
By Mr. Kenneally, a petition of George V. Kenneally, Jr., for legislation to provide the retirement of certain alcoholic beverage licenses in the city of Boston. Legal Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Six.

AN ACT PROVIDING FOR THE RETIREMENT OF CERTAIN ALCOHOLIC BEVERAGE LICENSES IN THE CITY OF BOSTON.

1 *Whereas*, More than a quarter of a century ago statutory
2 provisions were enacted providing that no further original
3 licenses for the sale of all alcoholic beverages in the city of
4 Boston should be granted until, in the case of licenses for the
5 sale of such beverages to be served and drunk on the premises,
6 the number thereof should have been reduced to less than seven
7 hundred, which was thereafter to be the maximum number of
8 such licenses, and in the case of licenses for the sale of such
9 beverages at retail not to be drunk on the premises, the number
10 thereof should have been reduced to less than two hundred
11 and fifty, which was thereafter to be the maximum number
12 of such licenses; but notwithstanding a decline of more than
13 one hundred thousand in population, neither on-premises nor
14 off-premises licenses in said city have ever been reduced in
15 number to the aforesaid quotas, there being seven hundred
16 and seventy-seven on-premises and two hundred and ninety-
17 seven off-premises licenses currently outstanding, of which
18 twenty on-premises and eight off-premises are reserved pur-
19 suant to statute; and

20 *Whereas*, It appears that an excessive number of establish-
21 ments licensed to sell all alcoholic beverages in said city is
22 inimical to the public health, safety, morals and welfare, con-
23 stitutes an economic and social liability, and substantially im-
24 pairs the sound growth of the city; and that due to such excess,
25 many such establishments in said city net only a marginal
26 economic return from a lawful operation with the result that

27 there is a strong incentive to engage in illicit operations; and
28 *Whereas*, It further appears that one hundred and thirty-five
29 premises in said city on which the sale of all alcoholic beverages
30 is now licensed will be taken by eminent domain in the near
31 future in carrying out extensive urban renewal and redevelop-
32 ment programs, but that because changes in permissible land
33 uses or for other reasons less than forty such licenses will be
34 relocated in the renewed and redeveloped areas; that there are
35 few, if any, suitable locations or areas in said city which are
36 not already adequately served by licensed establishments; that
37 while the general court may revoke, without compensation,
38 all licenses of a class, seemingly it may not arbitrarily revoke
39 individual licenses; that although a liquor license conveys no
40 vested interest, it is considered by some as something of value
41 because of the preferance which the purchaser of the business
42 incident to such license acquires in the renewal thereof; and
43 that there is a moral obligation to provide against the sub-
44 stantial financial hardship which licensees will suffer if they
45 are unable to continue in business because they cannot obtain
46 transfer of their licenses to other suitable locations within
47 the time limited by law for the reservation of their licenses;
48 now, therefore,

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. If prior to January first, nineteen hundred and
2 seventy, the holder of an all alcoholic beverage license issued
3 under section twelve or section fifteen of chapter one hundred
4 and thirty-eight of the General Laws to do business on premises
5 in the city of Boston taken by public authority on or after
6 the effective date of this act or so taken prior to said date
7 but not transferred to an approved location prior thereto ten-
8 ders, during the period such license is reserved under section
9 twenty-three B of said chapter, such license to the licensing
10 board of said city for cancellation, said board shall accept such
11 tender and cancel such license, and the collector-treasurer of
12 said city, upon requisition of said licensing board, shall pay
13 the person tendering such license for cancellation, if tendered

14 within one year after such taking or the effective date of this
15 act, whichever is later, ten thousand dollars, or if tendered
16 within two years after such taking or such effective date,
17 whichever is later, five thousand dollars, or if tendered there-
18 after, twenty-five hundred dollars; provided, however, that no
19 payment shall be made upon the tender of any such license if
20 the cancellation thereof would reduce to less than seven hun-
21 dred the number of all alcoholic beverage licenses outstanding
22 in said city under section twelve of said chapter or to less
23 than two hundred and fifty the number of such licenses out-
24 standing in said city under section fifteen of said chapter.

1 SECTION 2. The fee otherwise authorized by law for each
2 all alcoholic beverage license issued by the licensing board of
3 said city under said section twelve or fifteen of said chapter
4 in or for the year nineteen hundred and sixty-six and each
5 year thereafter until said city has been reimbursed in full for
6 all payments made by it under this act shall be increased by
7 two hundred dollars. Such additional fees shall be used for the
8 purposes of this act and no other purpose; and if such addi-
9 tional fees shall result in the collection of an amount exceeding
10 the aggregate amount of payments made under this act, the
11 excess shall be used by said licensing board in such manner
12 as it shall determine to reduce fees otherwise payable for all
13 alcoholic beverage licenses subsequently issued under said
14 section twelve or section fifteen.

1 SECTION 3. For the purposes of this act, in anticipation of
2 the receipts provided for by section two, the city of Boston
3 may borrow from time to time, inside its limit of indebtedness
4 as prescribed by section ten of chapter forty-four of the Gen-
5 eral Laws, not exceeding two million dollars, and may issue
6 and sell at public or private sale serial bonds or notes of the
7 city therefor. Such bonds or notes shall bear on their face the
8 words: — City of Boston, Liquor License Retirement Loan,
9 Act of 1966. Each authorized issue shall constitute a separate
10 loan and shall be paid in not more than twenty-years from
11 the date of issue. Debt incurred under this act shall, except
12 as provided herein, be subject to the provisions of said chapter

13 forty-four, exclusive of the limitation contained in the first
14 paragraph of section seven thereof.

1 SECTION 4. Said licensing board shall include in its annual
2 report a detailed account of each amount received and of each
3 amount disbursed under this act.

1 SECTION 5. Notwithstanding the provisions of section twen-
2 ty-three B of chapter one hundred and thirty-eight of the
3 General Laws, the licensing board for the city of Boston shall
4 reserve until October first, nineteen hundred and sixty-six the
5 license under said chapter one hundred and thirty-eight of any
6 licensee whose premises were taken by public authority during
7 the calendar year nineteen hundred and sixty-one, provided
8 that said licensee complies with the provisions of said section
9 twenty-three B relative to renewal of said license.

1 SECTION 6. This act shall take effect upon its passage.