

HOUSE No. 4093

By Ms. Peisch of Wellesley, petition of Alice Hanlon Peisch and Susan C. Fargo (by vote of the town) that the town of Weston be authorized to grant a license for sale of wines not to be drunk on the premises. Consumer Protection and Professional Licensure. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT AUTHORIZING THE TOWN OF WESTON TO GRANT A SINGLE LICENSE FOR THE SALE OF WINE AT A FOOD STORE.

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. Notwithstanding the provisions of Section 17 of
2 Chapter 138 of the General Laws, the licensing authority of the town
3 of Weston may issue to a food store a single license for the sale of
4 wines not to be drunk on the premises under the provisions of
5 Section 15 of said Chapter 138. Except as otherwise provided
6 herein, such license shall be subject to all the provisions of said
7 Chapter 138 except for said Section 17. For the purposes of this act
8 “food store” shall mean a grocery store or supermarket which sells at
9 retail, food for consumption off the seller’s premises either alone or
10 in combination with grocery items or other non-durable items typi-
11 cally found in a grocery store, provided such items are sold to indi-
12 viduals for their own personal, family or household use; provided
13 further, that such food store must carry fresh and processed meat,
14 poultry, dairy products, eggs, fresh fruit and produce, baked goods
15 and baking ingredients, canned goods, and dessert items. Notwith-
16 standing the foregoing, a convenience store or specialty store shall
17 not be considered a food store for purposes of this section. Provided
18 further that the board of selectmen as licensing authority shall have
19 the discretion to determine whether a license applicant is a food
20 store or a convenience or specialty store. The board of selectmen
21 shall be guided in its determination by factors such as the volume of
22 sales, actual or proposed, and the extent and range of merchandise

23 offered for sale. The holder of such a license may sell wine alone or
24 in combination with any other item or items offered for sale.

1 SECTION 2. Notwithstanding Sections 11 and 11A of Chapter
2 138 of the General Laws or any other general or special law to the
3 contrary, the board of selectmen shall cause to be placed on the
4 ballot at a regular election the following question:—

5 “Shall an act passed by the General Court in the year 2007, enti-
6 tled ‘An Act Authorizing the Town of Weston to Grant a Single
7 License for the Sale of Wine at a Food Store’, be accepted?”

8 Below the ballot question shall appear a fair and concise summary
9 of the ballot question prepared by town counsel and approved by the
10 board of selectmen.

11 If a majority of votes cast in answer to the question is in the affir-
12 mative, the town shall be taken to have authorized the granting of a
13 license for the sale of wine not to be drunk on the premises to a food
14 store.

1 SECTION 3. This act shall take effect upon its passage.