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CITY OF AMESBURY, MA

CITY OF AMESBURY
IN THE YEAR TWO THOUSAND TWENTY-FIVE

SPONSORED BY: *Kassandra Gove* **BILL No. 2025-098**
Kassandra Gove, Mayor

An Order to accept the provisions of MGL Chapter 138, Section 12D to allow the Amesbury Liquor License Commission to approve the conversion of an on-premises license to sell wine and malt beverages only to an on-premises license to sell all alcoholic beverages, even if Amesbury does not have any all alcoholic beverages licenses available.

WHEREAS, Chapter 138 of the General Laws was amended by Section 51 of Chapter 9 of the Acts of 2025 to include a new Section 12D; and

WHEREAS, said Section 12D is a local acceptance statute allowing the local licensing authority to approve the conversion, at the request of the licensee, of an on-premises license for the sale of wine and malt beverages only to an on-premises license for the sale of all alcoholic beverages; and

WHEREAS, the Amesbury Liquor License Commission, as the local licensing authority of the City, has issued on-premises license for the sale of wine and malt beverages only; and

WHEREAS, the City wishes to make available to local businesses the opportunity to benefit from the license conversion option afforded by this new statute;

NOW, THEREFORE, it is hereby resolved that:

The Amesbury City Council accepts the provisions of Section 12D of Chapter 138 of the General Laws, as added by Section 51 of Chapter 9 of the Acts of 2025, to allow the Amesbury Liquor License Commission as the local licensing authority of the City, to approve a request from a licensee to convert an existing license to sell wines and malt beverages only for on-premises consumption to a license to sell all alcoholic beverages for on-site consumption, subject to all other provisions of G.L. c.138, including notice, publication, and certified mailing of, and a public hearing on, such conversion.

Conversion of On-Premises Wine and Malt Only Licenses to All Alcoholic Beverages Licenses

August 20, 2025

Section 51 of Chapter 9 of the Acts of 2025, the FY2026 State Budget Bill, inserted a new section into G.L. c.138 concerning alcoholic beverage licensing. Subject to local acceptance, this new provision, G.L. c.138, §12D, allows a local licensing authority to approve the conversion of an on-premises license to sell wine and malt beverages only to an on-premises license to sell all alcoholic beverages, even if the municipality does not have any all alcoholic beverages licenses available. As discussed in further detail, below, this is a significant change in local licensing procedures, allowing the conversion to be accomplished without action of the General Court and regardless of whether such a license is available under an otherwise applicable quota. The Alcoholic Beverages Control Commission (“ABCC”) has also issued an advisory which can be found [here](#).

Local Acceptance. In order to use the new statutory conversion process, G.L. c.138, §12D must first be accepted by a city or town in accordance with the provisions of G.L. c.4, §4. Thus, in a city, the statute must be accepted by vote of the city council, with the approval of the mayor, as applicable. In a town, the statute must be accepted by vote of town meeting. Subject to any referendum provision that may be imposed by charter or special act, the acceptance vote will take effect immediately and requires no further approvals from the state.

Eligibility. Any holder of an on-premises license to sell wine and malt beverages only is eligible to seek conversion of that license to an on-premises license for sale of all alcoholic beverages. This is significant because, as previously discussed, without this new section, such a conversion could be made only if an on-premises license for sale of all alcoholic beverages was available under an existing quota or pursuant to special legislation. Note, however, that such a conversion will still require approval by both the local licensing authority and the ABCC.

Conversion Process. In order to convert a license under G.L. c.138, §12D, a licensee holding an on-premises license for the sale of wine and malt beverages only may apply using the ABCC form found [here](#). The local licensing authority may establish a reasonable fee for processing the conversion application and may adopt such additional requirements as the licensing authority deems appropriate. Note that the conversion application process must meet all of the notice, publication, certified mailing and public hearing requirements set forth in G.L. c.138, §15A for any other license application. Once a license conversion has been approved by the local licensing authority, it must be submitted to the ABCC for approval, along with a fee of \$200.00.

Restrictions. Approval by the local licensing authority of a conversion will not create an additional license – the overall number of licenses for on-premises consumption of alcoholic beverages will remain the same.

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Accordingly, if a wine and malt beverage only license is converted, it will still count against the municipality's quota for that type of license. However, a converted license cannot be transferred, and, if it is no longer being used, must be returned to the local licensing authority. The converted license then reverts to its original status and can only be reissued as an on-premises license for the sale of wine and malt beverages only. The new licensee, however, would also be eligible to seek conversion of the license using the G.L. c.138, §12D process.

Sample Votes. Below find a sample town meeting warrant article and city council vote for acceptance of G.L. c.138, §12D; be reminded, however, that the form of article or vote used by a particular municipality must also comply with the provisions of any applicable charter, special act, ordinance or bylaw.

Sample Town Meeting Warrant Article

Article XX: To see if the Town will vote to accept the provisions of G.L. c.138, §12D, which, if accepted, would allow the _____ as the local licensing authority of the Town, to approve a request from a licensee to convert an existing license to sell wines and malt beverages only for on-premises consumption to a license to sell all alcoholic beverages for on-site consumption, subject to all other provisions of G.L. c.138, including notice, publication, and certified mailing of, and a public hearing on, such conversion, [insert closing clause, such as: or take any other action relative thereto].

Sample City Council Vote

WHEREAS, Chapter 138 of the General Laws was amended by Section 51 of Chapter 9 of the Acts of 2025 to include a new Section 12D; and

WHEREAS, said Section 12D is a local acceptance statute allowing the local licensing authority to approve the conversion, at the request of the licensee, of an on-premises license for the sale of wine and malt beverages only to an on-premises license for the sale of all alcoholic beverages; and

WHEREAS, the _____, as the local licensing authority of the City, has issued on-premises license for the sale of wine and malt beverages only; and

WHEREAS, the City wishes to make available to local businesses the opportunity to benefit from the license conversion option afforded by this new statute;

NOW, THEREFORE, it is hereby resolved that:

The _____ City Council accepts the provisions of Section 12D of Chapter 138 of the General Laws, as added by Section 51 of Chapter 9 of the Acts of 2025, to allow the _____ as the local licensing authority of the City, to approve a request from a licensee to convert an existing license to sell wines and malt beverages only for on-premises consumption to a license to sell all alcoholic beverages for on-site consumption, subject to all other

provisions of G.L. c.138, including notice, publication, and certified mailing of, and a public hearing on, such conversion.

If you have further questions about conversion of on-premises licenses for the sale of wine and malt beverages only, or any other alcoholic beverages licensing questions, please contact Attorneys [Gregg J. Corbo](#) or [Thomas W. McEnaney](#).

Disclaimer: This information is provided as a service by KP Law, P.C. This information is general in nature and does not, and is not intended to, constitute legal advice. Neither the provision nor receipt of this information creates an attorney-client relationship with KP Law, P.C. Whether to take any action based upon the information contained herein should be determined only after consultation with legal counsel.



COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF THE STATE TREASURER

ALCOHOLIC BEVERAGES CONTROL COMMISSION

95 Fourth Street, Suite 3 Chelsea, MA 02150-2358

Jean M. Lorizio, Esq.
Commission Chairman

QUOTA BREAKDOWN

As of: 7/28/2025

Town of: Amesbury (0022)

ANNUAL						
On Premise Retail			Exemption			
	Allowed	Total Issued	Special Leg	Vets Clubs	Farmer Series PP	Total Available in Quota
AB	18	20	4	0	0	2
WM	5	6	0	0	4	2
WMC		1	0	0	0	
Off Premise Retail			Exemption			
	Allowed	Total Issued	Special Leg	Vets Clubs	Farmer Series PP	Total Available in Quota
AB	4	4	0	0	0	0
WM	5	3	0	0	0	2
SEASONAL						
On Premise Retail			Exemption			
	Allowed	Total Issued	Special Leg	Vets Clubs	Farmer Series PP	Total Available in Quota
AB	0	0	0	0	0	0
WM	0	0	0	0	0	0
WMC		0	0	0	0	
Off Premise Retail			Exemption			
	Allowed	Total Issued	Special Leg	Vets Clubs	Farmer Series PP	Total Available in Quota
AB	0	0	0	0	0	0
WM	0	0	0	0	0	0

Annual	AB	SECTION 12
Club		3
General On-Premises		3
Restaurant		14

Annual	WM	SECTION 12
Farmer Brewery Pouring Permit		2
Farmer Series Pouring Permit - 19H		1
Farmer Winery Pouring Permit		1
General On-Premises		1
Restaurant		2

This document is for informational purposes only. Consult the local licensing authority regarding availability of licenses or any specific local restrictions imposed by the local licensing authority.

