

HOUSE No. 6891

The Commonwealth of Massachusetts



MICHAEL S. DUKAKIS
GOVERNOR

EXECUTIVE DEPARTMENT
STATE HOUSE • BOSTON 02133

December 9, 1975

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES:

In accordance with the provisions of Article LVI of the Amendments to the Constitution, I am returning, herewith, House Bill No. 6403, entitled, "An Act Authorizing the Local Licensing Authority of the Town of Barnstable to Issue All Alcoholic Beverages to Wianno Club."

This bill would authorize the local licensing authority of the town of Barnstable to grant a liquor license to a particularly named organization, without either allowing any other parties to participate in the award of the license by the town or having this license made part of any additional licenses which would be granted as a result of population increases to be reported in the 1975 state census.

I would strongly support general legislation to greatly expand or even abolish the quota system for the issuance of alcoholic beverages licenses by the cities and towns. This should be a purely local matter, decided by local officials on the basis of community needs and desires. I intend to file a special message for your consideration in the 1976 session to revise the structure and jurisdiction of the Alcoholic Beverages Control Commission and related alcoholic beverages laws.

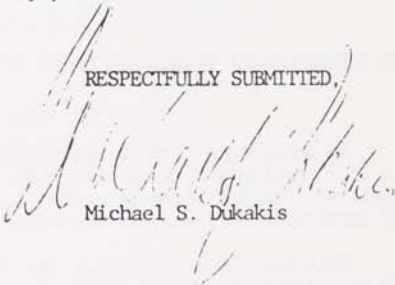
However, I am concerned about special legislation which attempts to subvert the General Laws applicable to all communities, for the benefit of particularly named individuals or organizations in a single city or town. I have been advised that there may be constitutional infirmities in such legislation, and it certainly is preferable as a matter of policy to deal with liquor quotas by general legislation that applies to all.

Before I make any decision on this bill, therefore, I believe it should be amended to provide at least that this license shall be incorporated into the new quota for the town of Barnstable when the quota is increased due to the population increase of the town that will be reported in the 1975 state census. To do otherwise would be to grant to one community special rights and privileges not available to the other 350 cities and towns, and their citizens, of the Commonwealth, and to grant the same special privileges to particular individuals within the community at the expense of all other applicants for licenses.

I therefore recommend the bill be amended by striking out the second paragraph of Section 1 and inserting in place thereof the following paragraph:-

Said licenses shall not be transferable to any other licensee and shall not be included in the number of licenses issued under authority of said section seventeen until there is an addition to the quota of such licenses in said town under said section seventeen because of an increase in population in said town.

RESPECTFULLY SUBMITTED,


Michael S. Dukakis