

By Mr. Vellucci of Cambridge, petition of Peter A. Vellucci for legislation to permit municipal licensing authorities to impose a fine in lieu of a license suspension for violations of the alcoholic beverages laws. Government Regulations.

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**The Commonwealth of Massachusetts**

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In the Year One Thousand Nine Hundred and Ninety.

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AN ACT ALLOWING MUNICIPAL LICENSING AUTHORITIES TO IMPOSE A FINE  
INSTEAD OF LICENSE SUSPENSION FOR LIQUOR LICENSE VIOLATIONS.

*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 twenty-three of chapter one hundred and thirty-eight  
2 is hereby amended by adding at the end of said section the  
3 following paragraph: —

4 Local licensing authorities may accept from any licensee under  
5 this chapter an offer in compromise in lieu of suspension of any  
6 license previously suspended by said authorities. A licensee may  
7 petition said authorities to accept such an offer in compromise  
8 provided the petition is received by said authorities within five  
9 days following the licensee's receipt of notice of such suspension,  
10 and said authorities may only accept such an offer within fourteen  
11 days following the receipt of said offer. The fine in lieu of  
12 suspension, when an offer in compromise is accepted, shall be  
13 calculated in accordance with the following formula: Fifty percent  
14 of the per diem gross profit multiplied by the number of license  
15 suspension days, gross profit to be determined as gross receipts  
16 on alcoholic beverage sales less the invoiced cost of goods sold  
17 per diem. No such fine, in any event, shall be less than forty dollars  
18 a day. Any sums of money so collected by said authorities shall  
19 be paid forthwith into the general fund of the municipal treasury.  
20 Acceptance of such an offer will by operation of law terminate  
21 any appeal relative to the suspension and initiated pursuant to

22 section sixty-seven, and said authorities shall notify the  
23 commission whenever such an offer is accepted.

24 An Amendment — The provisions of this paragraph shall not  
25 apply, if a licensee within the forty-eight months preceding the  
26 date of the violation has committed a previous violation which  
27 was the subject of a fine levied under the provisions of this  
28 paragraph or of a license suspension imposed under the provisions  
29 of this chapter.