

**SENATE . . . . . No. 2082**

**[LOCAL APPROVAL RECEIVED.]**

**The Commonwealth of Massachusetts**

PRESENTED BY:

**Bruce E. Tarr**

*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 authorizing the Town of Wenham to grant certain licenses for the sale of wine and malt beverages not to be drunk on the premises .

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bruce E. Tarr	First Essex and Middlesex
Bradford R. Hill	4th Essex

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

An Act authorizing the Town of Wenham to grant certain licenses for the sale of wine and malt beverages not 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.** Chapter 381 of the Acts of 2006 is hereby amended by striking the text in its  
2 entirety and replacing it with the following text:-

3 “Section 1. Notwithstanding sections 15 and 17 of chapter 138 of the General Laws, the  
4 licensing authority of the town of Wenham may grant 4 licenses for the sale of all alcoholic  
5 beverages to be drunk on the premises under section 12 of said chapter 138 to restaurants having  
6 seating capacities of less than 100 and not containing a lounge or bar and for the sale at retail of  
7 wine and malt beverages only not to be drunk on the premises under section 15 of said chapter  
8 138. The serving of alcoholic beverages by a licensee under this section shall be incidental to the  
9 serving of meals. The licenses shall be subject to all of said chapter 138, except said section 17  
10 and the first paragraph of said section 15. Once issued, a license granted under this section shall  
11 not be transferred to any other location and no license shall be re-issued to the same location  
12 within 6 months from the date the prior license terminated unless the applicant files a letter in  
13 writing from the department of revenue with the local licensing authority indicating the prior  
14 licensee's good standing with said department.

15

16 Section 2. Notwithstanding section 17 of chapter 138 of the General Laws, the licensing  
17 authority of the town of Wenham may grant 10 one day special licenses for the sale of all  
18 alcoholic beverages to be drunk on the premises under section 14 of said chapter 138. The  
19 special licenses shall be subject to all of said chapter 138 except said section 17. Once issued, a

20 license granted under this section shall not be transferred to any other location.

21

22 Notwithstanding any general or special law to the contrary, the licensing authority of the Town  
23 of Wenham shall not approve the transfer of the above licenses to any other location. The  
24 licenses may be reissued by the licensing authority at the same location if an applicant for the  
25 license files with the licensing authority a letter in writing from the department of revenue  
26 indicating that the license is in good standing with the department and that all applicable taxes  
27 have been paid.

28

29 If the license granted under section 1 is cancelled, revoked or no longer in use, it shall be  
30 returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to  
31 the licensing authority of the town of Wenham. Notwithstanding section 17 of chapter 138 of  
32 the General Laws or any other general or special law to the contrary, the licensing authority may  
33 then grant the license to a new applicant at the same location and under the same conditions as  
34 specified in the preceding paragraph.

35

36 Section 3. This act shall take effect upon its passage.”