

HOUSE No. 1837

By Mr. Leahy of Somerville, petition of Joseph F. Leahy for abolishing the biennial vote on the sale of alcoholic beverages and for submitting such questions to voters of cities and towns by initiative petition only. Legal Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-One.

AN ACT ABOLISHING THE BIENNIAL VOTE ON THE SALE OF ALCOHOLIC BEVERAGES AND SUBMITTING SUCH QUESTIONS TO VOTERS OF CITIES AND TOWNS BY INITIATIVE PETITION ONLY.

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 1. Chapter 138 of the General Laws is
2 hereby amended by striking out section 11, as most
3 recently amended by section 3 of chapter 138 of the
4 acts of 1947, and inserting in place thereof the fol-
5 lowing:—
6 *Section 11.* The city council of any city and the
7 selectmen of any town, upon the filing with the city
8 or town clerk of a petition signed by registered voters
9 of such city or town equal in number to at least
10 five per cent of the whole number of registered voters
11 therein and conforming to the provisions of sec-
12 tion thirty-eight of chapter forty-three, relative to

13 initiative petitions, requesting that the question of
 14 licensing the sale in such city or town of alcoholic
 15 beverages be submitted to the voters, shall cause to
 16 be submitted to the voters at the next municipal or
 17 town election of mayor or selectmen following the
 18 filing of such petition, but in no instance less than
 19 six months from the date of certification of such
 20 petition filed, the following questions: —

21 A. Shall licenses be granted in this city (or town)
 22 for the sale therein of all alcoholic bever-
 23 ages (whisky, rum, gin, malt beverages,
 24 wines and all other alcoholic beverages)?

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

25 B. Shall licenses be granted in this city (or town)
 26 for the sale therein of wines and malt bever-
 27 ages (wines and beer, ale and all other malt
 28 beverages)?

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

29 C. Shall licenses be granted in this city (or town)
 30 for the sale therein of all alcoholic bever-
 31 ages in packages, so called, not to be drunk
 32 on the premises?

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

33 If a majority of the votes cast in a city or town in
 34 answer to subdivision A is in the affirmative, such city
 35 or town shall, irrespective of the result of the votes in
 36 answer to subdivisions B and C, be taken to have
 37 authorized, the retail sale in such city or town of all
 38 alcoholic beverages to be drunk on and off the prem-
 39 ises where sold, in accordance with the provisions of
 40 this chapter.

41 If a majority of the votes cast in a city or town in
 42 answer to subdivisions A and C is not in the affirma-
 43 tive, but a majority thereof in answer to subdivision
 44 B is in the affirmative, such city or town shall be
 45 taken to have authorized, the retail sale therein of
 46 wines and malt beverages only to be drunk on and off

47 the premises where sold, in accordance with the
48 provisions of this chapter.

49 If a majority of the votes cast in a city or town in
50 answer to subdivision A and to subdivision B is not
51 in the affirmative, but a majority thereof in answer
52 to subdivision C is in the affirmative, such city or
53 town shall be taken to have authorized, the retail
54 sale therein of all alcoholic beverages but only in
55 packages, so called, not to be drunk on the premises
56 where sold, in accordance with the provisions of this
57 chapter.

58 If a majority of the votes cast in a city or town in
59 answer to subdivision A is not in the affirmative but a
60 majority thereof in answer to subdivisions B and C
61 is in the affirmative, such city or town shall be taken
62 to have authorized, the retail sale therein of wines
63 and malt beverages to be drunk on and off the prem-
64 ises where sold, and also the sale of all other alcoholic
65 beverages but only in packages, so called, not to be
66 drunk on the premises where sold, in accordance with
67 the provisions of this chapter.

68 The foregoing questions shall not be submitted to
69 the voters of any city or town under this section more
70 than once in four years.

1 SECTION 2. Section eleven A of said chapter one
2 hundred and thirty-eight, as most recently amended
3 by section six of chapter four hundred and forty of
4 the acts of nineteen hundred and thirty-five, is hereby
5 repealed.

