

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Paul McMurtry

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 WESTWOOD TO GRANT THREE LICENSES FOR THE SALE OF WINE AND MALT BEVERAGES TO FOOD STORES. .

PETITION OF:

NAME:

Paul McMurtry

DISTRICT/ADDRESS:

11th Norfolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT AUTHORIZING THE TOWN OF WESTWOOD TO GRANT THREE LICENSES FOR THE SALE OF WINE AND MALT BEVERAGES TO FOOD STORES. .

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 AN ACT AUTHORIZING THE TOWN OF WESTWOOD TO GRANT THREE LICENSES FOR THE
2 SALE OF WINE AND MALT BEVERAGES TO FOOD STORES.

3 SECTION I. Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of
4 the town of Westwood may grant to each of three food stores a license for the sale of wine and malt
5 beverages, not to be drunk on the premises, under section 15 of said chapter 138. Except as otherwise
6 provided herein, such licenses shall be subject to all of said chapter 138, except said section 17.

7 For the purposes of this act, a "food store" shall mean a grocery store or supermarket with a floor area of
8 more than 1,000 square feet which sells at retail, food for consumption on or off the gross premises either
9 alone or in combination with grocery items or other non durable items typically found in a grocery store
10 and sold to individuals for personal family or household use; provided, however, that such food store
11 shall carry fresh and processed meats, poultry, dairy products, eggs, fresh fruits and produce, baked goods
12 and baking ingredients, canned goods and dessert items.

13 Notwithstanding the foregoing, a food store shall not be a convenience store, specialty store, or any store
14 that sells gasoline; provided, however, that the board of selectmen shall determine whether an applicant is
15 a food store under this act. In making such determination, the board of selectmen shall consider such
16 factors as the volume of sales, actual or proposed, and the extent and range of merchandise offered for
17 sale. The holder of a license under this act may sell wine and malt beverages alone or in combination with

18 any other items offered for sale and must be located in a commercial zoning district. The amount of any
19 initial or renewal fee for such license shall be determined by the licensing authority issuing or renewing
20 that license.

21 Notwithstanding any general or special law or any rule or regulation to the contrary, the licensing
22 authority shall not approve the transfer of the license to any other location, but the license may be granted
23 at the same location if an applicant for the license files with the licensing authority a letter or written
24 document from the department of revenue indicating that the license is in good standing with said
25 department and that all applicable taxes have been paid.

26 If a license granted under this act is cancelled, revoked or no longer in use, it shall be returned physically,
27 with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority which
28 may grant the license to a new applicant at the same or other appropriate location and under the same
29 conditions as specified in this act.

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