

SENATE No. 353.

Mr. Hall moves that this bill be substituted for the report of the committee on the Liquor Law, leave to withdraw, on the petition of John B. Lewis, Jr.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Eight.

AN ACT

Relative to the Number of Places which may be Licensed
for the Sale of Intoxicating Liquors.

*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 thirteen of chapter one hundred of the Re-
2 vised Laws is hereby amended by striking out, in the
3 ninth and tenth lines, the words "No more than one such
4 place shall be licensed by any one vote of the licensing
5 board," and inserting in place thereof the following:—
6 Nor shall a fourth or fifth class license be granted to be
7 exercised upon the same premises with a license of any
8 of the first three classes, except that a licensed innholder,
9 who has a license of any of the first three classes may like-
10 wise be granted a license of the fourth or fifth class for the

11 purpose of supplying guests with liquor who have re-
12 sorted to his inn for food or lodging. No more than
13 one license shall be granted by any one vote of the licens-
14 ing board, — so as to read as follows:—

15 *Section 13.* In cities and towns which vote to au-
16 thorize the granting of licenses for the sale of intoxi-
17 cating liquors, the number of places licensed for the sale
18 of such liquors shall not exceed one for each one thou-
19 sand of the population, as ascertained by the last pre-
20 ceding national or state census, but one such place may
21 be licensed in any town having a population of less than
22 one thousand. In Boston, one such place may be licensed
23 for each five hundred of the population, but in no event
24 shall the total number of licensed places therein exceed
25 one thousand, nor shall a fourth or fifth class license be
26 granted to be exercised upon the same premises with a
27 license of any of the first three classes, except that a
28 licensed innholder, who has a license of any of the first
29 three classes, may likewise be granted a license of the
30 fourth or fifth class for the purpose of supplying guests
31 with liquor who have resorted to his inn for food or
32 lodging. No more than one license shall be granted by
33 any one vote of the licensing board. Such licenses shall
34 be numbered in regular order as granted, and any license
35 granted contrary to or in excess of the provisions of this
36 section shall be void; but in a town voting as aforesaid
37 at its last annual town meeting which has less than five
38 thousand permanent residents according to the last pre-
39 ceding state or national census but has an increased resi-
40 dent population during the summer months, the select-
41 men may, on or before the fifteenth day of May in any
42 year, apply to the chief of the bureau of statistics of
43 labor to have an enumeration made of the temporary or
44 summer residents of such town. Said chief shall there-

45 upon make such enumeration, between the twenty-third
46 and the twenty-eighth day of June next following, under
47 such rules as he shall establish. A person who has not
48 been a resident of such town for at least three days pre-
49 ceding the enumeration shall not be regarded as a tem-
50 porary or summer resident thereof. Said chief may
51 employ, for such enumeration, such persons as may be
52 necessary, who shall in all cases be residents of the town
53 if suitable and competent persons can be found; other-
54 wise, non-residents may be employed. The chief shall
55 report the total number of such temporary or summer
56 residents to the selectmen of the town on or before said
57 twenty-eighth day of June. The expenses incurred in
58 making such special enumeration shall be paid by the
59 Commonwealth. The treasurer and receiver-general shall
60 thereupon issue his warrant, as provided in section thirty-
61 four of chapter twelve, requiring the assessors of such
62 town to assess a tax to the amount of the expense incurred
63 in making this special enumeration, and such amount
64 shall be collected and paid over to the treasurer and re-
65 ceiver-general in the same manner as other state taxes.
66 The selectmen may, in April, receive applications for
67 such licenses and investigate and publish the same; and
68 may grant one such license for each five hundred of such
69 temporary resident population, not including the perma-
70 nent inhabitants of such town, as ascertained by said
71 special enumeration, to take effect on the first day of
72 July and to expire on the first day of October next fol-
73 lowing. A selectman, member of a licensing board or
74 census enumerator who violates any provision of this
75 section shall be punished by a fine of five hundred dollars.

