HOUSE DOCKET, NO. 4546 FILED ON: 9/7/2012

HOUSE . . . . . No. 4437

The Commonwealth of Massachusetts

PRESENTED BY:

Theodore C. Speliotis and Bradford Hill

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 a Certain License for the Retail Sale of Bottled Wine in the Town of Topsfield.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Theodore C. Speliotis	*13th Essex*
Bradford Hill	*4th Essex*

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By Messrs. Speliotis of Danvers and Hill of Ipswich, a petition (accompanied by bill, House, No. 4437) of Theodore C. Speliotis and Bradford Hill (by vote of the town) relative to authorizing the town of Topsfield to issue an additional license for the sale of bottled wine not to be drunk on the premises to Alfalfa Farm Winery. Consumer Protection and Professional Licensure. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act Authorizing the Issuance of a Certain License for the Retail Sale of Bottled Wine in the Town of Topsfield.

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. Notwithstanding the provisions of sections 11, 15, 15F, 17 and 19B of chapter 138 of the general laws, or of any other general or special law to the contrary, the licensing authority of the town of Topsfield is authorized to grant to the Alfalfa Farm Winery at 267 Rowley Bridge Road, Topsfield, a license for the sale at retail not to be drunk on the premises of bottled wine produced by or for said winery and sold under the winery brand name, provided that said owner meets all the other requirements for the issuance of the license and holds a farmer-winery license issued by the Commonwealth under section 19B of said chapter 138. The issuance of such license shall not be construed to grant permission to said winery to sell wine at a farmer's market under section 15F of said chapter 138 or to sell glasses of wine on the premises under section 12 of said chapter 138. The license shall be subject to all of said chapter 138

11 except as set forth herein. The licensing authority shall not approve the transfer of the license to
12 any other applicant or to any other location.

13 Section 2. Such licensing authority may authorize the licensee to provide, with or
14 without charge, on premises sample tastings for prospective customers of wine available for sale
15 on such premises; provided, however, that: (1) all such samples shall be served by an agent,
16 representative, or solicitor of the licensee to individuals who are at least 21 years of age and
17 consumed in the presence of such agent, representative or solicitor; (2) no sample shall exceed 1
18 ounce of wine; and (3) no more than 5 samples shall be served to an individual prospective
19 customer. The licensing authority may impose such additional reasonable conditions on its
20 authorization to conduct tastings as it deems appropriate, including but not limited to the
21 complimentary provision of food in conjunction with provision of samples, the hours and length
22 of time during which samples may be provided, and the number of times per week or month that
23 samples or advertised tastings may be provided

24 Section 3. If a license granted under this section, is revoked or no longer in use at the
25 location of original issuance, it shall be returned physically, with all of the legal rights and
26 privileges pertaining thereto, to the licensing authority which may then grant the license to a new
27 applicant only at the same location under the same conditions as specified in this act provided
28 that the applicant files with the licensing authority a letter from the department of revenue and a
29 letter from the division of unemployment assistance indicating that the license is in good
30 standing with those entities and that all applicable taxes, fees, and contributions have been paid.

31 Section 4. This act shall take effect upon its passage.