

SENATE No. 131

To accompany the petition of Frank Hurley for legislation to provide an appeal to the Alcoholic Beverages Control Commission in case of the refusal of a local licensing authority to grant a common victualler's license. Legal Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Five.

An Act providing an Appeal to the Alcoholic Beverages Control Commission in Case of the Refusal of a Local Licensing Authority to grant a Common Victualler's License.

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 two of chapter one hundred and forty of
2 the General Laws, as appearing in the Tercentenary
3 edition, is hereby amended by inserting after the
4 word "it" in the tenth line the following:— pro-
5 vided, that in case of the refusal of a licensing au-
6 thority to grant a license hereunder as a common
7 victualler the applicant may appeal to the alcoholic
8 beverages control commission established under sec-
9 tion forty-three of chapter six, — so as to read as
10 follows:— *Section 2.* Licensing authorities may grant
11 licenses to persons to be innholders or common victual-
12 lers. Such license shall not be issued or be valid until

13 it has been signed by a majority of the aldermen in
14 cities where the license is to be granted by the alder-
15 men, by a majority of the licensing board in other
16 cities or by the selectmen in towns. An alderman,
17 any member of the licensing board or a selectman
18 may refuse to sign a license for a person who, in his
19 opinion, has not complied with this chapter. This
20 section shall not require the licensing authorities to
21 grant either of said licenses if, in their opinion, the
22 public good does not require it; provided, that in
23 case of the refusal of a licensing authority to grant a
24 license hereunder as a common victualler the appli-
25 cant may appeal to the alcoholic beverages control
26 commission established under section forty-three of
27 chapter six. A fee of not more than five dollars may
28 be charged for either of said licenses. The licenses
29 shall be recorded in the office of the licensing au-
30 thorities. An alderman, member of a licensing board
31 or selectman who signs a license granted contrary to
32 this chapter shall be punished by a fine of not more
33 than fifty dollars.