

The Commonwealth of Massachusetts

EXECUTIVE DEPARTMENT,
STATE HOUSE, BOSTON, April 21, 1954.

To the Honorable Senate and House of Representatives:

For some time it has been apparent that it is highly desirable to relocate in the cities and towns that authority which has slipped away from them over the years in areas in which they and not the State should have control. The panel discussions held in the State House some months ago served to emphasize that fact. It was re-emphasized, insofar as the Boston Licensing Board is concerned, in the findings made by the United States Senate Investigating Committee which held hearings on Juvenile Delinquency in Boston several months ago. The bill which I transmit herewith constitutes an endeavor to return to the City of Boston and its Mayor the power to appoint the members of the Boston Licensing Board. No sound reason exists why this power should rest in the hands of the Governor and there exist sound reasons why the power should not rest there.

The bill as transmitted also eliminates several ambiguities in the present law under which the Board operates.

I trust that this measure may enjoy your favorable consideration and action.

Respectfully submitted,

CHRISTIAN A. HERTER,
Governor of the Commonwealth.

The Commonwealth of Massachusetts

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

AN ACT REORGANIZING THE LICENSING BOARD OF THE CITY OF BOSTON AND REVISING SPECIAL LAWS RELATING THERETO.

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. There shall be in the city of Boston a
2 board, known as the licensing board, consisting of
3 three members appointed by the mayor for a term ex-
4 piring on the first Monday of the January following
5 the next biennial municipal election at which a mayor
6 is elected, one of whom shall from time to time be
7 designated by the mayor as chairman of said board.
8 One member shall be appointed from each of the two
9 leading political parties as defined in section one of
10 chapter fifty of the General Laws; and the third
11 member may also be appointed from one of said
12 parties. No person shall be a member of said board
13 who is employed by any person or corporation engaged
14 in the manufacture or sale of alcoholic beverages, or
15 is in any way, directly or indirectly, pecuniarily in-
16 terested in the manufacture or sale of alcoholic bev-
17 erages, or in any business which requires a license
18 to be issued by said board. The mayor shall forth-
19 with remove any member of the licensing board who
20 shall cease to be enrolled under sections thirty-seven
21 and thirty-eight of chapter fifty-three of the General
22 Laws with the political party he was appointed to
23 represent, or who shall become employed or pecuni-
24 arily interested as aforesaid.

25 The chairman of the licensing board shall receive
26 an annual salary of eight thousand dollars or such
27 other sum as may from time to time be fixed by the

28 city council with the approval of the mayor; and the
29 other two members of said board shall receive an
30 annual salary of seventy-five hundred dollars or such
31 other sum as may from time to time be fixed by the
32 city council with the approval of the mayor.

1 SECTION 2. The licensing board shall appoint a
2 secretary, who shall be exempt from the civil service
3 laws and rules, shall be sworn to the faithful perform-
4 ance of his duties, and shall keep a record of all pro-
5 ceedings, and issue all notices, of the board, and at-
6 test such papers and orders as the board shall direct.
7 Such secretary shall be appointed for a term expiring
8 on the first Monday of the January following the next
9 biennial municipal election at which a mayor is
10 elected; but he may be removed at any time by the
11 board for such cause as it shall deem sufficient; pro-
12 vided, that such cause is stated in the order of removal.
13 Such secretary shall receive an annual salary of
14 seventy-five hundred dollars or such other sum as may
15 from time to time be fixed by the city council with
16 the approval of the mayor.

1 SECTION 3. All records of the licensing board shall
2 at all times be open to the inspection of the mayor
3 and such persons as the mayor may designate.

1 SECTION 4. The licensing board shall exclusively
2 exercise in the city all the powers and perform all the
3 duties from time to time conferred or imposed upon it
4 by sections seven and eight of chapter one hundred
5 and thirty-six of the General Laws relative to the sale
6 of certain articles on the Lord's day, upon local
7 licensing authorities by chapter one hundred and
8 thirty-eight of the General Laws relative to alcoholic
9 beverages, and upon licensing authorities by the pro-
10 visions of chapter one hundred and forty of the
11 General Laws relative to innholders and common
12 victuallers, retail vendors of soft drinks, clubs and

13 other organizations dispensing food or beverages to
14 members and guests, lodging houses other than public
15 lodging houses, intelligence offices, shooting galleries,
16 the sale, renting or lease of firearms, billiard, pool and
17 sippio tables and bowling alleys, automatic amuse-
18 ment devices, and picnic groves, including, without
19 limiting the generality of the foregoing, the provisions
20 of section one hundred and eighty-three A of said
21 chapter one hundred and forty.

1 SECTION 5. The licensing board may prescribe the
2 form of applications for licenses, may require any
3 statement which may be made before it and papers
4 which may be filed with it relative to applications for
5 licenses to be sworn to, and for such purpose any
6 member may administer oaths. All licenses issued by
7 the licensing board shall be signed by a majority
8 of the members thereof and shall be recorded in the
9 office of said board. The licensing board may charge
10 a fee not exceeding one dollar for the issuance of a
11 duplicate of any license issued by it under chapter
12 one hundred and thirty-eight of the General Laws.

1 SECTION 6. The licensing board shall certify to the
2 police commissioner, in connection with every appli-
3 cation for a license, the name and residence of every
4 applicant, the kind or class of license applied for, and
5 every place where the proposed business is to be con-
6 ducted, and in connection with every license issued,
7 the name and residence of every licensee, the kind
8 or class of license issued, the effective date of the
9 license, every place where the business licensed is
10 to be conducted, and, in addition, every transfer of
11 the license, change of place of business for the exer-
12 cise of the license, and modification, suspension,
13 revocation and cancellation of the license ordered
14 by it.

1 SECTION 7. Any provision of general law to the
2 contrary notwithstanding, no application for an

3 original license under section twelve, fifteen or thirty A
4 of chapter one hundred and thirty-eight of the General
5 Laws, nor any application for a change of the place
6 for the exercise of a license under any of said sections,
7 shall be acted upon by the licensing board until seven
8 days after said board has sent a copy of the published
9 notice provided for by section fifteen A of said chapter
10 to the state senator for each senatorial district de-
11 termined by said board to be affected by such appli-
12 cation, the state representatives for each representa-
13 tive district so determined, and every person who,
14 prior to the filing of such application but subsequent
15 to the first day of January in the year preceding the
16 year in which such application is filed, has requested
17 in writing notice of applications affecting the repre-
18 sentative district so determined. Such notice shall be
19 sent by registered mail at the expense of the applicant
20 to the place of residence of the state senator and state
21 representative and to the last address specified in any
22 such written request.

1 SECTION 8. Notice of the modification, suspension,
2 revocation or cancellation of a license under section
3 sixty-four of chapter one hundred and thirty-eight of
4 the General Laws may be served upon the licensee by
5 any police officer of the city, by delivering the same
6 to him in hand or by leaving it at the place of abode
7 of the licensee or at the place where the business
8 authorized by the license is carried on. Upon service
9 of such notice or at such later time as may be speci-
10 fied in such notice, the license shall become modified,
11 suspended, revoked or cancelled, as the case may be.

1 SECTION 9. Within ninety days after the receipt of
2 every report from the police commissioner under sec-
3 tion fifteen of chapter two hundred and ninety-one
4 of the acts of nineteen hundred and six, the licensing
5 board shall, after notice to the licensee as prescribed
6 by section sixty-four of chapter one hundred and
7 thirty-eight of the General Laws, hold a hearing

8 pursuant to said section sixty-four, decide upon the
9 modification, suspension, revocation or cancellation
10 of the license, and notify the police commissioner and
11 the licensee of such decision.

1 SECTION 10. Chapter thirty-eight of the acts of
2 eighteen hundred and seventy-nine, sections one to
3 six, inclusive, and section sixteen, of chapter two
4 hundred and ninety-one of the acts of nineteen hun-
5 dred and six, chapter two hundred and fourteen of
6 the acts of nineteen hundred and seven, chapter three
7 hundred and eighty-seven of the acts of nineteen
8 hundred and nine, chapter seven hundred and fifteen
9 of the acts of nineteen hundred and thirteen, chapter
10 three hundred and thirteen of the Special Acts of
11 nineteen hundred and fifteen, chapter seventy-six of
12 the acts of nineteen hundred and twenty-seven, chap-
13 ter three hundred and fifty-five of the acts of nineteen
14 hundred and thirty-five, chapter three hundred and
15 five of the acts of nineteen hundred and forty-five,
16 chapter one hundred and eighty-three of the acts of
17 nineteen hundred and forty-six, chapter two hundred
18 and twenty-nine of the acts of nineteen hundred and
19 forty-seven, chapter four hundred and three of the
20 acts of nineteen hundred and fifty, and chapters
21 ninety and six hundred and twenty-two of the acts
22 of nineteen hundred and fifty-three are hereby re-
23 pealed.

1 SECTION 11. Section 15 of chapter 291 of the acts
2 of 1906, as amended by chapter 145 of the Special
3 Acts of 1917, is hereby further amended by striking
4 out all after the first sentence.

1 SECTION 12. Section 5 of chapter 486 of the acts
2 of 1909, as most recently amended by section 1 of
3 chapter 473 of the acts of 1953, is hereby further
4 amended by striking out, in the last sentence, the
5 words "or any board or officer appointed by the gov-

6 error" and inserting in place thereof the words: —
7 or the licensing board, or any board or officer ap-
8 pointed by the governor; provided, however, that the
9 city council, with the approval of the mayor, may from
10 time to time make by-laws and ordinances for the
11 purpose of transferring to the licensing board any or
12 all of the licensing powers of any other board or officer
13 of the city (including the city council and the mayor)
14 or for the purpose of rescinding the whole or any part
15 of any such by-law or ordinance.

1 SECTION 13. Notwithstanding the provisions of
2 their respective appointments, the terms of the mem-
3 bers, and of the secretary, of the existing licensing
4 board shall expire on the first day of June in the cur-
5 rent year, on which date all property in the posses-
6 sion of said board, including all records and other
7 papers, shall pass to the possession of the licensing
8 board provided for by this act; and on and after
9 said date, any reference to the licensing board of the
10 city of Boston appearing in any general or special
11 statute, ordinance, rule or regulation or in any license,
12 order or notice shall, unless a contrary intention
13 clearly appears, be deemed to refer to the licensing
14 board provided for by this act; provided, however,
15 that if a decision has not theretofore been made upon
16 any matter or matters heard prior to said date, the
17 members and secretary of the existing licensing board
18 shall, without compensation and without impairment
19 of the rights, powers and duties of the licensing board
20 provided for by this act, continue in office, and have
21 the use of such of the aforesaid property as may be
22 necessary, for the sole purpose of deciding such matter
23 or matters.

1 SECTION 14. All orders, rules and regulations made
2 prior to the first day of June in the current year by
3 the existing licensing board shall, if in full force and
4 effect on said date, remain in full force and effect

5 until amended or repealed by the licensing board
6 provided for by this act; and no license granted by
7 the existing licensing board nor any matter incidental
8 thereto shall be affected in any way by the passage
9 of this act, except that on and after said date, unless
10 otherwise expressly provided in section thirteen of this
11 act, such license or matter, as the case may be, shall
12 be dealt with in all respects by the licensing board
13 provided for by this act instead of by the existing
14 licensing board.

1 SECTION 15. Every person holding, in the service
2 of the existing licensing board, an office or position
3 subject to the civil service laws and rules is hereby
4 transferred to the service of the licensing board pro-
5 vided for by this act without impairment of his civil
6 service, retirement, seniority or other rights; and his
7 services shall be deemed to have been continuous to
8 the same extent as if the existing licensing board were
9 not reorganized by this act.

1 SECTION 16. Unless a contrary intention clearly
2 appears, whenever this act refers to a board or officer
3 by the title of such board or officer, it shall be con-
4 strued to mean the board or officer of the city having
5 such title; and whenever the words "existing licensing
6 board" are used in this act, they shall be deemed to
7 mean the licensing board in existence upon this passage
8 of this act.

1 SECTION 17. For the purpose of the appointment and
2 qualification of the members of the licensing board
3 provided for by this act, this act shall take effect upon
4 its passage; and for all other purposes this act shall
5 take effect upon the first day of June in the current
6 year.