

# HOUSE . . . . . No. 4040

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## The Commonwealth of Massachusetts

PRESENTED BY:

*Paul F. Tucker and Joan B. Lovely*

*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 city of Salem to convert a license for the sale of wine and malt beverages to be drunk on the premises to a license for the sale of all alcoholic beverages to be drunk on the premises.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Paul F. Tucker</i>	<i>7th Essex</i>	<i>7/30/2019</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>7/30/2019</i>

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By Representative Tucker of Salem and Senator Lovely, a joint petition (accompanied by bill, House, No. 4040) of Paul F. Tucker and Joan B. Lovely (with the approval of the mayor and city council) that the city of Salem be authorized to convert a license for the sale of wine and malt beverages to be drunk on the premises to a license for the sale of all alcoholic beverages to be drunk on the premises. Consumer Protection and Professional Licensure. [Local Approval Received.]

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## The Commonwealth of Massachusetts

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In the One Hundred and Ninety-First General Court  
(2019-2020)  
\_\_\_\_\_

An Act authorizing the city of Salem to convert a license for the sale of wine and malt beverages to be drunk on the premises to a license for the sale of all alcoholic beverages to be drunk on the premises.

*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 section 17 of chapter 138 of the General Laws, the  
2   licensing authority of the city of Salem may convert the annual license for the sale of wines and  
3   malt beverages to be drunk on the premises pursuant to section 12 of said chapter 138, originally  
4   issued to Polonia Restaurant Group pursuant to section 7 of chapter 149 of the acts of 2011 and  
5   currently issued to Blue Fez Inc. d/b/a Blue Fez at 118 Washington street, Unit C, to an annual  
6   license for the sale of all alcoholic beverages to be drunk on the premises pursuant to said section  
7   12 of said chapter 138 to Blue Fez Inc. d/b/a Blue Fez at 118 Washington street, Unit C. The  
8   license converted pursuant to this section shall be subject to all of said chapter 138, except said  
9   section 17.

(b) The licensing authority shall not approve the transfer of the license converted pursuant to this section to any other location but it may grant the license to a new applicant at the same location if the applicant for the license files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

(c) If the license converted pursuant to this section is cancelled, revoked or no longer in use at the location of original issuance, 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 under the same conditions as specified in this section.

SECTION 2. (a) The city of Salem shall charge a fee for the conversion to a license for the sale of all alcoholic beverages to be drunk on the premises pursuant to this act that shall be paid by the licensee at the time of issuance unless the licensing authority agrees to enter into an arrangement with the licensee which would enable the fee to be divided into multiple payments or prorated over multiple periods of time. If the city elects to accept prorated payments over time from the licensee, the option shall be made available, upon request, to all qualified applicants for licensure.

(b) Any fee collected by the city of Salem for a license converted or granted pursuant to this act that is greater than the amount of the fee charged for an annual renewal of a similar license issued by the city shall be deposited into an economic development account which has

32    been established by the city of Salem and expended by it in a manner consistent with the  
33    purposes of the account.

34               SECTION 3. This act shall take effect upon its passage.