
By Mr. Youngman of Medford (by request), petition of George H. Furness for legislation to suspend action of local licensing boards pending appeals to the Alcoholic Beverages Control Commission. Legal Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-One.

AN ACT SUSPENDING THE ACTION OF LOCAL LICENSING BOARDS PENDING APPEALS TO THE ALCOHOLIC BEVERAGES CONTROL COMMISSION.

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. Section sixty-seven of chapter one
2 hundred and thirty-eight, General Laws (Tercente-
3 nary Edition), is hereby amended with respect to
4 rights of appeal from local licensing authorities to
5 the alcoholic beverage commission by striking out
6 the words "but, pending a decision on the appeal,
7 the action of the local licensing authorities shall have
8 the same force and effect as if the appeal had not
9 been taken", and inserting in place thereof the
10 words:— but, pending a decision on this or any
11 other appeal, from the action of the local licensing
12 authorities, the action of such local licensing author-
13 ities in the premises shall be stayed and suspended
14 until the final action of the commission upon such
15 appeal, — so that said section sixty-seven, as so

16 amended, shall read as follows:— Any applicant for
17 a license who is aggrieved by the action of the local
18 licensing authorities in refusing to grant the same
19 or by their failure to act within the period of thirty
20 days limited by section sixteen B, or any person who
21 is aggrieved by the action of such authorities in sus-
22 pending, cancelling, revoking or declaring forfeited
23 the same, may appeal therefrom to the commission
24 within five days following notice of such action or
25 following the expiration of said period, upon petition
26 in writing, setting forth all the material facts in the
27 case. The commission may, after hearing, due notice
28 whereof shall have been given, sustain the action of
29 the local licensing authorities or may sustain the
30 appeal, in which latter case it shall set forth in writ-
31 ing in its decision its reasons therefor and the deci-
32 sions of the commission shall be final; but, pending
33 a decision on this or any other appeal, from the
34 action of the local licensing authorities, the action of
35 such local licensing authorities in the premises shall
36 be stayed and suspended until the final action of the
37 commission upon such appeal. Upon the petition of
38 twenty-five persons who are taxpayers of the city or
39 town in which a license has been granted by such
40 authorities or who are registered voters in the voting
41 precinct or district wherein the licensed premises are
42 situated, or upon its own initiative, the commission
43 may investigate the granting of such a license or the
44 conduct of the business being done thereunder and
45 may, after a hearing, modify, suspend, revoke or
46 cancel such license if, in its opinion, circumstances
47 warrant.

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