

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:	
<i>Viriato M. deMacedo</i>	<i>Plymouth and Barnstable</i>	
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>1/31/2019</i>
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>	<i>1/31/2019</i>

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

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

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

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

10 the premises to which it applies and shall be granted only for premises which are either the
11 principal place of business or headquarters of the applicant and which are legally zoned to allow
12 such sales or which are the premises of a licensee under section 12 or section 15 of chapter 138
13 of the General Laws. No such temporary license shall be for a duration of more than ten
14 consecutive calendar days and no holder of any such temporary license shall be granted more
15 than two such licenses in a calendar year. The fee for such temporary license shall not exceed the
16 minimum fee provided for holders of licenses to sell wine, beer, and malt liquor. A holder of a
17 temporary license for the sale of wine, beer, and malt liquor at auctions shall be permitted to
18 conduct such auctions on any day and at any time permitted under said section 12 of said chapter
19 138. A license holder may accept free wine, beer, and malt liquor donated to the nonprofit
20 charitable corporation by an individual, by a person licensed to manufacture alcoholic beverages
21 or by a person licensed to sell alcoholic beverages at wholesale or retail pursuant to said chapter
22 138 for the purpose of selling such donated alcoholic beverages at auction, raffle or otherwise for
23 sale for the benefit of the nonprofit charitable corporation. The application procedures under
24 section 15A of said chapter 138 shall not apply to temporary licenses for the sale of wine, beer,
25 and malt liquor at auctions; provided, however, that such applications may be granted by the
26 local licensing authority according to the local procedures for granting licenses under section 14
27 of said chapter 138. Local licensing authorities may impose conditions as to the hours of
28 operation of such auctions and such other terms and conditions as may be deemed to be
29 necessary and reasonable.

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

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