

HOUSE No. 01850

(House – [Enter text], 02/18/2011)



The Commonwealth of Massachusetts

IN THE YEAR TWO THOUSAND ELEVEN

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HOUSE No. 01850

The Commonwealth of Massachusetts

PRESENTED BY:

Deval Patrick

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 passage of the accompanying bill:

An Act relative to the appointment of members of the Boston Licensing Board.

PETITION OF:

NAME:

| DISTRICT/ADDRESS:

HOUSE No. 01850

A message from His Excellency the Governor recommending legislation relative to the appointment of members of the Boston Licensing Board

The Commonwealth of Massachusetts

—————
In the Year Two Thousand Eleven
—————

An Act relative to the appointment of members of the Boston Licensing Board.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 February 18, 2011.
- 2 To the Honorable Senate and House of Representatives:
- 3 I am filing for your consideration the attached legislative proposal entitled, “An Act Relative to
- 4 the Appointment of Members of the Boston Licensing Board.” This legislation amends the
- 5 special acts of 1906 by transferring the authority to appoint members of the board from the
- 6 Governor to the Mayor of the City of Boston. This change will allow the City of Boston to join
- 7 the Commonwealth’s other municipalities, where appointment authority to those municipal
- 8 boards charged with determining alcoholic beverage licensing is vested in the mayor or other
- 9 local governmental body.
- 10 I urge your prompt and favorable consideration of this legislation.
- 11 Respectfully submitted,

12 DEVAL L. PATRICK,

13 Governor.

14 The Commonwealth of Massachusetts

15 _____

16 In the Year Two Thousand Eleven.

17 _____

18 AN ACT RELATIVE TO THIS TEMPLATE.

19 Be it enacted by the Senate and House of Representatives in General Court assembled, and by
20 the authority of the same, as follows:

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

23 Section 1. The mayor of the city of Boston shall appoint three citizens of Boston, who shall have
24 resided therein for at least two years immediately preceding the date of their appointment, who
25 shall constitute a licensing board for said city and who shall be sworn to the faithful performance
26 of the duties of their office before entering on the same. One member shall be appointed from
27 each of the two leading political parties and the third member may also be appointed from one of
28 said parties.

29 The members of the board shall not be in the employ of any person or corporation engaged in the
30 manufacture or sale of intoxicating liquors, or in any way, directly or indirectly, pecuniarily
31 interested in the manufacture or sale of intoxicating liquors, or in any business which requires a

32 license to be issued by them. If any member of said board engages directly or indirectly in such
33 manufacture or sale, his office shall immediately become vacant.

34 One member of the board shall be designated by the mayor as chairman and two members shall
35 constitute a quorum. Board members shall serve six year terms, staggered such that they expire
36 every two years on the first Monday of June. Upon the expiration of the term of any member of
37 the board, the mayor shall appoint his successor for the term of six years. Vacancies on the
38 board shall be filled by the mayor for the unexpired term. The members of the board may be
39 removed by the mayor for such cause as he shall deem sufficient. Such cause shall be stated in
40 the order of removal. The board shall appoint a secretary, who shall be exempt from the civil
41 service law, who shall be sworn to the faithful performance of the duties of his office, and who
42 shall keep a record of all proceedings, issue all notices and attest such papers and orders as said
43 board shall direct. His term of office shall be six years, but he may be removed by the board for
44 such cause as it shall deem sufficient. Such cause shall be stated in its order of removal.

45 SECTION 2. Chapter 291 of the Acts of 1906 is further amended by striking out Section 5 and
46 inserting in place thereof the following section:-

47 Section 5. Said board shall keep a record of its doings and hearings and shall make a quarterly
48 report of its doings to the mayor. It may require any statement which may be made before it and
49 papers which may be filed with it relative to applications for licenses to be sworn to, and for such
50 purpose any member may administer oaths.

51 SECTION 3. Notwithstanding section 1, the incumbent board members serving on the effective
52 date of this act shall continue to serve on the board until the expiration of the terms for which
53 they were appointed, unless they sooner vacate such offices.