

**Massachusetts House of Representatives**  
**Bill Summary**

**Bill #:** H.5365

**Title:** An Act amending the home rule charter of the town of Falmouth to create the Falmouth Licensing Commission

**Sponsor:** Rep. David Vieira

**Committee:** Municipalities and Regional Government

**Hearing Date:** May 13, 2026

**Current Law:** Article 3 of the Falmouth Town Charter governs the Select Board. Section C3-7(B) authorized the Select Board to act as the licensing board for the town, and to issue licenses and make rules and regulations.

Article 7 of the charter pertains to appointed town governmental bodies.

Mass. General Laws Chapter 138, Section 4 requires towns to establish a licensing board for the regulation of alcoholic liquors.

MGL Chapter 136, Section 4 regulates sports, games and entertainment on a Sunday.

MGL Chapter 140, Sections 181 and 183A regulates theatrical exhibitions, concerts, dances, other exhibitions and public shows.

**Summary:** According to the town meeting warrant description, the Commission would be tasked with the issuance of all licenses to sell alcohol and all common victualler licenses for restaurants throughout the Town. The Commission would be charged with enforcement of the laws and regulations pertaining to such licenses. The Commission would be comprised of members appointed by the Select Board. Additional licensing responsibilities could be added either through the petition or by the enactment of a bylaw by Town Meeting, or both. The purpose of the creation of the Commission is to alleviate the administrative and regulatory burden of the work of the Select Board related to the issuance of such licenses.

Section 1 of the bill would strike out the charter provision which authorizes the Select Board to act as the licensing commission for the town and renumber the charter sections accordingly.

Section 2 inserts new language into the town charter to establish a Licensing Commission, consisting of five members, appointed by the Select Board, who would serve three-year terms.

- The commission would act as the licensing authority, issuing licenses for innholders or common victuallers.
- It would have the powers of a licensing board to regulate alcoholic liquor licenses.

- It would have authority to issue licenses for entertainment purposes.
- The Licensing Commission could make all rules and regulations regarding such licenses and may attach conditions and impose restrictions on the issuance of the licenses.
- The Commission would have authority to enforce, or cause to be enforced, the laws, rules and regulations relating to licensing.
- The Select Board would be able to assign additional licensing powers to the Licensing Commission through enactment of a general town bylaw.

Section 3 provides for the Select Board, within 30 days of the passage of the act, to appoint five individuals to serve on the Licensing Commission in accordance with the charter provision related to appointment powers. The appointments would be made so as to create a staggered expiration of terms, with one member serving an initial term of one year, two members serving for two years, and two members serving for three years.

Section 4 provides for the act to take effect on January 1, 2027.

**Notes:**

Language approved as Article 40 at the April 7, 2025 Annual Town Meeting by electronic vote of 108 TM members in favor and 65 opposed.

Clerical error in section 3 of the bill, in line 32. It should read "section C7-1"