

EDITORIAL

Booze and politics: Cutting the legislative cord

Nearly a century after Prohibition, some lawmakers cling to their power to dole out licenses.

By The Editorial Board Updated May 29, 2025, 4:00 a.m.



The idea of giving municipalities control over liquor licenses and the kind of economic development tool they represent is long overdue. KORNIENKO ALEXANDR/ADOBE

Every year communities across the Commonwealth come begging to the Legislature to allow them to grant a new liquor license to that trendy little restaurant on the corner or that pub that would love to open in town.

But why should the entire Massachusetts Legislature have to decide if, say, Cohasset can have five new liquor licenses so people visiting a new waterfront development can grab a glass of wine with their burger?

Why indeed? Well, because that's the way it has always been — or at least that's the way it has been since the end of Prohibition when the Legislature drafted state laws giving it most of the power over the parceling out of alcoholic beverage licenses. And that's pretty much the way a lot of lawmakers like it.

Except this year. In its recently passed version of the state's \$61.4 billion budget, the Massachusetts Senate is proposing a sea change in that practice. For the first time in nearly a century, control over municipal liquor licenses would rest not with the Legislature but with localities.

Of course, that assumes the House, which shows every sign of wanting to cling to the good ol' days of doling out licenses to supplicant communities that file home rule petitions, will see the embarrassing error of its ways.

"We all know that the legislative process can be cumbersome," Senator Jacob Oliveira, sponsor of the Senate proposal, said. "We want to make sure that we empower our 351 cities and towns, as well as provide some flexibility to our businesses."

In fact, Ali DiMatteo, legislative analyst for the Massachusetts Municipal Association, told a legislative committee earlier this month that in the past five years, the Legislature approved more than 80 home rule petitions, creating more than 265 new liquor licenses across Massachusetts. That figure doesn't include the 225 new licenses approved for Boston last year.

Oliveira's legislation became the basis for the Senate budget amendment. But it also became something of a cause célèbre at the time of that earlier hearing of the Joint Committee on Consumer Protection and Professional Licensure, when Oliveira, a Ludlow Democrat, was not allowed to testify remotely by House Chair Tackey Chan.

Senate co-Chair Pavel Payano called the House chairman's ruling a "travesty." Senate President Karen Spilka issued a statement later saying, "It is deeply troubling to deny any sitting legislator the opportunity to testify on their own bill."

The notion of between-the-branches payback is not unknown on Beacon Hill, especially as the two branches continue to try to hash out agreement on a package of joint rules for the now five-month-old legislative session.

But payback aside, the idea of giving municipalities control over liquor licenses and the kind of economic development tool they represent is long overdue.

Governor Maura Healey had been expected to include liquor license reform in her municipal economic package last year but then dropped the measure, saying through a spokesperson that the administration was still working on "the language."

Well, the Senate got the language just right — doing away with the need for those time-consuming home rule petitions to the Legislature while preserving the state's regulatory authority through the Alcoholic Beverages Control Commission.

But getting the House to go along won't be easy — and House Majority Leader Michael Moran of Brighton, who shepherded that mammoth Boston liquor bill through the Legislature last year (including language that assured several licenses for Oak Square in Brighton in the process) explains why.

"In our community, liquor licenses can be great or they can be problematic, and for me to give my community's voice away would be political recklessness on my behalf," he said.

But should Moran really get a say in whether Cohasset gets its additional licenses as well? Because that's exactly the system he's defending.

Some lawmakers cling to the power to dole out political favors — such as extra liquor licenses — like a life raft. Others, like former state senator Dianne Wilkerson, had personal profit as a motive. The corrupting influence of such power can't be ignored.

The Senate has provided a way forward — a way into the 21st century, however belatedly. The House budget conferees would be wise to take the opportunity they have been offered.

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