

# HOUSE . . . . . No. 5429

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, December 19, 2022.

The committee on Consumer Protection and Professional Licensure to whom was recommitted the petition (accompanied by bill, House, No. 5367) of Bradley H. Jones, Jr., Bruce E. Tarr and Sally P. Kerans (by vote of the town) that the town of Middleton be authorized to grant eight additional licenses for the sale of alcoholic beverages in said town, reports recommending that the accompanying bill (House, No. 5429) ought to pass [Local Approval Recieved].

For the committee,

TACKEY CHAN.

**HOUSE . . . . . No. 5429**

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
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An Act authorizing the town of Middleton to grant up to 8 alcoholic beverages licenses.

*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 town of Middleton may grant under conditions set by the licensing  
3           authority: (i) 2 additional licenses for the sale of wine and malt beverages to be drunk on the  
4           premises pursuant to section 12 of said chapter 138; (ii) 2 additional licenses for the sale of wine  
5           and malt beverages not to be drunk on the premises pursuant to section 15 of said chapter 138;  
6           (iii) 2 additional licenses for the sale of all alcoholic beverages not to be drunk on the premises  
7           pursuant to section 15 of said chapter 138; and (iv) 2 additional seasonal licenses for the sale of  
8           wine and malt beverages, pursuant to sections 17A and 17B of said chapter 138 to establishments  
9           in locations as described in subsection (b). A license granted under this act shall be subject to all  
10          of chapter 138 except section 17.

11           (b) The licensing authority shall restrict the 8 licenses authorized in this act as follows:

12           (i) Of the 2 licenses for wine and malt beverages to be drunk on the premises, one of  
13          which shall be issued to an establishment located on Maple Street in Middleton between the

14 Ipswich River and the Danvers town line with frontage on Maple Street, and one of which shall  
15 be issued to an establishment located on South Main Street in Middleton between Boston Street  
16 and the Danvers town line with frontage on South Main Street;

17 (ii) Of the 2 licenses for the sale of wine and malt beverages not to be drunk on the  
18 premises, one of which shall be issued to an establishment located on North Main Street in  
19 Middleton between Piedmont Street and the North Andover town line with frontage on North  
20 Main Street, and one of which shall be issued to an establishment located on South Main Street  
21 in Middleton between Meadow Drive and the Danvers town line with frontage on South Main  
22 Street;

23 (iii) Of the 2 licenses for the sale of all alcoholic beverages not to be drunk on the  
24 premises, one of which shall be issued to an establishment located on South Main Street in  
25 Middleton between Forms Way and the Danvers town line with frontage on South Main Street,  
26 and one of which shall be issued to an establishment located on Maple Street in Middleton  
27 between the Ipswich River and the Danvers town line with frontage on Maple Street; and

28 (iv) Of the 2 seasonal licenses for the sale of wine and malt beverages both of which shall  
29 be issued to establishments located on Route 114 in Middleton, between the North Andover town  
30 line and the Danvers town line with frontage on Route 114.

31 (c) A license for the sale of wine and malt beverages to be drunk on the premises under  
32 said sections 12 or 17A of said chapter 138 granted under this act shall only be exercised in the  
33 dining room of a common victualler and in such other public rooms or areas as deemed  
34 reasonable and appropriate by the licensing authority as certified in writing.

35           (d) The licensing authority shall not approve the transfer of any license granted pursuant  
36 to this act to any other location but it may grant a license to a new applicant at a location within  
37 its zone as described in paragraph (i), (ii), (iii), or (iv) of subsection (b) if the applicant files with  
38 the licensing authority a letter from the department of revenue and a letter from the department  
39 of unemployment assistance indicating that the license is in good standing with those  
40 departments and that all applicable taxes, fees and contributions have been paid.

41           (e) If a licensee terminates or fails to renew a license granted under this act or any such  
42 license is cancelled, revoked or no longer in use, it shall be returned physically, with all of the  
43 legal rights, privileges and restrictions pertaining thereto, to the licensing authority, and the  
44 licensing authority may, within 3 years of such return, then grant the license to a new applicant at  
45 the same location under the same conditions specified in this act.

46           (f) All licenses granted pursuant to this act shall be issued within 3 years after the  
47 effective date of this act; provided, however, that a license originally granted within that time  
48 period may be granted to a new applicant pursuant to subsections (d) and (e) thereafter.

49           SECTION 2. This act shall take effect upon its passage.