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Boston Should Appoint the Members of Its Licensing Board

Bill to authorize the Mayor to make appointments still in legislative committee

Legislation to authorize the Mayor of Boston to appoint the three Commissioners of the Boston Licensing Board is long overdue. Since 1906, the three members of the Boston Licensing Board have been appointed by the Governor. Governor Patrick submitted legislation ([H. 1850](#)) in February 2011 that would transfer the authority to appoint members of the Board from the Governor to the Mayor of Boston. The Licensing Board is responsible for granting and regulating alcohol licenses and holding hearings on violations and issuing penalties. This bill would allow Boston to have the same authority over alcohol beverage licensing that every other municipality in the Commonwealth has.

The Governor's bill was submitted to the Legislature's Joint Committee on Consumer Protection and Professional Licensure in February 2011. A hearing was held on February 15, 2012, but reporting the bill out for a vote of the House and Senate keeps being extended.

The Governor's bill amends a special act of 1906 (Ch. 291 of the Acts of 1906) which was enacted to ensure state oversight of selected city services. The Governor's appointment of the three Licensing Board Commissioners is one of the last vestiges of state political oversight of Boston activities. The 1906 act also authorized the Governor to appoint the Boston Police Commissioner which continued until 1962. Edmund McNamara was the first Police Commissioner (1962-1971) to be appointed by the Mayor since 1906.

The Boston Finance Commission, established in 1909, is the other remaining vestige of state oversight. The Governor continues to appoint the five Commissioners. The work of the Commission remains relevant but its independence should be secured by a means other than the Governor's appointment.

The Governor's bill provides the opportunity for the City to consider the merger of the Boston Licensing Board with the Boston Office of Consumer Affairs and Licensing which has similar responsibilities related to the licensing of entertainment activities and compliance with relevant laws. The merger of these two offices has been suggested over the years to improve operational efficiencies.

Restrictions of Home Rule

This issue brings to mind the 2007 *Boston Bound* report by Harvard Law School professors Gerald Frug and David Barron, with the support of The Boston Foundation, which compared the legal powers of Boston and six other cities. The authors found that the existing Massachusetts home rule legal structure restricts Boston's ability to make changes regarding its economic future, placing the City at a competitive disadvantage. The Governor's bill should be enacted now, but the bigger issues of home rule and competitiveness deserve a more comprehensive response.