SENATE DOCKET, NO. 180 FILED ON: 1/10/2019

SENATE . . . . . No. 131

The Commonwealth of Massachusetts

PRESENTED BY:

Viriato M. deMacedo

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 regulating the granting of temporary licenses for the sale of wine, beer, and malt liquor at auctions for nonprofit charitable corporations.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Viriato M. deMacedo	*Plymouth and Barnstable*	
Mathew J. Muratore	*1st Plymouth*	*1/31/2019*
Donald F. Humason, Jr.	*Second Hampden and Hampshire*	*1/31/2019*

SENATE DOCKET, NO. 180 FILED ON: 1/10/2019

SENATE . . . . . No. 131

By Mr. deMacedo, a petition (accompanied by bill, Senate, No. 131) of Viriato M. deMacedo, Mathew J. Muratore and Donald F. Humason, Jr. for legislation to regulate the granting of temporary licenses for the sale of wine, beer, and malt liquor at auctions for nonprofit charitable corporations. Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *110* OF 2017-2018.]

The Commonwealth of Massachusetts

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

An Act regulating the granting of temporary licenses for the sale of wine, beer, and malt liquor at auctions for 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:

SECTION 1. Chapter 153 of the Acts of 1997 is hereby amended by striking out sections 1 and 2, and inserting in place thereof the following sections:-

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the local licensing authority in a city or town which votes to authorize the granting of licenses for the sale of an alcoholic beverage may, with the approval of the alcoholic beverages control commission, grant temporary licenses for the sale of wines, beers, and malt liquors at auction, not to be drunk on the premises, to applicants which are nonprofit charitable corporations organized under chapter 180 of the General Laws and registered with the public charities division of the office of the attorney general. Each such temporary license shall describe

the premises to which it applies and shall be granted only for premises which are either the principal place of business or headquarters of the applicant and which are legally zoned to allow such sales or which are the premises of a licensee under section 12 or section 15 of chapter 138 of the General Laws. No such temporary license shall be for a duration of more than ten consecutive calendar days and no holder of any such temporary license shall be granted more than two such licenses in a calendar year. The fee for such temporary license shall not exceed the minimum fee provided for holders of licenses to sell wine, beer, and malt liquor. A holder of a temporary license for the sale of wine, beer, and malt liquor at auctions shall be permitted to conduct such auctions on any day and at any time permitted under said section 12 of said chapter 138. A license holder may accept free wine, beer, and malt liquor donated to the nonprofit charitable corporation by an individual, by a person licensed to manufacture alcoholic beverages or by a person licensed to sell alcoholic beverages at wholesale or retail pursuant to said chapter 138 for the purpose of selling such donated alcoholic beverages at auction, raffle or otherwise for sale for the benefit of the nonprofit charitable corporation. The application procedures under section 15A of said chapter 138 shall not apply to temporary licenses for the sale of wine, beer, and malt liquor at auctions; provided, however, that such applications may be granted by the local licensing authority according to the local procedures for granting licenses under section 14 of said chapter 138. Local licensing authorities may impose conditions as to the hours of operation of such auctions and such other terms and conditions as may be deemed to be necessary and reasonable.

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, the local licensing authority in a city or town which votes to authorize the granting of licenses for the sale of an alcoholic beverage may, with the approval of the alcoholic beverages

control commission, grant temporary licenses for the sale of wine, beer, and malt liquor at auctions, not to be drunk on the premises, to applicants which are licensees under section 15 of chapter 138 of the General Laws. Each such temporary license shall describe the premises to which it applies and shall be granted only for premises which are either the principal place of business or headquarters of the applicant and which are legally zoned to allow such sales or which are the premises of a licensee under section 12 or 15 of said chapter 138. No such temporary license shall be for a duration of more than ten consecutive calendar days and no holder of any such temporary license shall be granted more than two such temporary licenses in a calendar year. The fee for such temporary license shall not exceed the minimum fee provided for holders of licenses to sell wine, beer, and malt liquor. A holder of a temporary license for the sale of wine, beer, and malt liquor at auctions shall be permitted to conduct such auctions on any day and at any time permitted under said section 15 of said chapter 138. The application procedures under section 15A of said chapter 138 shall not apply to temporary licenses for the sale of wines, beers, and malt liquors at auction; provided, however, that such applications may be granted by the local licensing authority according to the local procedures for granting licenses under section 14 of said chapter 138. Local licensing authorities may impose conditions as to the hours of operation of such auctions and such other terms and conditions as may be deemed to be necessary and reasonable.