



CITY OF CAMBRIDGE

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JOHN A. SERINO
LEGISLATIVE AGENT

November 22, 1971

Mr. John H. Corcoran
City Manager
City Hall
Cambridge, Massachusetts

Dear Mr. Corcoran:

The City Council through the City Clerk has asked for guidelines to govern the exercise of their duties under Acts of 1971, Chapter 486, which is an Act licensing a game commonly called beano. The City Council has received a request dated November 12, 1971 from the Knights of Matignon for a license to conduct beano at Matignon High School.

Acts of 1971, Chapter 486 authorizes fraternal, religious, veterans' and non-profit volunteer fire and ambulance organizations to conduct the game of beano after a city-wide referendum. The voters of Cambridge on November 2, 1971 approved the issuance in Cambridge of beano licenses.

The license to conduct beano under the act is issued by the Commissioner of Public Safety after the application is approved by a majority of the City Council and the City Manager.

The Act has a number of safeguards and restrictions. Among them are:

1. The fraternal, religious, veterans and fire and ambulance organizations must have been in existence for five years prior to June 1, 1968.

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2. A license issued can be revoked at any time by the Commissioner of Public Safety.

3. The game can be conducted on only one night a week and only between 7:00 P. M. and twelve midnight. Sundays are excluded.

4. The maximum prize is \$50.00.

5. Minors cannot be present. Alcoholic beverages cannot be dispensed. No advertizing of the game can take place outside of the City.

6. The game must be under the control of local members of the organization and profits used exclusively for charitable, religious or educational purposes.

7. The organization must file with the Commissioner of Public Safety and the City Manager and City Council an annual report showing the disbursements of the proceeds received from beano games.

Chapter 486, Section 3 imposes a tax of 10% on the gross receipts; 50% of the license fee of \$50.00 and 50% of the gross receipts will be distributed to the City by the State Treasurer.

The Act remains in effect until December 31, 1975. At the municipal election in 1975, the question of authorizing the issuance of licenses must again be submitted to a vote by a majority of the voters.

With respect to guidelines, I would suggest the following:

1. The application to the City Council should be on a form approved by the Commissioner of Public Safety. The letter dated November 12, 1971 from Knights of Matignon would not be adequate because it does not contain the pertinent information required by Chapter 486.

2. In the case of any applicant, prior to approval, the City Council must first satisfy itself that the organization was in existence prior to June 1, 1968. Appropriate documentary proof should be submitted, such as the corporate charter, articles of association or the like.

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3. If the applicant is a fraternal organization, it must demonstrate to the City Council that it has chapters or branches in at least one other New England State. A religious organization, according to the law, must be "under the control of or affiliated with an established church of the Commonwealth." I would question the constitutionality of that restriction. A veterans organization must be incorporated by Congress or listed in General Laws, Chapter 40, Section 5, Clause 12. A fire or ambulance service must be public, volunteer and non-profit.

4. The applicant should set forth in writing the following information:

- a. The date, time and place of the game.
- b. The amount of the prize.
- c. The extent of any proposed advertizing.
- d. The names and addresses of all members of the organization who will operate, manage and control the game.

Very truly yours,



Philip M. Cronin
City Solicitor

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Communication received from City Solicitor
re: to an Act licensing beano.

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In City Council,
November 22, 1971