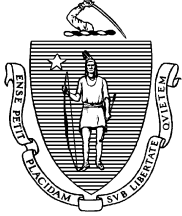


SENATE, No. 2875

[SIMILAR MATTER FILED DURING PAST SESSION
SEE NO. OF]



The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND EIGHT

AN ACT TO AUTHORIZE THE PLACEMENT ON THE OFFICIAL BALLOT TO BE USED IN THE CITY OF MELROSE AT THE BIENNIAL STATE ELECTION TO BE HELD IN NOVEMBER 2008 TWO QUESTIONS RELATIVE TO THE LICENSING OF PURVEYORS OF BEER AND WINE IN THE CITY OF MELROSE

*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 section 11 of chapter 138 of the General Laws, or any other general
2 or special law to the contrary, the state secretary shall cause to be placed on the official ballot to be
3 used in the City of Melrose at the biennial state election to be held in the year 2008 the following two
4 questions:-

5 (A) "Shall the City of Melrose, acting through its Liquor Licensing Commission, be granted the
6 authority to issue up to three licenses to establishments that would sell malt beverages and wine only

7 for consumption off premises, provided however that the sale of malt beverages and wine shall be
8 incidental to the sale of food?"

9 Yes_____ No_____

10 (B) "Shall the City of Melrose, acting through its Liquor Licensing Commission, be granted the
11 authority to issue licenses to restaurants having a seating capacity of not less than fifty persons nor
12 more than ninety-nine persons for the sale therein of malt beverages and wine only in conjunction with
13 a food establishment permit with full menu service?"

14 Yes_____ No_____

15 For the purposes of this act, the term "establishment" as used in Question A above shall mean a food
16 operation whose floor area is less than 3,000 square feet. Notwithstanding the foregoing, an
17 "establishment" shall not be a grocery store, supermarket or a convenience store which sells at retail,
18 food for consumption off premises, whose floor area is greater than 3,000 square feet. A "convenience
19 store" shall include any establishment, regardless of square footage, that sells tobacco products or
20 Massachusetts state lottery tickets.

21 (b) If a majority of the voters voting in the November 2008 biennial state election vote "yes" on
22 Question A above, then the City of Melrose will be authorized to issue up to three licenses to
23 establishments for the sale of malt beverages and wine only for consumption off premises. If a
24 majority of the voters voting in the November 2008 biennial state election vote "yes" on Question B
25 above, then the City of Melrose will be authorized to issue licenses to restaurants having a seating
26 capacity of not less than fifty persons nor more than 99 persons for the sale of malt beverages and

27 wine only. The licenses shall be subject to all the other provisions of chapter 138 of the General
28 Laws.

29 (c) The authority of the City of Melrose, acting through its Liquor Licensing Commission, to issue
30 liquor licenses hereunder shall not become effective until such time as the Liquor Licensing
31 Commission has promulgated additional rules and regulations relative to alcoholic beverage licenses
32 as addressed herein.

33 (d) Any license issued which allows for the sale of malt beverages and wine only for consumption off
34 premises may not be the subject of any sale or transfer by the licensee. Upon the licensee failing to
35 renew or otherwise continue operating under the license, the license shall revert to the Melrose Liquor
36 Licensing Commission.

37 (e) The state secretary shall have the authority to print the questions numbered sequentially after any
38 statewide ballot questions.

39 **SECTION 2.** This act shall take effect upon its passage.