

# HOUSE . . . . No. 245.

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[MR. McANALLY of Lawrence gives notice that he will move to substitute this Bill for the Bill which is printed as House No. 232.]

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## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Ninety-two.

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### AN ACT

To provide for the Appointment of License Commissions in the Several Cities of the Commonwealth.

*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. Section twenty-eight, chapter one  
2 hundred of the Public Statutes is hereby amended  
3 by striking out all after the word "commis-  
4 sioners" in the third line thereof, and inserting  
5 in lieu thereof the following: "The mayors of  
6 each of the cities in the Commonwealth, except  
7 Boston, shall within ten days after the approval

8 of this act, appoint a board of license commis-  
9 sioners, to consist respectively of three legal  
10 voters of the city for which they are appointed.  
11 The terms of office of the members of said  
12 license commissions shall be so arranged and  
13 designated at the time of appointment that the  
14 term of one member shall expire on the first  
15 Monday in February eighteen hundred and  
16 ninety-three, one on the first Monday in February  
17 eighteen hundred and ninety-four, and one on  
18 the first Monday in February, eighteen hundred  
19 and ninety-five. The full term of office after  
20 these dates shall be three years, and all vacancies  
21 shall be filled by the mayor for the unexpired  
22 term of office of the retiring commissioner.

23 Two members of each of said license commis-  
24 sions shall constitute a quorum for the transac-  
25 tion of business.

26 No person who is, nor who has been during  
27 the preceding twelve months, a member of the  
28 city government, and no persons engaged in  
29 the traffic in alcoholic liquors shall be eligible to  
30 appointment as a license commissioner.

31 Said license commissioners shall exercise all  
32 the powers and duties given to, and imposed  
33 upon, the mayor and aldermen of their respective  
34 cities by chapter one hundred of the Public  
35 Statutes, and the acts in amendment thereof.  
36 All power to grant or revoke licenses to common  
37 victualers and innholders, and licenses to sell  
38 intoxicating liquor shall hereafter be exercised  
39 by the boards of license commissioners of said

40 cities respectively. Such officers may be removed  
41 by the mayor for cause or neglect of duty upon  
42 complaint of any citizen, and after public hearing,  
43 and the cause of removal shall be stated in  
44 writing. The members of these commissions  
45 shall each be paid, out of the treasury of the  
46 city in which they serve, the sum of five dollars  
47 per diem for each and every day's service which  
48 they render in discharge of the duties of their  
49 office, upon accounts submitted to and approved  
50 by the mayor. Each board of license commis-  
51 sioners shall appoint a clerk, who may be one of  
52 their own number, who shall keep a correct  
53 record of the proceedings of the board and  
54 certify all its orders and proceedings. Such  
55 clerk shall be sworn to a faithful performance of  
56 his duty, and shall hold office for three years  
57 unless sooner removed by the board appointing  
58 him for cause stated in writing. The compen-  
59 sation to be paid the clerk shall be fixed each  
60 year by the board of license commissioners with  
61 the approval of the mayor. Such section shall  
62 then read as follows:—

63 “*Section 28.* The powers and duties given to  
64 and imposed upon the mayor and aldermen of  
65 cities by this chapter shall be exercised in the  
66 city of Boston by the board of police commission-  
67 ers; the mayor of each of the cities in the Com-  
68 monwealth, except Boston, shall, within ten days  
69 after the approval of this act, appoint a board of  
70 license commissioners to consist respectively of  
71 three legal voters of the city for which they are

72 appointed. The terms of office of the members  
73 of said license commissions shall be so arranged  
74 and designated at the time of appointment that  
75 the term of one member shall expire on the first  
76 Monday in February, eighteen hundred and  
77 ninety-three, one on the first Monday in Febru-  
78 ary, eighteen hundred and ninety-four, and one  
79 on the first Monday in February, eighteen hun-  
80 dred and ninety-five. The full term of office  
81 after these dates shall be three years, and all  
82 other vacancies shall be filled by the mayor for  
83 the unexpired term of office of the retiring com-  
84 missioner.

85 Two members of each of said license commis-  
86 sions shall constitute a quorum for the transac-  
87 tion of business.

88 No person who is, nor who has been during the  
89 preceding twelve months, a member of the city  
90 government, and no persons engaged in the traffic  
91 in alcoholic liquors, shall be eligible to appoint-  
92 ment as a license commissioner. Said license  
93 commissioners shall exercise all the powers and  
94 duties given to and imposed upon the mayor and  
95 aldermen of their respective cities by chapter one  
96 hundred of the Public Statutes and the acts in  
97 amendment thereof. All power to grant or revoke  
98 licenses to common victualers and innholders and  
99 licenses to sell intoxicating liquors shall hereafter  
100 be exercised by the boards of license commission-  
101 ers of said cities respectively. Such officers may  
102 be removed for malfeasance, incapacity or neglect  
103 of duty upon complaint of any citizen, and after

104 public hearing by the mayor, and the cause of  
105 removal shall be stated in writing. The members  
106 of these commissions shall each be paid, out of  
107 the treasury of the city in which they serve, the  
108 sum of five dollars per diem for each and every  
109 day's service which they render in discharge of  
110 the duties of their office, upon accounts sub-  
111 mitted to and approved by the mayor. Each  
112 board of license commissioners shall appoint a  
113 clerk, who may be one of their own number, who  
114 shall keep a correct record of the proceedings of  
115 the board and certify all its orders and proceed-  
116 ings. Such clerk shall be sworn to a faithful  
117 performance of his duty, and shall hold office for  
118 three years unless sooner removed by the board  
119 appointing him for cause stated in writing. The  
120 compensation to be paid the clerk shall be fixed  
121 each year by the board of license commissioners  
122 with the approval of the mayor."

1 SECT. 2. All acts or parts of acts incon-  
2 sistent herewith are hereby repealed.

1 SECT. 3. This act shall take effect upon its  
2 passage.





