

204 CMR: ALCOHOLIC BEVERAGES CONTROL COMMISSION

204 CMR 5.00: SHIP CHANDLERS

Section

5.01: Definitions

5.02: Licenses

5.03: License Fee and Renewal

5.04: Purchases by Ship Chandlers

5.05: Sales by Ship Chandlers

5.06: Required Records

5.07: Relationship to M.G.L. c. 138

5.08: Forms

5.09: Severability

5.01: Definitions

- (1) Ship Chandler: means one whose primary business is providing supplies and equipment to ships.
- (2) Commission: means the Alcoholic Beverages Control Commission.
- (3) Qualified Buyer: means the owner or operator of any commercial vessel or shipping company operating out of any port of the Commonwealth or the duly authorized representative of such owner or operator.

5.02: Licenses

- (1) The Commission may issue, in its discretion, a license to a ship chandler for retail sales of all alcoholic beverages not to be drunk on the premises, providing that such sales shall be for the sole purpose of provisioning a vessel or shipping company using any port of the Commonwealth.
- (2) Licenses shall be issued only to ship chandlers who:
 - (a) have their place of business in the Commonwealth.
 - (b) have been in the ship chandler business in the Commonwealth for one year.
 - (c) who are citizens and residents of the Commonwealth or partnerships composed solely of such citizens and residents, or to corporations organized under the laws of the Commonwealth of which all directors are citizens of the United States and a majority residents of the Commonwealth.
- (3) A ship chandler may be issued only one license. No person, firm, corporation, association, or other combination of persons, directly or indirectly or through any agent, employee, stockholder, officer or other person or any subsidiary whatsoever shall have an interest in more than one ship chandler's license.

5.03: License Fee and Renewal

The annual fee for a license shall be \$250.00. Licenses shall be in force through December 31st of each year. At the discretion of the Commission a license may be renewed, providing an application for renewal is submitted to the Commission prior to December 1st.

5.04: Purchases By Ship Chandlers

Ship chandlers shall purchase all alcoholic beverages only from those who hold a valid license issued under the provisions of M.G.L. c. 138, §§ 18, 19, 19B, or 19C.

204 CMR: ALCOHOLIC BEVERAGES CONTROL COMMISSION

5.05: Sales By Ship Chandlers

- (1) Sales may be made only between the hours of 8:00 A.M. and 11:00 P.M. Monday through Saturday. No sales or deliveries may be made on Sundays.
- (2) Sales may be made only to qualified buyers or their representatives. Qualified buyers must obtain from the Commission identification showing them to be such. A qualified buyer may authorize a Captain, Master or Ship's Officer to make purchases.
- (3) A licensee must see written proof that the person to whom a sale is made is a qualified buyer or authorized representative. The buyer must sign a statement under oath that he or she is a qualified buyer and that the alcoholic beverages purchased are solely for consumption on the vessel(s) he or she represents.

5.06: Required Records

Licensees shall keep accurate records of all purchases and sales and make them available for examination by the Commission or its enforcement staff during business hours.

5.07: Relationship to M.G.L. c. 138

Ship chandler licenses and licensees shall be subject, in addition to the provisions of 204 CMR 5.00, to the general provisions of Massachusetts General Laws regulating the control of alcoholic beverages, including those sections of M.G.L. c. 138 which are relevant to the conduct of the business of purchasing, selling, storing and transportation of alcoholic beverages.

5.08: Forms

Licensees shall use the forms which may from time to time be approved by the Commission.

5.09: Severability

The provisions of 204 CMR 5.00 are severable, and if any provision or the application thereof is held by a court of competent jurisdiction to be invalid, such invalidity shall not affect any other provision of 204 CMR 5.00.

REGULATORY AUTHORITY

204 CMR 5.00: M.G.L. c. 6, §§ 43 and 44; M.G.L. c. 138, §§ 1, 13 and 24; M.G.L. c. 30A.