

HOUSE No. 5393

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. 5038 entitled "An Act authorizing the local licensing authority of the town of Montague to issue an all alcoholic beverages club license to Thomas Memorial Golf & Country Club, Inc."

Section 17 of Chapter 138 of the General Laws provides for the number of licenses that may be granted by local licensing authorities. The number of licenses are limited according to the population of each individual city or town. The population of Montague allows for the issuance of five all alcoholic club licenses at the present time and these five authorized all alcoholic club licenses have been issued. This legislation would exceed the quota established by section 17 of Chapter 138 of the General Laws.

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 reason, I cannot approve the measure and I return the bill without my approval.

Respectfully submitted,

FRANCIS W. SARGENT,
Acting Governor of the Commonwealth.