

SENATE No. 2414

The Commonwealth of Massachusetts

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

SENATE, Thursday, April 12, 2018

The committee on Consumer Protection and Professional Licensure, to whom was referred the petitions (accompanied by bill, Senate, No. 110) of Viriato M. deMacedo, Donald F. Humason, Jr., Mathew Muratore, Thomas J. Calter and other members of the General Court for legislation to regulate the granting of temporary licenses for the sale of wine, beer, and malt liquor at auctions for nonprofit charitable corporations; and (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,- reports the accompanying bill (Senate, No. 2414).

For the committee,
Barbara A. L'Italien

SENATE No. 2414

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

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, as appearing in the 2016 Official Edition,
2 is hereby amended by inserting the following section:-

3 Section 12D. (a) Notwithstanding any general or special law to the contrary, the local
4 licensing authority in a city or town that votes to authorize the granting of licenses for the sale of
5 alcoholic beverages may grant temporary licenses for the sale of alcoholic beverages to be drunk
6 on the premises to applicants that are nonprofit charitable corporations organized under chapter
7 180 and registered with the non-profit organizations and public charities division of the office of
8 the attorney general.

9 Each such temporary license shall describe the premises to which it applies and shall be
10 granted only for the premises that are the principal place of business or headquarters of the
11 applicant and that are legally zoned to allow such sales, or that are the premises of a licensee
12 under section 12. The temporary license shall not be valid for more than 10 consecutive calendar
13 days and a holder of any such temporary license shall not be granted more than 2 such licenses in

14 a calendar year. A holder of a temporary license under this subsection shall be permitted to
15 conduct such sales on any day and at any time permitted under said section 12. Any alcoholic
16 beverages sold under this subsection shall be donated at no charge to the license holder and any
17 alcoholic beverages donated may be dispensed by the employees or agents of the donors of such
18 beverages, without compensation for the dispensing services. All proceeds from such sales shall
19 be used for the license holder's charitable purpose.

20 The fee for the temporary license shall not exceed the minimum fee provided for holders
21 of licenses to sell alcoholic beverages. The application procedures under section 15A shall not
22 apply to temporary licenses under this subsection; provided, however, that such applications may
23 be granted by the local licensing authority according to the local procedures for granting licenses
24 under section 14.

25 (b) Notwithstanding any general or special law to the contrary, the local licensing
26 authority in a city or town that votes to authorize the granting of licenses for the sale of alcoholic
27 beverages may grant temporary licenses for the sale of alcoholic beverages to be drunk on the
28 premises, to joint applicants that consist of not less than 1 nonprofit charitable corporation
29 organized under chapter 180 and registered with the non-profit organizations and public charities
30 division of the office of the attorney general and a licensee under section 12.

31 The temporary license shall describe the premises to which it applies and shall be granted
32 only for the premises of the joint applicant that is a licensee under said section 12. The temporary
33 license shall not be valid for more than 10 consecutive calendar days and a holder of any such
34 temporary license shall not be granted more than 2 such licenses in a calendar year. A holder of a
35 temporary license under this subsection shall be permitted to conduct such sales on any day and

36 at any time permitted under said section 12. Any alcoholic beverages sold under this section shall
37 be donated at no charge to the license holder and any alcoholic beverages donated may be
38 dispensed by the employees or agents of the donor of such beverages without compensation for
39 the dispensing services. A majority of the proceeds from such sales shall be used for the
40 charitable corporation license holder's charitable purposes.

41 The fee for such temporary license shall not exceed the minimum fee provided for
42 holders of licenses to sell alcoholic beverages at retail. The application procedures under section
43 15A shall not apply to such temporary licenses under this subsection; provided, however, that
44 such applications may be granted by the local licensing authority according to the local
45 procedures for granting licenses under section 14.

46 SECTION 2. Section 14 of said chapter 138, as so appearing, is hereby amended by
47 striking the second paragraph in its entirety.

48 SECTION 3. Chapter 138 of the General Laws is hereby amended by striking out section
49 14A, as appearing in the 2016 Official Edition, and inserting in place thereof the following
50 section:-

51 Section 14A. (a) Notwithstanding any general or special law to the contrary, the licensing
52 authority in any city or town that votes to authorize the sale of alcoholic beverages may grant
53 licenses for the sale of alcoholic beverages at auctions, not to be drunk on the premises, to an
54 applicant that is licensed as an auctioneer pursuant to chapter 100 for not less than 10 years. Each
55 license shall describe the premises to which it applies and shall be granted only for the premises
56 which are either the principal place of business or headquarters of the applicant and legally
57 zoned to allow such sales or which are the premises of a licensee under section 12 or section 15.

58 The fee for the license shall not exceed the minimum fee for holders of licenses under section 14.
59 A holder of a license for the sale of alcoholic beverages at auctions may conduct any such
60 auction on any day and at any time permitted under section 12. Applications shall be granted by
61 the licensing authority according to the local procedure for granting licenses under said section
62 14.

63 A licensee who holds a license under this section may provide, without charge, on-
64 premises sample alcoholic beverages tastings for prospective customers if such beverages shall
65 be available for sale at auction on those premises; provided, however, that no single serving of
66 wine shall exceed 1 ounce, no single serving of malt beverages shall exceed 3 ounces and no
67 single serving of distilled spirits shall exceed 1/4 of an ounce; and provided further, that the
68 licensee shall control the dispensing of the alcoholic beverages.

69 (b) The local licensing authority in a city or town that votes to authorize the granting of
70 licenses for the sale of alcoholic beverages may grant temporary licenses for the sale of alcoholic
71 beverages at auction not to be drunk on the premises to applicants that are nonprofit charitable
72 corporations organized under chapter 180 and registered with the non-profit organizations and
73 public charities division of the office of the attorney general.

74 Each such temporary license shall describe the premises to which the license applies and
75 shall be granted only for premises that are the principal place of business or headquarters of the
76 applicant, or a location owned or leased by the applicant from which the applicant regularly
77 conducts business and which are legally zoned to allow such sales, or which are the premises of a
78 licensee under section 12 or 15.

79 No such temporary licenses shall be valid for more than 10 consecutive calendar days and
80 a holder of a temporary license shall not be granted more than 5 licenses in a calendar year. A
81 holder of a temporary license under this subsection may conduct such auctions on any day and at
82 any time permitted under said section 12. Any alcoholic beverages sold under this section shall
83 be donated at no charge to the license holder and all proceeds from such sales shall be used for
84 the license holder's charitable purposes.

85 The fee for a temporary license under this subsection shall not exceed the minimum fee
86 provided for holders of licenses to sell alcoholic beverages at retail. The application procedures
87 under section 15A shall not apply to temporary licenses under this subsection; provided,
88 however, that such applications may be granted by the local licensing authority according to the
89 local procedures for the granting licenses under section 14.

90 (c) 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
92 alcoholic beverages may grant temporary licenses for the sale of alcoholic beverages at auctions,
93 not to be drunk on the premises, to applicants that are licensees under section 15 of chapter 138.

94 Each such temporary license shall describe the premises to which it applies and shall be
95 granted only for premises that are the principal place of business or headquarters of the applicant
96 and which are legally zoned to allow such sales or which are the premises of a licensee under
97 said section 15. The temporary license shall not be valid for more than 10 consecutive calendar
98 days and a holder of any such temporary license shall not be granted more than 2 such temporary
99 licenses in a calendar year. A holder of a temporary license under this subsection shall be
100 permitted to conduct such auctions on any day and at any time permitted under said section 15.

101 The fee for the temporary license shall not exceed the minimum fee provided for holders
102 of licenses to sell alcoholic beverages at retail. The application procedures under section 15A
103 shall not apply to temporary licenses under this subsection; provided, however, that such
104 applications may be granted by the local licensing authority according to the local procedures for
105 granting licenses under section 14.

106 (d) Notwithstanding any general or special law to the contrary, the local licensing
107 authority in a city or town which votes to authorize the granting of licenses for the sale of an
108 alcoholic beverage may grant temporary licenses for the sale of alcoholic beverages at auction
109 not to be drunk on the premises to joint applicants which consist of not less than 1 nonprofit
110 charitable corporation organized under chapter 180 and registered with the non-profit
111 organizations and public charities division of the office of the attorney general and a licensee
112 under section 12 or 15.

113 The temporary license shall describe the premises to which it applies and shall be granted
114 only for the premises of the joint applicant that is a licensee under said section 12 or 15. The
115 temporary license shall not be valid for more than 10 consecutive calendar days and a holder of
116 any such temporary license shall not be granted more than 2 such licenses in a calendar year. A
117 holder of a temporary license under this subsection shall be permitted to conduct such sales on
118 any day and at any time permitted under said section 12. Any alcoholic beverages sold under this
119 subsection shall be donated at no charge to the license holder. A majority of the proceeds from
120 such sales shall be used for the charitable corporation license holder's charitable purposes.

121 The fee for such temporary license shall not exceed the minimum fee provided for
122 holders of licenses to alcoholic beverages at retail. The application procedures under section 15A

123 shall not apply to such temporary licenses under this subsection; provided, however, that such
124 applications may be granted by the local licensing authority according to the local procedures for
125 granting licenses under section 14.

126 SECTION 4. Chapter 153 of the acts of 1997, as most recently amended by chapter 405
127 of the acts of 2012, is hereby repealed.