

HOUSE No. 3913

The Commonwealth of Massachusetts

PRESENTED BY:

Russell E. Holmes

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the licensing board for the city of Boston.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>2/13/2014</i>

HOUSE No. 3913

By Mr. Holmes of Boston, a petition (accompanied by bill, House, No. 3913) of Russell E. Holmes (with the approval of the mayor and city council) that the city of Boston be authorized to increase the number of licenses for the sale of alcoholic beverages in said city. Consumer Protection and Professional Licensure. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act relative to the licensing board for the city of Boston.

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 17 of chapter 138 of the General Laws, as appearing in the 2012
2 Official Edition, is hereby amended by striking out the sixth and seventh paragraphs and
3 inserting in place thereof the following paragraph: -

4 The licensing board for the city of Boston shall set the total number of available licenses
5 that it may grant for the sale of alcoholic beverages pursuant to section 12. When issuing
6 licenses pursuant to this paragraph, the board shall: (i) consider the public need; (ii) make
7 distribution of licenses to main street districts, urban renewal areas, empowerment zones or
8 municipal harbor plan areas a priority; (iii) consider innovative business models that offer unique
9 products and services that fit the character and aesthetic quality of the neighborhood, and; (iv)
10 establish a process for the distribution of the licenses. The issuance of new licenses and the
11 transfer of licenses shall be subject to a public hearing in the neighborhood in which the license
12 is to be located, properly advertised and at an appropriate time to afford the neighborhood an
13 opportunity to be present. All licenses issued by the board pursuant to this paragraph, whenever
14 granted, shall be transferable in accordance with the criteria set forth in this paragraph; provided,
15 however, the licensing board shall not approve the transfer of a license issued to a location
16 within an area designated by the Boston Redevelopment Authority as a main street district, urban
17 renewal area, empowerment zone or municipal harbor plan area to a location outside of the
18 designated area. A license issued pursuant to this paragraph, if revoked or no longer in use, shall
19 be returned physically, with all of the legal rights and privileges thereto, to the licensing board
20 which may grant any such returned license to a new applicant consistent with the criteria set
21 forth in this paragraph. No license shall be re-issued to the same location within 3 months from

the date the prior license terminated unless the applicant files either: (i) a letter in writing from the department of revenue with the board indicating the prior licensee's good standing with the department; or (ii) a letter in writing demonstrating no financial relationship between the prior license holder and the current applicant at the same location. The board may grant 250 licenses for the sale of all alcoholic beverages pursuant to section 15. The number of licenses for the sale of wines and malt beverages only, or both, in the city shall not exceed 320.

SECTION 2. Chapter 291 of the acts of 1906 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

Section 1. The mayor of the city of Boston subject to the confirmation by the city council shall appoint 5 residents of Boston, who shall constitute a licensing board for the city and who shall be sworn to the faithful performance of the duties of their office before entering the same. One member of the board shall be a representative of the business community and 1 member of the board shall be a representative from an empowerment zone, urban renewal district or main street district. In appointing the representative from the business community, the mayor shall strive to appoint individuals who have knowledge in establishing businesses and implementing business plans.

The members of the board shall not be in the employ of any person or corporation engaged in the manufacture or sale of intoxicating liquors, or in any way, directly or indirectly, pecuniarily interested in the manufacture or sale of intoxicating liquors, or in any business which requires a license to be issued by them by the board. If any member of the board engages directly or indirectly in such manufacture or sale, the office shall immediately become vacant.

The members of the board shall designate a chairman and 3 members shall constitute a quorum. Board members shall serve 6 year terms, staggered such that they expire every 2 years on the first Monday of June. Upon the expiration of the term of any member of the board, the mayor shall appoint his successor for the term of 6 years, subject to confirmation by the city council. Vacancies on the board shall be filled by the mayor for the unexpired term subject to confirmation by the city council. The members of the board may be removed by the mayor for such cause as he shall deem sufficient. Such cause shall be stated in the order of removal.

SECTION 3. Said chapter 291 is hereby further amended by striking out section 5 and inserting in place thereof the following section:-

Section 5. The licensing board for the city of Boston shall keep a record of its doings and hearings and shall make a quarterly report of its doings to the mayor and the city council.

SECTION 4. The licensing board of the city of Boston may promulgate regulations relative to the selling of a license by a business owner that was issued a license pursuant to the sixth paragraph of section 17 of chapter 138 of the General Laws after the effective date of this act.

58 SECTION 5. Notwithstanding section 2 of this act, the incumbent board members
59 serving on the effective date of this act shall continue to serve on the board until the expiration of
60 the terms for which they were appointed, unless they sooner vacate such offices.

61 SECTION 6. This act shall take effect upon its passage.