

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Seventy-one

AN ACT AUTHORIZING THE LICENSING OF A GAME COMMONLY CALLED BEANO.

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

SECTION 1. Chapter 271 of the General Laws is hereby amended by striking out section 6B, inserted by chapter 243 of the acts of 1953, and inserting in place thereof the following section:-

Section 6B. Whoever, except as provided in section twenty-two B, sets up or promotes the game commonly known as skilo or any similar game regardless of name, shall be held to have set up and promoted a lottery and shall be punished as provided in section seven.

SECTION 2. Said chapter 271 is hereby further amended by inserting after section 22A the following section:-

Section 22B. Nothing in this chapter shall authorize the prosecution, arrest or conviction of any person for promoting or playing, or for allowing to be conducted, promoted or played, the game commonly called beano, or substantially the same game under another name in connection with which prizes are offered to be won by chance; provided, said game is conducted under a license issued by the commissioner of public safety, under the provisions of section fifty-two of chapter one hundred and forty-seven.

SECTION 3. Chapter 147 of the General Laws is hereby amended by adding, under the caption LICENSING OF A GAME COMMONLY CALLED BEANO, the following four sections:-

Section 52. Any fraternal organization having chapters or branches in at least one other New England state, any religious organization under the control of or affiliated with an established church of the commonwealth and any veterans' organization incorporated or chartered by the Congress of the United States or listed in clause (12) of section five of chapter forty, any volunteer, nonprofit fire company or similar organization furnishing public fire protection, and any volunteer, nonprofit organization furnishing a public ambulance service, desiring to operate or conduct the game commonly called beano, or substantially the same game under another name, in connection with which prizes are offered to be won by

chance, may upon application to the commissioner be granted a license to conduct said game in a city or town which has voted to allow granting of licenses for the operation, holding or conducting of said game therein; provided, that the application of such organization is in the case of a city, other than the city of Boston, approved by the majority of the city council and approved by the mayor, in a town by the board of selectmen, and in the city of Boston by the licensing board for said city; and provided further, that such organization has been in existence for at least five years immediately prior to June the first, nineteen hundred and sixty-eight.

The fee for such license shall be fifty dollars per annum. The proceeds of said fees shall be paid into the treasury of the commonwealth.

Such license may be revoked at the discretion of the commissioner and shall be suspended or revoked upon written request to the commissioner by the city or town approving authority as set forth above in this section. The action of the commissioner in suspending or revoking a license shall be final, and the licensee shall not have a right of appeal.

No such license shall be granted to allow the operation, holding or conduct of said game on a Sunday. Each license shall limit the playing of said game to the hours between seven o'clock postmeridian and twelve o'clock midnight. Each such organization licensed hereunder shall be limited to conducting said games to one night, other than Sunday, in each calendar week, and said night shall be set forth in the license.

No licensee shall give a prize which exceeds fifty dollars in value, either in cash or merchandise.

No alcoholic beverages shall be sold, dispensed or consumed in that portion of any building or premises of the licensee during the hours such game is being conducted.

No minor shall be permitted in that portion of any building or premises of the licensee during such time as such game is being played.

No game shall be advertised or publicized by sign or billboard beyond the city or town limits covered by each license.

Any organization licensed under this section to conduct said game shall operate, manage and control said game by members of the local branch of said organization who have been such members for at least two years. Whoever, not being a member of such organization, operates said game under a license issued to such organization shall be punished by a fine of one thousand dollars and by

5101B imprisonment for not more than one year.

If an organization licensed to conduct beano fails to exercise exclusive control and management of said game, or fails to have one of its members in good standing in full control and management of the game at all times during its operation, it shall be punished by a fine of not more than one thousand dollars.

The profits of any game licensed to be conducted under this section shall be the property of the organization conducting said game, and shall be used for charitable, religious or educational purposes, and shall not be distributed to the members of such organization. No person shall be entitled to a percentage of any money received as a result of conducting said game.

Accurate records and books shall be kept by each licensee showing the total amount of all monies deposited by people who played, attended or participated in said games, the expenses incurred and the name and address of each person receiving said money. A separate checking account shall be kept of receipts and expenditures of beano and money for expenses shall be withdrawn only by checks having preprinted consecutive numbers and made payable to a specific person or corporation and at no time shall a check be made payable to cash. Proceeds from beano shall be kept in a separate bank account and the organization shall file an annual report in January of the charitable, religious or educational disbursements of the preceding year with the commissioner of public safety and the mayor and council or selectmen in such form as the commissioner may prescribe. Such annual report shall be a public record. All monies expended for said charitable, religious or educational purposes shall be duly and accurately recorded as to specific amounts expended and the purposes for which expended. A copy of such records shall be filed with the local licensing authority on or before December the thirty-first of each year. The commissioner, the approving authority of the city or town wherein said game is conducted, or their duly authorized agents or representatives, shall at all times have access to said records and books of any licensee for the purpose of examining and checking the same.

The commissioner may make such other rules and regulations for the conduct of said game as he may deem necessary to carry out the provisions of this section and section fifty-three.

The commissioner of public safety shall on or before March the first file a report with the clerk of the house of representatives and the clerk of the senate showing the cities and towns which have licenses issued therein, the number of licenses by categories of organizations, the revenue received from these licenses, and such other information as he may deem relevant, together with his recommen-

dations for any legislation he may deem appropriate. Whoever violates any regulation promulgated by the commissioner of public safety under this section may be punished by a fine not exceeding one thousand dollars.

Section 53. Any organization operating or conducting a game under section fifty-two shall file a return with the commissioner of corporations and taxation, on a form prepared by him and approved by the state tax commission, within ten days after such game is held or within such further time as said commissioner of corporations and taxation may allow, and shall pay therewith a tax of ten per cent of the gross receipts derived from such game. Such return shall include the names and addresses of all persons receiving prizes in such game, and the amount of each such prize. All such returns and the amounts of all such payments shall be public records.

The provisions of chapter sixty-two relative to the assessment, collection, payment, abatement, verification and administration of taxes, including penalties shall, so far as pertinent, apply to the tax imposed by this section. Every officer, employee or member of an organization which fails to pay any sums required by this section to be paid shall be personally and individually liable therefor to the commonwealth. All sums received by said commissioner from the tax imposed by this section as taxes, interest thereon, fees, penalties, forfeitures, costs of suits or fines, less all amounts refunded thereon, together with any interest or costs paid on account of such refunds, shall be paid into the treasury of the commonwealth.

Section 54. Whoever violates any provision of sections fifty-two and fifty-three the punishment for which is not otherwise provided, and whoever submits false information on any application, report or return required by any provision of said sections, shall be punished by a fine of not more than one thousand dollars or by imprisonment in the house of correction for not more than one year, or both.

Section 55. The state treasurer, upon certification of the state tax commission, shall annually distribute to each of the cities and towns in which any game has been licensed, operated or conducted under section fifty-two during the preceding calendar year the following amounts:

- (a) An amount equal to one-half of the proceeds of all license fees received under said section fifty-two during such year by reason of any game or games to be operated or conducted in such city or town; and
- (b) An amount equal to one-half of all sums received under section fifty-three

H 5101D during such year as taxes, by reason of any game or games operated or conducted in such city or town.

SECTION 4. The following question shall be placed upon the official ballot to be used for the election of city or town officers at the next regular city or annual town election:-

“Shall licenses be granted in this city (or town) for the operation, holding or conducting a game commonly called beano?”

YES.	
NO.	

If a majority of the votes cast in a city or town in answer to said question is in the affirmative, such city or town shall be taken to have authorized the operation, holding or conducting of a game commonly called beano in accordance with the provisions of sections fifty-two and fifty-three of chapter one hundred and forty-seven of the General Laws, for the period ending December the thirty-first, nineteen hundred and seventy-five. In the year nineteen hundred and seventy-five, said question shall again be submitted to the qualified voters of the cities and towns at city or town elections in the same manner, and if a majority of the votes cast in a city or town in answer to said question is in the affirmative, such city or town shall be taken to have authorized the operation, holding or conducting of a game commonly called beano in accordance with the provisions of sections fifty-two and fifty-three of chapter one hundred and forty-seven of the General Laws.

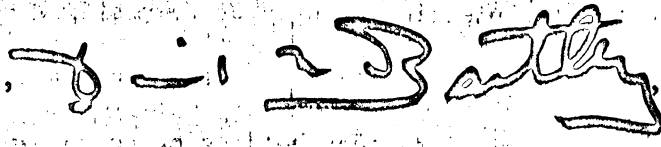
Beginning in the year nineteen hundred and seventy-nine, the city council of any city and the selectmen of any town shall, upon the filing with the city or town clerk of a petition signed by registered voters of such city or town equal in number to at least five per cent of the whole number of registered voters therein and conforming to the provisions of section thirty-eight of chapter forty-three of the General Laws relative to initiative petitions, requesting that the question of licensing the game of beano in such city or town be submitted to the voters thereof, cause to be so submitted at the regular city or town election the following question:- “Shall licenses be granted in this city (or town) for the operation, holding or conducting of a game commonly called beano?”

YES.	
NO.	

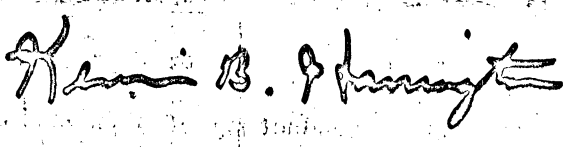
The foregoing question shall not be submitted to the voters of any city or town oftener than once in four years. If a majority of the vote cast in answer to such question is in the affirmative, such city or town shall be taken to have authorized the game called beano, in accordance with the provisions of sections

H 5101E fifty-two and fifty-three of said chapter one hundred and forty-seven.

House of Representatives, June 28, 1971.

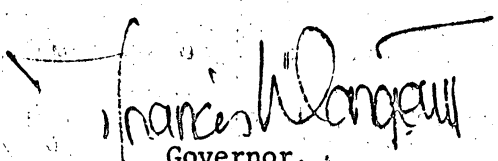
Passed to be re-enacted,  Speaker.

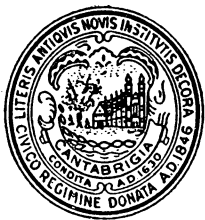
In Senate, June 30, 1971.

Passed to be re-enacted,  President.

July 1, 1971.

Approved,


Governor.



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 876-6800

OFFICE OF
THE CITY CLERK

September 13, 1971.

To the Honorable, the City Council,
Cambridge, Massachusetts.

Gentlemen:-

I am transmitting herewith a copy of Chapter 486, Acts of the
year 1971, the same being "An Act authorizing the licensing of a game commonly
called beano".

Truly yours,

City Clerk.

" 23 195

Communication from the City Clerk
transmitting a copy of Chapter 486,
Acts of the year 1971, the same being
"An Act authorizing the licensing of
a game commonly called beano"

September 13, 1971

Placed on File