

The Commonwealth of Massachusetts

EXECUTIVE DEPARTMENT,
STATE HOUSE, BOSTON, June 13, 1969.

To the Honorable Senate and House of Representatives:

I am returning, herewith, without my approval, House Bill No. 4625 entitled "An Act authorizing the local licensing authority in the city of New Bedford to issue an all alcoholic beverages license to Doyle Square Package Store Inc."

The provisions of the Liquor Control Act limits licenses according to population. The population of New Bedford has been successively lowered since 1930. The official population of the city of New Bedford is 100,176 and the present quota for the issuance of package store licenses in the city of New Bedford is 21. In relation to this quota of 21, the city of New Bedford has a total of 23 package store licenses, two above the quota. The Alcoholic Beverages Control Commission is unalterably opposed in principle to the addition of new package goods stores outside the quota.

The quota system established by the General Laws, which limits liquor retail outlets according to population, is intended to promote both public control and reasonable economic stability in a highly sensitive industry and at the same time to afford an adequate supply to meet the reasonable demands of the public. One result of the quota system in many municipalities which are at or in excess of their quotas has been to place a cash value, in many cases, a very substantial cash value, on licenses.

Due to the unavailability or high cost of licenses, many individuals, businesses and clubs, attempt to secure passage of legislation authorizing the local licensing board to issue them licenses notwithstanding the limitations and prohibitions contained in the General Laws. In effect, such special laws exempt specifically named individuals or associations from the application of the General Laws which bind the rest of our citizens, for no public purpose.

Apart from possible constitutional doubts as to the validity of this kind of legislation, it is clearly not an appropriate procedure for government to adopt. If the quotas provided in the General Laws, or the quota system itself, are outmoded, they should be amended, in order that the same laws may apply equally to all. The practice of making special exceptions to laws for the sole benefit of specifically named parties cannot be condoned.

For the above reasons, I cannot approve the measure and I return the bill without my approval.

Respectfully submitted,

FRANCIS W. SARGENT,
Acting Governor of the Commonwealth.