

SENATE No. 433

By Ms. Walsh, a petition (accompanied by bill, Senate, No. 433) of Marian Walsh for legislation relative to the rejection of local liquor licenses. Government Regulations.

The Commonwealth of Massachusetts

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

AN ACT CONCERNING THE LICENSING OF ALCOHOLIC LIQUORS.

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 23 of chapter 138 of the General Laws, as appearing in
2 the 1996 Official Edition, is hereby amended by inserting after the
3 fourth paragraph the following paragraphs: —

4 The local licensing authorities may reject an application for a
5 license under section twelve, fourteen, fifteen, or thirty A if they
6 are not satisfied that the financial responsibility, character, reputa-
7 tion, integrity and general fitness of the applicant, and of the
8 members thereof if the applicant is a partnership or association,
9 and of the directors and principal officers if the applicant is a cor-
10 poration, are such as to command the confidence of the public and
11 to warrant the belief that the business will be operated honestly,
12 fairly, soundly and efficiently in the public interest consistent with
13 the purposes of this chapter, or that the proposed business and the
14 hours of operation, as specified in the application, would not be
15 detrimental to the economy or the public safety of the area to be
16 served, or if they find that any of the following exist:

17 (a) the applicant made a false statement of a material fact in the
18 application for a license;

19 (b) an officer, director or member of the applicant business has,
20 within ten years prior to the filing of the application, been (i) con-
21 victed of or pleaded nolo contendere to a felony, or (ii) committed
22 an act involving fraud or deceit, which act is substantially related
23 to the qualifications, functions or duties of a person engaged in

24 the business of serving or providing for purchase alcoholic
25 liquors;

26 (c) the applicant violated any of the provisions of this chapter
27 or regulations promulgated hereunder, any similar regulatory
28 scheme of another jurisdiction, or any other law applicable to the
29 conduct of the business sought to be licensed;

30 (d) the applicant fails to demonstrate a public need for the
31 granting of a license under section twelve, fourteen, fifteen, or
32 thirty A in the area specified in such application; provided, how-
33 ever, that in determining whether demonstration of public need
34 has been satisfied, the local licensing authority may consider, but
35 shall not be limited to consideration of, the number of similar
36 licenses in such area and such other factors which would indicate
37 that the approval of the application for license would not provide
38 a convenience to the people who would be served by the applicant
39 or that it would be detrimental to the economy or the public safety
40 in such area.