

By Mr. McDowell of Dennis, petition of Peter L. McDowell that provision be made for the granting of certain seasonal liquor licenses until January first. Government Regulations.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Eight.

AN ACT PROVIDING THAT SEASONAL LIQUOR LICENSES SHALL BE GRANTED TO JANUARY THE FIRST.

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

1 The sixth paragraph of Section 17 of Chapter 138 of the General
2 Laws as most recently amended by Chapter 570 of the Acts of 1965
3 is hereby further amended by striking out said paragraph and
4 inserting in place thereof the following: —

5 The local licensing authorities of any city or town, except the city
6 of Boston, may make an estimate prior to March the first in any
7 year of any temporary increased resident population in such city or
8 town as of July the tenth following, and one additional license
9 under section fifteen, to be effective from April the first to January
10 the first only, may be granted by said authorities for each unit of
11 five thousand or additional fraction thereof of such population as
12 so estimated, and the local licensing authorities of any city or town
13 in Berkshire county, in which the city council, in accordance with
14 the provisions of its charter, or the town, at an annual or special
15 town meeting, votes to authorize such authority to grant winter
16 seasonal licenses, or of any town in Franklin county, may make an
17 estimate no later than October the fifteenth in any year of any
18 temporary increased resident population in such city or town as of
19 February the tenth following, and one additional license under
20 section fifteen, to be effective from December the first to April the
21 first of the year following, may be granted by said authorities for
22 each unit of five thousand or additional fraction thereof of such
23 population as so estimated; provided, that not more than one
24 additional license shall be granted under this paragraph to the

25 same person or for the same premises in any one year, and
26 provided, further, that the local licensing authorities of any city or
27 town, except the city of Boston, may grant, in addition to and
28 irrespective of any limitation of the number of licenses contained in
29 this section, seasonal licenses under section twelve, to be effective
30 from April the first to January the first only, and in any city or
31 town in Berkshire county in which the granting of winter seasonal
32 licenses is authorized as above provided, and in any town in
33 Franklin county seasonal licenses under section twelve, to be
34 effective from December the first to April the first, to the amount
35 or number that such authorities deem to be in the public interest.
36 Every estimate hereunder of temporary resident population shall
37 be made and voted upon by the local licensing authorities at a
38 meeting of said authorities called for the purpose after due notice
39 to each of the members thereof of the time, place and purpose of
40 said meeting and after investigation and ascertainment by them of
41 all the facts and after cooperative discussion and deliberation. A
42 copy of such an estimate, signed by a majority of the members of
43 said authorities, stating under the penalties of perjury that all the
44 foregoing requirements have been complied with and that the
45 estimate is true to the best of their knowledge and belief, shall be
46 forwarded forthwith to the commission. Upon the petition of
47 twenty-five persons who are taxpayers of the city or town in which
48 a seasonal license has been so granted, or who are registered voters
49 in the voting precinct or district wherein the licensed premises are
50 situated, filed within five days after the granting of such license, the
51 commission shall, and upon its own initiative at any time may,
52 after a hearing, examine and review any estimate made or action
53 taken by the local licensing authorities in granting the same, and
54 after such examination or review, may rescind, revoke, cancel,
55 modify or suspend any such estimate or action. Nothing in this
56 paragraph shall be deemed to authorize or permit the commission
57 to deny a renewal of, or to rescind, revoke or cancel, because of a
58 decrease in population, any seasonable license outstanding and in
59 full force on April thirtieth, nineteen hundred and fifty.