary
35 license shall not be granted more than 2 such temporary licenses in a calendar year. The fee for
36 the temporary license shall not exceed the minimum fee provided for holders of licenses to sell
37 wines and malt beverages. A holder of a temporary license under this subsection shall be
38 permitted to conduct such auctions on any day and at any time permitted under said section 15.
39 The application procedures under section 15A shall not apply to temporary licenses under this
40 subsection; provided, however, that such applications may be granted by the local licensing
41 authority according to the local procedures for granting licenses under section 14. Local
42 licensing authorities may impose conditions as to the hours of operation of auctions and such
43 other terms and conditions as may be deemed to be necessary and reasonable.

44 (c) Notwithstanding any general or special law to the contrary, the local licensing
45 authority in a city or town which votes to authorize the granting of licenses for the sale of an
46 alcoholic beverage may with the approval of the alcoholic beverages control commission, grant
47 temporary licenses for the sale of wines and malt beverages at auction not to be drunk on the
48 premises to joint applicants which consist of not less than 1 nonprofit charitable corporation
49 organized under chapter 180 and registered with the non-profit organizations and public charities
50 division of the office of the attorney general and a licensee under section 12 or 15. The
51 temporary license shall describe the premises to which it applies and shall be granted only for the
52 premises of the joint applicant which is a licensee under said section 12 or 15. The temporary
53 license shall not be valid for more than 10 consecutive calendar days and a holder of any such

54 temporary license shall not be granted more than 2 such licenses in a calendar year. The fee for
55 such temporary license shall not exceed the minimum fee provided for holders of licenses to sell
56 wines and malt beverages. A holder of a temporary license under this subsection shall be
57 permitted to conduct such sales on any day and at any time permitted under said section 12. Any
58 wines or malt beverages sold under this subsection may be donated at no charge to the license
59 holder. A majority of the proceeds from such sales shall be used for the charitable corporation
60 license holder's charitable purposes. The application procedures under section 15A shall not
61 apply to such temporary licenses under this subsection; provided, however, that such applications
62 may be granted by the local licensing authority according to the local procedures for granting
63 licenses under section 14. Local licensing authorities may impose conditions as to the hours of
64 operation auctions under this subsection and such other terms and conditions as may be deemed
65 to be necessary and reasonable.

66 (d) Notwithstanding any general or special law to the contrary, the local licensing
67 authority in a city or town which votes to authorize the granting of licenses for the sale of an
68 alcoholic beverage may, with the approval of the alcoholic beverages control commission, grant
69 temporary licenses for the sale of wines and malt beverages to be drunk on the premises, to
70 applicants which are nonprofit charitable corporations organized under chapter 180 and
71 registered with the non-profit organizations and public charities division of the office of the
72 attorney general. Each such temporary license shall describe the premise to which it applies and
73 shall be granted only for premises that are the principal place of business or headquarters of the
74 applicant and which are legally zoned to allow such sales or which are the premises of a licensee
75 under section 12. The temporary license shall not valid for more than 10 consecutive calendar
76 days and a holder of any such temporary license shall not be granted more than 2 such licenses in

77 a calendar year. The fee for the temporary license shall not exceed the minimum fee provided for
78 holders of licenses to sell wines and malt beverages. A holder of a temporary license under this
79 subsection shall be permitted to conduct such sales on any day and at any time permitted under
80 said section 12. Any wines or malt beverages sold under this subsection shall be donated at no
81 charge to the license holder and any wines and malt beverages donated may be dispensed by the
82 employees or agents of the donors of the wines or malt beverages, without compensation for the
83 dispensing services. All proceeds from such sales shall be used for the license holder's charitable
84 purpose. The application procedures under section 15A shall not apply to temporary licenses
85 under this subsection; provided, however, that such applications may be granted by the local
86 licensing authority according to the local procedures for granting licenses under section 14.
87 Local licensing authorities may impose conditions as to the hours of operation of sales of wines
88 and malt beverages under this subsection and such other terms and conditions as may be deemed
89 to be necessary and reasonable.

90 (e) Notwithstanding any general or special law to the contrary, the local licensing
91 authority in a city or town which votes to authorize the granting of licenses for the sale of an
92 alcoholic beverage may with the approval of the alcoholic beverages control commission, grant
93 temporary licenses for the sale of wines and malt beverages to be drunk on the premises, to joint
94 applicants which consist of not less than 1 nonprofit charitable corporation organized under
95 chapter 180 and registered with the non-profit organizations and public charities division of the
96 office of the attorney general and a licensee under section 12. The temporary license shall
97 describe the premises to which it applies and shall be granted only for the premises of the joint
98 applicant which is a licensee under said section 12. The temporary license shall not be valid for
99 more than 10 consecutive calendar days and a holder of any such temporary license shall not be

100 granted more than 2 such licenses in a calendar year. The fee for such temporary license shall not
101 exceed the minimum fee provided for holders of licenses to sell wines and malt beverages. A
102 holder of a temporary license under this subsection shall be permitted to conduct such sales on
103 any day and at any time permitted under said section 12. Any wines or malt beverages sold under
104 this section may be donated at no charge to the license holder and any wines or malt beverages
105 donated may be dispensed by the employees or agents of the donor of the wines and malt
106 beverages without compensation for the dispensing services. A majority of the proceeds from
107 such sales shall be used for the charitable corporation license holder's charitable purposes. The
108 application procedures under section 15A shall not apply to such temporary licenses under this
109 subsection; provided, however, that such applications may be granted by the local licensing
110 authority according to the local procedures for granting licenses under section 14. Local
111 licensing authorities may impose conditions as to the hours of operation for the sale of wines and
112 malt beverages under this subsection and such other terms and conditions as may be deemed to
113 be necessary and reasonable.

114 SECTION 2. Chapter 153 of the acts of 1997 is hereby repealed.