

SENATE No. 794

[Senate, No. 794. — Substituted by amendment by the Senate (Conte) for Senate Bill No. 591, amended.]

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Three.

AN ACT RELATIVE TO APPEALS TO THE ALCOHOLIC BEVERAGES CONTROL COMMISSION FROM THE ACTIONS OF LOCAL LICENSING AUTHORITIES.

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

1 Chapter 138 of the General Laws, is hereby amended
2 by striking out section 67 and inserting in place
3 thereof the following section:—

4 *Section 67.* Any applicant for a license who is
5 aggrieved by the action of the local licensing author-
6 ities in refusing to grant the same, or by their failure
7 to act within the period of thirty days limited by sec-
8 tion sixteen B, or any person who is aggrieved by the
9 action of such authorities in modifying, suspending,
10 cancelling, revoking or declaring forfeited the same,
11 may appeal therefrom to the commission within five
12 days following notice of such action or following the
13 expiration of said period, upon petition in writing,
14 setting forth all the material facts in the case.

15 The commission shall hold a hearing upon each such
16 appeal, requiring due notice to be given to all inter-
17 ested parties.

18 If the commission approves the action of the local
19 licensing authorities it shall issue notice to them to
20 that effect, but if the commission disapproves of their
21 action it shall issue a decision in writing advising
22 said local authorities of the reasons why it does not
23 approve, and shall then remand the matter to the said
24 local authorities for further action. The commission
25 shall not in any event order a license to be issued to
26 any applicant except after said applicant's applica-
27 tion for license has first been granted by the local
28 authorities.

29 Pending a decision on the appeal, the action of the
30 local licensing authorities shall have the same force and
31 effect as if the appeal had not been taken. Upon the
32 petition of twenty-five persons who are taxpayers of
33 the city or town in which a license has been granted
34 by such authorities, or who are registered voters in
35 the voting precinct or district wherein the licensed
36 premises are situated, or upon its own initiative, the
37 commission may investigate the granting of such a
38 license or the conduct of the business being done
39 thereunder, and may, after a hearing, modify, sus-
40 pend, revoke or cancel such license if, in its opinion,
41 circumstances warrant.

42 If the local licensing authorities fail to suspend, re-
43 voke, cancel or declare forfeited a license or to per-
44 form any other disciplinary act when lawfully ordered
45 so to do by the commission upon appeal or otherwise,
46 within such reasonable time as it may prescribe, the
47 commission may itself revoke such license or perform
48 such act, with the same force and effect as if issued
49 or performed by the local licensing authorities, but
50 no license shall be issued by the commission except in
51 ratification of a prior issuance to the same party by

52 the local authorities. In case said local authorities
53 are unwilling to issue a license to any of the applicants
54 before it, then such issuance shall be withheld pend-
55 ing further applications, and no renewal by the same
56 applicant for the same location shall be accepted
57 within one year of the date of his prior application.

58 Hearings by the commission on appeals as required
59 by the provisions of this section may be held in the
60 discretion of the commission when required by pub-
61 lic convenience or shall be held upon written request
62 of twenty-five persons who are taxpayers of the city
63 or town in which the license is intended to be exer-
64 cised, in the nearest of the following cities or town to
65 the city or town in which the license is intended to be
66 exercised: — Pittsfield, Greenfield, Springfield, Worces-
67 ter, Fitchburg, Boston, Barnstable, New Bedford,
68 Brockton, Lowell or Salem. Said request shall be
69 made within five days of the filing with the commission
70 of an appeal.

