

**HOUSE . . . . . No. 286**

**[LOCAL APPROVAL RECEIVED.]**

The Commonwealth of Massachusetts

PRESENTED BY:

***Frank I. Smizik***

*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 Brookline to grant 11 additional licenses for the sale of all alcoholic beverages to be drunk on the premises.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>Cynthia S. Creem</i>	<i>First Middlesex and Norfolk</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>
<i>Michael J. Moran</i>	<i>18th Suffolk</i>

**HOUSE . . . . . No. 286**

By Mr. Smizik of Brookline, a petition (accompanied by bill, House, No. 286) of Frank I. Smizik and others (by vote of the town) that the town of Brookline be authorized to grant eleven additional licenses for the sale of all alcoholic beverages to be drunk on the premises. Consumer Protection and Professional Licensure. [Local Approval Received.]

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

An Act authorizing the town of Brookline to grant 11 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 section 17 of chapter 138 of the General Laws, the  
2 licensing authority of the Town of Brookline may grant 1 additional license for the sale of all  
3 alcoholic beverages to be drunk on the premises, pursuant to section 12 of chapter 138, provided,  
4 however, that such license is issued to an establishment that holds a common victuallers license  
5 pursuant to section 2 of chapter 140 of the General Laws, to be used at a parcel depicted on page  
6 59 of the Town of Brookline Assessor’s Atlas as block number 238, lot number 01. The license  
7 shall be subject to all of said chapter 138 except said section 17.

8 (b) Once issued, the licensing authority shall not approve the transfer of the license to  
9 any other location but it may grant the license to a new applicant at the same location if the  
10 applicant files with the licensing authority a letter from the department of revenue and a letter  
11 from the division of unemployment assistance indicating that the license is in good standing with  
12 the department and that all applicable taxes, fees, and contributions have been paid.

13 (c) If the license granted under this section is cancelled, revoked or no longer in use, it  
14 shall be returned physically, with all of the legal rights, privileges and restrictions pertaining  
15 thereto, to the licensing authority, which may then grant the license to a new applicant at the  
16 same location under the same conditions as specified in this act provided that the applicant files  
17 with the licensing authority a letter from the department of revenue and a letter from the division  
18 of unemployment assistance indicating that the license is in good standing with those entities and  
19 that all applicable taxes, fees, and contributions have been paid.

20 SECTION 2. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the  
21 licensing authority of the Town of Brookline may grant a total of 2 additional licenses for the  
22 sale of all alcoholic beverages to be drunk on the premises, pursuant to section 12 of chapter 138,  
23 provided, however, that such licenses are issued to establishments that hold a common  
24 victuallers license pursuant to section 2 of chapter 140 of the General Laws, to be used at parcels  
25 depicted on page 29B of the Town of Brookline Assessor's Atlas as block number 138, parcel  
26 numbers 01 and 02. The licenses shall be subject to all of said chapter 138 except said section  
27 17.

28 (b) Once issued, the licensing authority shall not approve the transfer of the licenses to  
29 any other location but it may grant the licenses to new applicants at the same location if the  
30 applicants file with the licensing authority a letter from the department of revenue and a letter  
31 from the division of unemployment assistance indicating that the licenses are in good standing  
32 with the department and that all applicable taxes, fees, and contributions have been paid.

33 (c) If the licenses granted under this section are cancelled, revoked or no longer in use,  
34 they shall be returned physically, with all of the legal rights, privileges and restrictions pertaining  
35 thereto, to the licensing authority which may then grant the licenses to new applicants at the  
36 same locations under the same conditions as specified in this act provided that the applicants file  
37 with the licensing authority a letter from the department of revenue and a letter from the division  
38 of unemployment assistance indicating that the licenses are in good standing with those entities  
39 and that all applicable taxes, fees, and contributions have been paid.

40 SECTION 3. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the  
41 licensing authority of the Town of Brookline may grant a total of 5 additional licenses for the  
42 sale of all alcoholic beverages to be drunk on the premises, pursuant to section 12 of chapter 138,  
43 provided, however, that such licenses are issued to establishments that hold a common  
44 victuallers license pursuant to section 2 of chapter 140 of the General Laws, to be used at parcels  
45 depicted on page 9 of the Town of Brookline Assessor's Atlas as block number 045, lot numbers  
46 01, 11 and 02-01. The licenses shall be subject to all of said chapter 138 except said section 17.

47 (b) Once issued, the licensing authority shall not approve the transfer of the licenses to  
48 any other location but it may grant the licenses to new applicants at the same locations if the  
49 applicants file with the licensing authority a letter from the department of revenue and a letter  
50 from the division of unemployment assistance indicating that the licenses are in good standing  
51 with the department and that all applicable taxes, fees, and contributions have been paid.

52 (c) If the licenses granted under this section are cancelled, revoked or no longer in use,  
53 they shall be returned physically, with all of the legal rights, privileges and restrictions pertaining  
54 thereto, to the licensing authority which may then grant the licenses to new applicants at the  
55 same locations under the same conditions as specified in this act provided that the applicants file  
56 with the licensing authority a letter from the department of revenue and a letter from the division

57 of unemployment assistance indicating that the licenses are in good standing with those entities  
58 and that all applicable taxes, fees, and contributions have been paid.

59 SECTION 4. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the  
60 licensing authority of the Town of Brookline may grant up to 3 additional licenses for the sale of  
61 all alcoholic beverages to be drunk on the premises, pursuant to section 12 of chapter 138,  
62 provided, however, that such licenses are issued to establishments that hold a common  
63 victuallers license pursuant to section 2 of chapter 140 of the General Laws.

64 (b) A license under this section shall not be transferable to any other person, corporation  
65 or organization for a period of 3 years from the date of original issuance or 3 years from the  
66 enactment of this legislation, whichever is later. Any transfer in violation of sections (a) or (b)  
67 of this section shall render said license null and void.

68 (c) If a license granted under this section is revoked or no longer in use at the location of  
69 original issuance, it shall be returned physically, with all of the legal rights and privileges  
70 pertaining thereto, to the licensing authority which may then grant the license to a new applicant  
71 only at the same location under the same conditions as specified in this act provided that the  
72 applicant files with the licensing authority a letter from the department of revenue and a letter  
73 from the division of employment assistance indicating that the license is in good standing with  
74 those entities and that all applicable taxes, fees, and contributions have been paid.

75 SECTION 5. This act shall take effect upon its passage.

76 or act on anything relative thereto. The General Court may make such amendments as  
77 are within the scope of the general public objectives of this petition.