

**HOUSE . . . . . No. 397**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Michael J. Rodrigues**

*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 passage of the accompanying bill:

An Act relative to the sale of wine at auction.

PETITION OF:

NAME:

Michael J. Rodrigues

DISTRICT/ADDRESS:

8th Bristol

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT RELATIVE TO THE SALE OF WINE AT AUCTION.

*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 is hereby amended by inserting after Section 14 the  
2 following section:

3 Section 14A. The local licensing authority in any city or town wherein the granting of licenses to sell all  
4 alcoholic beverages or wines and malt beverages only is authorized may grant temporary licenses for the  
5 sale of wines and spirits at auction, not be drunk on the premises, to applicants which have been licensed  
6 as auctioneers under the laws of Massachusetts for no less than ten years and which have their corporate  
7 headquarters in Massachusetts. Each such license shall describe the premises to which it applies, and may  
8 be granted only for premises which are either the principal place of business or headquarters of the  
9 applicant and legally zoned to allow such sales, or the premises of a licensee under section twelve or  
10 fifteen. No license shall be for a duration of more than ten consecutive calendar days, and no holder of  
11 any such license shall be granted more than four such licenses in any calendar year. The amount of the  
12 license fee shall not exceed the minimum fee for holders of temporary licenses under section fourteen.  
13 Any holder of a temporary license for the sale of wines at auction shall be permitted to conduct such  
14 auctions on any day and at any time permitted under section 12. The holder of the temporary license shall  
15 be responsible for payment to the Commonwealth of an excise pursuant to the provisions of section 21 for  
16 all wine and spirits sold at auction. Applications shall be granted by the local licensing authority  
17 according to the local procedure for granting licenses under section fourteen.

18 A licensee who holds a license under this section may provide, without charge, on-premises  
19 sample wine tastings for prospective customers if such wines shall be available for sale at auction on said  
20 premises; provided, however, that no single serving of said wines shall exceed  $\frac{1}{4}$  of an ounce; and  
21 provided further, that such licensee shall control the dispensing of said wines.