

HOUSE No. 4106

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 20, 2007.

The committee on Consumer Protection and Professional Licensure to whom was referred the joint petition (accompanied by bill, House, No. 4006) of Robert L. Rice, Jr., and Robert A. Antonioni (with the approval of the mayor and city council) that the city of Gardner be authorized to issue three additional licenses for the sale of alcoholic beverages to be drunk on the premises, reports recommending that the accompanying bill (House, No. 4106) ought to pass). [Local Approval Received.]

For the committee,

MICHAEL J. RODRIGUES.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT AUTHORIZING THE CITY OF GARDNER TO GRANT 3 ADDITIONAL
LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK
ON THE PREMISES.

*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 the provisions of sections 12
2 and 17 of chapter 138 of the General Laws, or any other general
3 or special law or rule or regulation to the contrary, the local
4 alcohol licensing authority of the City of Gardner shall grant 3
5 additional licenses for the sale of all alcoholic beverages to be
6 drunk on the premises, subject to the conditions set forth in this
7 act.

8 (b) The local alcohol licensing authority shall reserve the
9 alcoholic beverages licenses issued pursuant to this act to the area
10 designated as an Urban Renewal Area for the purpose of down-
11 town revitalization and to promote economic vitality. The area is
12 more particularly shown on a plan entitled “Urban Renewal
13 Area”, which is on file with the local alcohol licensing authority
14 of the City of Gardner.

15 (c) Notwithstanding said section 12 of said chapter 138, these
16 additional licenses shall be subject to an annual fee of \$2,500
17 more than the annual fee for existing all alcoholic beverages
18 licenses in the City of Gardner. The additional \$2,500 fee shall be
19 deposited into an economic development account in the City of
20 Gardner and expended consistent with the purpose of such
21 account.

22 (d) Notwithstanding said sections 12 and 77 of said
23 chapter 138, the local alcohol licensing authority shall restrict the
24 licenses issued pursuant to this act to restaurants providing direct
25 bar service only to patrons eating a meal at the bar or waiting to
26 be seated for a meal and the license holder shall maintain a direct

27 management role in the daily operation of the restaurant Any such
28 restaurant shall be determined to be a bona fide restaurant if it
29 operates a full kitchen for a minimum of 8 hours per day or, if it is
30 open for less than 8 hours per day, it operates a full kitchen for the
31 entire period it is open.

32 (e) The local alcohol licensing authority and the alcoholic
33 beverages control commission of the commonwealth shall deter-
34 mine reasonably whether an applicant or licensee meets the
35 criteria set forth in this act.

36 (f) Notwithstanding any General or special law or any rule or
37 regulation to the contrary, the local alcohol licensing authority
38 shall not approve the transfer of said license to any other location.
39 Said license may be granted by the local alcohol licensing
40 authority at the same location if an applicant for said license files
41 with said authority a letter in writing from the department of Rev-
42 enue indicating that said license is in good standing with said
43 department and that any and all applicable taxes have been paid.

44 If a license granted under this is cancelled, revoked or no
45 longer in use, such license shall be returned physically, with all of
46 the legal rights, privileges and restrictions

47 pertaining thereto, to the local alcohol licensing authority.
48 Notwithstanding section 17 of chapter 138 of the General Laws,
49 or any other general or special law to the contrary, the local
50 alcohol licensing authority may then grant said license to a new
51 applicant at the same location and under the same conditions as
52 specified in this section.

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