

The Commonwealth of Massachusetts



REGULATIONS

Made by the

**ALCOHOLIC BEVERAGES
CONTROL COMMISSION**

and

IMPORTANT EXCERPTS

From the Provisions of the

**LIQUOR CONTROL ACT
AND RELATED STATUTES**

Regulations printed herein were made under authority contained in Section 24, Chapter 138 of the General Laws, as amended, and have been approved by the Governor and Council.

PUBLICATION OF THIS DOCUMENT APPROVED BY
GEORGE J. CRONIN, STATE PURCHASING AGENT

REGULATIONS

Regulations made by the Commission for clarifying, carrying out, enforcing and preventing violation of any and all of the provisions of Chapter 138 of the General Laws, as amended, for inspection of the premises and method of carrying on the business of any licensee, for insuring the purity and penalizing the adulteration, or in any way changing the quality or content, of any alcoholic beverages, and for the proper and orderly conduct of the licensed business, and regulating all advertising of alcoholic beverages, and, not inconsistent with Federal laws and regulations, for governing the labelling of packages of alcoholic beverages as to their ingredients and the respective quantities thereof, and approved by the Governor and Council, in accordance with the provisions of Section 24 of the said Chapter 138.

In these Regulations, Chapter 138 of the General Laws, entitled "Alcoholic Liquors," which authorizes and regulates the manufacture, transportation, sale, importation and exportation of alcoholic beverages and alcohol, has been referred to as the "Liquor Control Act" for purposes of convenience. This shall be interpreted to mean the Legislative Act herein mentioned, wherever it appears.

The term "Package Goods" Store is used in these Regulations to denote a business licensed for the retail sale of alcoholic beverages not to be drunk on the premises.

THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

EDWARD L. BAKER, *Chairman*

STILLMAN D. HITCHCOCK, *Commissioner*

MICHAEL J. CARRIGAN, *Commissioner*

Regulations made by the Commission and approved by the Governor and Council:

1. Every applicant for a license or permit, either individually or as a member of a partnership or association, shall furnish proof of his citizenship by production of a certificate of birth, naturalization or as a registered voter.
2. Every application for a license or permit made by an individual shall be signed by the applicant therefor, who shall give his or her full name and home address.
3. Every application for a license or permit made by a partnership shall state the full names and home addresses of all the members of the partnership and shall be signed by a majority thereof.
4. Every application for a license or permit made by an association shall be signed by a majority of the members of the governing body thereof, who shall state their full names and home addresses.
5. Every applicant for a license or permit required by the provisions of Section 5, Chapter 110, General Laws, to file a certificate stating the real name of a person conducting a business, shall file with his application a certified copy thereof.
6. Every applicant for a license or permit required by the provisions of Section 10, Chapter 209, General Laws, to file a certificate as a married woman, doing or proposing to do business on her separate account, shall file with her application a certified copy thereof.
7. Every application for a license or permit made by a corporation shall state the full names and home addresses of the president, treasurer, clerk and secretary, directors and manager or other principal representative of the corporation. It shall be signed by some officer duly authorized by a vote of its board of directors or other similar board. A copy of

such vote certified by the clerk or secretary of the corporation, together with a copy of the certificate of its organization, shall accompany the application. A copy of the vote appointing its manager or other principal representative shall also accompany the application.

8. All applications for licenses and permits shall be made upon blanks furnished by the licensing authorities, shall be fully answered in detail and shall be typewritten or legibly written in ink. Applications written in pencil, in whole or in part, will not be accepted.

9. All applications shall be made under the penalties of perjury and any false statement contained in any application shall be a cause or ground for refusing to grant the license or permit or for suspending, cancelling or revoking a license or permit already granted.

9A. Every application made to local licensing authorities shall be filed in duplicate and one copy thereof shall accompany notice of any action taken thereon by the said authorities when the same shall be forwarded to the Commission.

10. Every license or storage permit shall be displayed on the premises covered by the license or permit, in a conspicuous place where it can easily be read. Every salesman's permit shall at all times be carried on the person or the holder of the permit while he is engaged in the solicitation of orders for alcoholic beverages.

11. Hotels, Restaurants, Taverns and Clubs shall not display any price list or matter relating to the prices of alcoholic beverages therein sold, in or on the windows or any other place where visible from outside the licensed premises.

12. Hotels, Restaurants, Taverns and Clubs may keep posted in each room where any alcoholic beverages are sold a price list of such

beverages. Wherever a price list is posted all sales of alcoholic beverages shall be made at the prices stated on the current posted price list.

13. No licensee shall print, post, publish or use any false or fictitious price list; nor shall any invoice given or accepted by any licensee contain any statement which falsely indicates prices, discounts, or terms of sale; nor shall there be inserted in any invoice given or accepted by any licensee any statement which makes the invoice a false record, wholly or in part, of the transaction represented therein; nor shall there be withheld from any invoice given or accepted by any licensee any statements which properly should be included therein, so that in the absence of such statements the invoice does not truly reflect the transaction involved.

14. The use of any advertising matter of an improper or objectionable nature is prohibited. The use of recipe books or pamphlets for mixed drinks, which contain obscene or suggestive toasts or other offensive matter, is prohibited.

14A. No advertisement pertaining to alcoholic beverages which contains any direct or indirect reference to the price thereof shall be published or distributed in any manner unless it shall state, and be limited to, the full and proper name and address of the advertiser, a true factual description of the advertised product, including its trade or brand name, the price at which a specified quantity is offered for sale, and, at the option of a licensee, the number of any telephone located in his licensed premises. No licensee shall directly, or through any agent, employee or other person, distribute any advertisement of alcoholic beverages on any public highway or from house to house or door to door in any city or town unless it shall be contained in a publication

of general circulation in common use as an advertising medium.

15. No licensee shall use, or permit to be used, any advertising matter which is false or untrue in any particular. Any advertising matter which directly, or by ambiguity or omission tends to deceive or to create a misleading impression shall be deemed to be false or untrue.

15A. No signs or other printed matter advertising any brand or kind of alcoholic beverages shall be displayed on the exterior or interior of any licensed premises wherein such beverages are not regularly and usually kept for sale.

15B. Hotels and Restaurants shall not on Sundays illuminate any exterior sign or part of a sign to advertise alcoholic beverages. The illumination on Sundays of that part of any exterior sign upon which appear words ordinarily used to designate establishments wherein alcoholic beverages are sold, is also prohibited.

16. No licensee shall make or permit to be made by his agent or employee, any false or misleading statement concerning any other licensee, his products, or the conduct of his business.

17. The use of vehicles equipped with either radio or loud speakers for the advertising of alcoholic beverages is prohibited. The use of radio or loud speaker equipment in any licensed premises for the purpose of attracting attention to the sale of alcoholic beverages therein is also prohibited.

18. No licensee shall offer, give, agree to accept, or receive any prize, premium, gift or other similar inducement, in any agreement or effort to aid, promote or induce the sale or purchase of alcoholic beverages. The use of any device or game of chance to aid, promote or induce such sales or purchases is also prohibited.

19. Donations of alcoholic beverages by licensees for the purpose of having the same

used as prizes in any game of chance are prohibited.

19A. No licensee shall buy or sell, or offer or contract to buy or sell, any alcoholic beverages on consignment or under conditional sale or with the privilege of return or on any basis otherwise than a sale or purchase in good faith. This Regulation shall not prohibit the return, or acceptance of the return, of alcoholic beverages for ordinary and usual commercial reasons arising after the merchandise has been sold.

19B. No Hotel, Restaurant, Club, Tavern or "Package Goods" Store shall buy, or contract to buy, any alcoholic beverages from any Manufacturer or Wholesaler and Importer on consignment or under conditional sale or with the privilege of return or on any basis otherwise than a sale in good faith; provided, that this Regulation shall not prohibit the return of alcoholic beverages for ordinary and usual commercial reasons arising after the alcoholic beverages have been purchased.

20. Slot machines or any other devices which furnish anything besides merchandise of a quantity and quality commensurate with the price deposited therein are prohibited on licensed premises. Gambling of any sort, including the writing of so-called lottery, policy, clearing house or any other kind of pool slips or numbers, shall not be permitted on any licensed premises.

21. No licensee for the sale of alcoholic beverages shall permit any disorder, disturbance or illegality of any kind to take place in or on the licensed premises. The licensee shall be responsible therefor, whether present or not.

22. The person in charge of any vehicle used for the delivery of alcoholic beverages or alcohol shall carry an invoice or sale slip, stating the names and addresses of the purchaser and seller, the date and amount of the purchase, and also itemizing the number of the

various kinds of containers and the kinds, quantities and brands of alcoholic beverages or alcohol.

23. Manufacturers and Wholesalers and Importers, except on Sundays, legal holidays and days on which state or municipal elections, caucuses or primaries are being held, may sell and deliver alcoholic beverages to other licensees only between the hours of eight o'clock A.M. and eleven o'clock P.M.

24. "Package Goods" Store licensees shall not permit any alcoholic beverages to be consumed on their licensed premises.

25. "Package Goods" Store licensees shall not sell alcoholic beverages, other than wines and malt beverages, in individual containers of over one gallon capacity.

26. No Hotel, Restaurant or Tavern licensed to sell alcoholic beverages shall use the word "Club" in any manner whatsoever in connection with the conduct or operation of the licensed premises.

27. No Hotel, Restaurant or Club licensed to sell alcoholic beverages shall use the word "Tavern" in any manner whatsoever in connection with the conduct or operation of the licensed business, unless the establishment was so designated or known prior to April 7, 1933.

28. No Tavern licensed to sell alcoholic beverages shall use the words "Hotel," "Inn," "Restaurant" or "Club" in any manner whatsoever in connection with the conduct or operation of the licensed business.

28A. No licensee shall use the words "Hotel" or "Inn" in any manner whatsoever in connection with the conduct or operation of the licensed business, unless the said licensee is the holder of an Innholder's License.

29. No Club licensed to sell alcoholic beverages shall use any signs, printed matter or other means publicly to advertise the sale of

alcoholic beverages. This shall not prohibit the use of reasonable and proper signs relating to alcoholic beverages within the licensed premises.

30. All premises covered by a license or storage permit shall be kept in a clean and sanitary condition at all times.

30A. No service of alcoholic beverages shall be made to any person in a Hotel, Restaurant, Tavern or Club in a glass or any other container which has not been thoroughly cleansed and properly sterilized prior to such service.

Hotels, Restaurants, Taverns and Clubs, licensed to sell alcoholic beverages, shall be provided with an adequate supply of running hot and cold water and soap and towels, at all times readily accessible, to thoroughly cleanse the hands of persons employed in such licensed premises.

All glasses, dishes, silverware and other utensils used in such licensed places for service of food or alcoholic beverages shall be thoroughly cleansed after service to each patron and subjected for at least five minutes to the germicidal action of clean water heated to and maintained at a minimum of 160 degrees Fahrenheit.

Equally effective methods of germicidal action by the use of heat, hot water, steam or mechanical devices may be substituted.

After being cleansed and sterilized glasses, dishes, silverware and other utensils shall be packed or stored or arranged in such manner as not to become contaminated before again being used.

31. Hotels, Restaurants, Taverns and Clubs shall have adequate and suitable toilet facilities which shall be conveniently located and properly lighted.

32. Hotels, Restaurants, Clubs, Taverns, and "Package Goods" Stores shall keep their licensed premises adequately and properly

lighted at all times in a manner satisfactory to the Licensing Authorities.

33. All pipes, coils, hose, faucets and other appliances used in the drawing of draught beer shall be thoroughly cleansed and flushed at least twice in each week, and shall be kept in a clean and sanitary condition at all times.

34. Every Manufacturer licensed by the Commission, in addition to the information required by the Federal Regulations, shall place on the brand labels the number of the license so issued by the Commission.

35. Every Wholesaler and Importer who blends, rectifies or bottles any alcoholic beverages purchased in bulk shall place on the brand labels the number of the license issued by the Commission, and also the number of the Federal Rectifier's Permit, if any.

36. One label on every bottle, jug or other container of alcoholic beverages manufactured, blended, rectified or compounded by any Manufacturer or Wholesaler and Importer, shall state the quantity of such alcoholic beverages in the manner prescribed by the Federal Government, as far as applicable.

37. One label on every bottle, jug or other container of alcoholic beverages blended, rectified or compounded by any Manufacturer or Wholesaler and Importer, shall state the exact ingredients of the alcoholic beverages so blended, rectified or compounded in the manner prescribed by the Federal Government.

37A. One label on every bottle, jug or other container of American type whiskey, other than corn or blended whiskey, offered by any Manufacturer or Wholesaler and Importer for intrastate sale solely within this Commonwealth, shall state the period of time during which after distillation and before bottling such whiskey was aged in charred oak barrels, and shall also state whether such barrels were new or re-used.

37B. One label on every bottle, jug or other container of American type corn whiskey, other than a blend, offered by any Manufacturer or Wholesaler and Importer for intra-state sale solely within this Commonwealth, shall state the period of time during which after distillation and before bottling such whiskey was aged in oak barrels.

38. Any Manufacturer or Wholesaler and Importer who specially bottles any alcoholic beverages for a Retailer shall state on the brand labels that the beverages were bottled for the said Retailer.

39. All Manufacturers and Wholesalers and Importers shall conform to all the Regulations issued by the Federal Government in connection with the Standards of Identity and the Standards of Fill, as far as they may be applicable.

40. No false, deceptive or misleading statement shall be made or used, or shall be permitted to be made or used, by any licensee on any label on any keg, cask, barrel, bottle or other container of any alcoholic beverages.

41. No licensee shall imitate or forge the brand, label, copyright or trade mark of any other licensee of this Commonwealth or any other state or country.

42. Wholesalers and Importers shall use only such barrels, kegs, cases or other containers as are furnished by the Manufacturers, except where other containers are permitted to be used bearing such seals or other evidence of the identity and origin of the contents as are approved by the Commission.

43. No licensee shall deface, mar, obliterate, remove or cover any brand or label on any keg, cask, barrel, bottle or other container, except as may be required by Federal Regulation. No licensee shall buy, sell, exchange or

traffic in any such containers without consent of the owner thereof.

44. No licensee shall refuse to redeem any barrel, keg, bottle, case or other container upon which a deposit has been made, provided it is returned in good order and condition, reasonable wear and tear only excepted. This Regulation shall apply only to the original parties to the contract.

45. No licensee shall use or keep in his possession, without the consent of the owner, any barrel, keg, bottle, case or other container bearing the mark or brand of such owner.

46. The substitution of any alcoholic beverages of a kind or brand different from that ordered by a purchaser is prohibited unless it is done with the consent of the person or licensee making the purchase.

47. No licensee shall give or permit to be given money or any other thing of substantial value in any effort to induce any person to persuade or influence any other person to purchase, or contract for the purchase of any particular brand or kind of alcoholic beverages, or to persuade or influence any person to refrain from purchasing, or contracting for the purchase of any particular brand or kind of alcoholic beverages.

47A. All holders of Storage Permits issued under the provisions of Section 20 of the Liquor Control Act shall file monthly reports with the Commissioner of Corporations and Taxation within ten days after the first day of each calendar month. These reports shall show the kinds and quantities of alcoholic beverages shipped from the premises included within the Storage Permit during the previous month. The reports shall be made on forms furnished by the Commissioner.

48. Local Licensing Authorities shall give written notice to all applicants whose applica-

tions are rejected. They shall also give written notice to all licensees whose licenses are suspended, cancelled, revoked or declared forfeited. All appeals to the Commission under the provisions of Section 67 of the Liquor Control Act shall be made in writing.

49. When, after hearing and consideration, an issue upon appeal has been decided there shall be no rehearing of the same issue within the current license year, except that upon motion by the aggrieved party accompanied by his affidavit, filed within seven days from the time said party received notice of said decision from the Commission, said party (1) shall show prima facie that substantial justice has not been done, or (2) shall set forth newly discovered evidence, stating in such affidavit sufficient reasons why such evidence could not have been presented at the hearing. Such evidence set forth in said affidavit shall be of such a nature as to form a basis, in the opinion of the Commission, for reversal of its judgment or for granting a rehearing. Upon receipt of said motion and affidavit, the Commission shall, in its discretion, determine whether or not the motion shall be allowed, and shall notify the aggrieved party of its decision.

49A. The provisions of Regulation No. 49 shall apply to rehearings upon applications for approval of licenses and upon petitions to investigate the granting of licenses or the conduct of the business being done thereunder.

50. The license of any licensee, who, in the conduct of his licensed business, commits or permits any violation or infraction of any Regulation of the Commission, shall be subject to modification, suspension, cancellation, revocation or forfeiture within the limitations provided or authorized by the Liquor Control Act.

CERTIFICATION

I, William H. Hearn, Secretary of the Alcoholic Beverages Control Commission, do certify that the foregoing Regulations were duly made by the Commission; that they were duly approved by the Governor and Council; that as so made and approved every Regulation was printed in full in certain issues of newspapers of general circulation published in each of the Cities of Boston, New Bedford, Lowell, Worcester, Springfield and Pittsfield, in accordance with the provisions of Section 24 of Chapter 138 of the General Laws, as amended; and I further certify that all other provisions of law with respect to the same have been duly complied with. Therefore, public notice is hereby given by the Commission that these Regulations have the force and effect of law unless and until amended or annulled by the Commission with the approval of the Governor and Council, as specifically set forth in Section 24 of said Chapter 138.

Dated at 24 School Street, Boston, Massachusetts, this first day of November, 1950.

WILLIAM H. HEARN,
Secretary of the Commission

EXCERPTS FROM THE PROVISIONS OF CHAPTER 138 OF THE GENERAL LAWS, AS AMENDED, COMMONLY REFERRED TO AS THE LIQUOR CONTROL ACT, AND OTHER RELATED CHAPTERS OF THE GENERAL LAWS. UNLESS OTHERWISE EXPRESSLY STATED ALL SECTIONS QUOTED ARE FROM THE PROVISIONS OF THE SAID CHAPTER 138.

Adulteration—Prohibited.

SECTION 16. "Any person holding a license under section twelve, thirteen, fourteen or fifteen (Hotels, Restaurants, Taverns, Clubs, Special Licensees, Railroad and Steamship Companies and "Package Goods" Stores) who, directly or through any agent, employee or other person, dilutes or changes or in any manner tampers with any alcoholic beverage authorized to be sold under such license so as to change its composition or alcoholic content shall be punished by a fine of not less than two hundred nor more than five hundred dollars, and if any holder of such a license is convicted of a violation of the foregoing, his license shall forthwith be suspended, for a period of not less than six months, by the local licensing authorities which issued the same; provided, that cocktails and other mixed drinks may be prepared on premises licensed under section twelve, thirteen or fourteen. Possession on the licensed premises by any licensee referred to in this section of any alcoholic beverage differing in composition or alcoholic content from such beverage when received from the manufacturer or wholesaler and importer from whom it was purchased, except cocktails and other mixed drinks as hereinbefore authorized, shall be prima facie evidence that the said beverage has been diluted, changed or tampered with in violation of this section."

Advertising—Every Application Shall be Advertisised. Notice to Abutters, Certain Schools, Churches and Hospitals in Certain Cases.

SECTION 15A. "Notation of the date and hour of filing shall be made on every application for a license under section twelve, fifteen or thirty A. Within ten days after the receipt of any such application, the local licensing authorities shall cause a notice thereof to be

published at the expense of the applicant. Such notice shall be published in a newspaper published in the city or town in which the premises whereon the license is intended to be exercised are situated, or if no newspaper is published in such city or town, then in some newspaper published in the county. The notice shall set forth the name of the applicant in full, the kind of license applied for, a particular description of the premises on which the license is intended to be exercised, designating the building or part of the building to be used and, if practicable, the street and number. No application shall be acted upon by the local licensing authorities until ten days after the publication of such notice. An affidavit of the person making such publication on behalf of such authorities, together with an attested copy of the notice published, shall be filed in the office of such authorities, and a certified copy of such affidavit shall be prima facie evidence that such notice has been published in accordance with this section. If any citizen of the city or town within which any such license is issued makes complaint in writing to the commission that such license was granted without such previous publication, and after due hearing it appears that such publication was not made as aforesaid, the commission shall cancel the license and give notice of such cancellation to the authorities issuing the license.

Every applicant for an original license under section twelve, fifteen or thirty A. or for a transfer of such a license from one location to another, or some one in his behalf, shall, within three days after publication as hereinbefore provided, cause a copy of the published notice to be sent by registered mail to each of the persons appearing upon the assessors' most recent valuation list as the owners of the property abutting on the premises where the license is intended to be exercised and, if a

school, which gives not less than the minimum instruction and training to children of compulsory school age required by chapter seventy-one, or a church or hospital, is located within a radius of five hundred feet from said premises, to such school, church or hospital. An affidavit of the applicant or of the person mailing such notice in his behalf, together with an attested copy of the notice mailed, shall be filed in the office of the local licensing authorities, and a certified copy of such affidavit shall be prima facie evidence that such notice has been mailed in accordance with this section. If any abutter or the authorities in charge of any such school, church or hospital shall make complaint in writing to the local licensing authorities that such license was granted or transferred hereunder without such notice having been mailed to him or them as required hereby, and after due hearing it appears that such notice was not mailed as aforesaid, the local licensing authorities may cancel the license. Any person who has filed a complaint with the local licensing authorities under this section who is aggrieved by the action of such authorities in refusing to cancel a license hereunder or by their failure to act upon such a complaint within a period of thirty days may appeal to the commission in writing within five days following receipt of written notice of such action or within five days following the expiration of the thirty day period, and the commission may, after hearing, cancel such a license and in such event, shall send notice of the cancellation to the local licensing authorities. Nothing herein contained shall be construed to prohibit a licensee whose license has been cancelled by the local licensing authorities under authority contained in this section from appealing to the commission as provided in section sixty-seven."

Aliens—Employment of, Prohibited.

SECTION 31. "No person, except a citizen of the United States, shall sell, serve or deliver any alcoholic beverages or alcohol on any premises covered by a license, permit or certificate of fitness issued under this chapter, and no holder of such license, permit or certificate of fitness shall, directly or through any agent, employ or permit any such person to sell, serve or deliver any alcoholic beverages or alcohol upon the premises covered by such license, permit or certificate. No holder of a transportation permit issued under this chapter shall, directly or through any agent, employ or permit any person, except such a citizen, to transport any alcoholic beverages or alcohol. Whoever violates any provision of this section shall be punished by a fine of not less than twenty-five nor more than one hundred dollars, and such a violation, if committed by the holder of a license, permit or certificate of fitness issued under this chapter, shall be sufficient cause for the revocation or suspension thereof."

Aliens—Issuance of Licenses or Permits to, Prohibited.

SECTION 26. "No license for the sale of alcoholic beverages or alcohol and no vehicle permit for the transportation thereof shall be issued to any person who is not at the time of his application therefor, a citizen of the United States, or to any agent of any such person, or to any corporation a majority of whose directors are in fact aliens, and no person not such a citizen shall be appointed as manager or other principal representative of any licensee; provided, that nothing herein shall prevent the granting of a license under section eighteen A (Agent's, Broker's or Solicitor's license) to any corporation organized under the laws of a foreign country or the

granting of a vehicle permit to such a corporation so licensed."

Appeals or Remonstrances—May Be Made to the Commission.

SECTION 67. (See also Regulation 48) "Any applicant for a license who is aggrieved by the action of the local licensing authorities in refusing to grant the same or by their failure to act within the period of thirty days limited by section sixteen B, or any person who is aggrieved by the action of such authorities in modifying, suspending, cancelling, revoking or declaring forfeited the same, may appeal therefrom to the commission within five days following notice of such action or following the expiration of said period, upon petition in writing, setting forth all the material facts in the case. The commission may, after hearing, due notice whereof shall have been given, sustain the action of the local licensing authorities or may sustain the appeal, in which latter case it shall set forth in writing in its decision its reasons therefor, and the decision of the commission shall be final; but, pending a decision on the appeal, the action of the local licensing authorities shall have the same force and effect as if the appeal had not been taken. Upon the petition of twenty-five persons who are taxpayers of the city or town in which a license has been granted by such authorities or who are registered voters in the voting precinct or district wherein the licensed premises are situated, or upon its own initiative, the commission may investigate the granting of such a license or the conduct of the business being done thereunder and may, after a hearing, modify, suspend, revoke or cancel such license if, in its opinion, circumstances warrant."

Bonds—Shall Be Filed Before Licenses or Certain Permits Are Issued.

SECTION 70. "No . . . license (under this chapter) shall be granted by the commission under sections eighteen, nineteen or seventy-six unless the applicant shall have filed with the state treasurer a bond running to the commonwealth. Every such bond shall be in a penal sum and form approved by the commission and be executed by the applicant as principal and by a surety company authorized to do business in the commonwealth as surety, conditioned upon performance by the licensee of all the conditions of the license and observance of all provisions of this chapter."

Business Names—To Be Recorded.

SECTION 5, Chapter 110, General Laws, as amended. "Any person conducting business in the commonwealth under any title other than the real name of the person conducting such business, whether individually or as a partnership, shall file in the office of the clerk of every city or town where an office of any such person or partnership may be situated a certificate stating the full name and residence of each person conducting such business, and pay the fee as provided by clause (20) of section thirty-four of chapter two hundred and sixty-two. A person who has filed such a certificate shall upon his discontinuing, retiring or withdrawing from such business or partnership, file in the office of said clerk a statement under oath that he has discontinued, retired or withdrawn from such business or partnership, and pay the fee as provided by clause (21) of said section thirty-four. The clerk shall keep a record of such certificates and statements and an index of the names of such persons and partnerships, entering in such index in alphabetical order the name of every person and the title under which he conducts

business, and of every partnership with the names of the members thereof. Violations of this section shall be punished by a fine of not more than one hundred dollars for each month during which such violation continues."

Corporations—Shall Appoint a Manager or Other Principal Representative.

SECTION 26. "No corporation, organized under the laws of the commonwealth or of any other state or foreign country, shall be given a license to sell in any manner any alcoholic beverages unless such corporation shall have first appointed, in such manner as the licensing authorities by regulation prescribe, as manager or other principal representative, a citizen of the United States, and shall have vested in him by properly authorized and executed written delegation as full authority and control of the premises, described in the license of such corporation, and of the conduct of all business therein relative to alcoholic beverages as the licensee itself could in any way have and exercise if it were a natural person resident in the commonwealth, nor unless such manager or representative is, with respect to his character, satisfactory to the licensing authorities."

Hotels, Restaurants, Taverns, Clubs—Sales to Be Made for Consumption on Premises Only.

SECTION 12. "(Hotels, Restaurants and Taverns) may be licensed by the local licensing authorities, subject to the prior approval of the commission, to sell to travelers, strangers and other patrons and customers, . . . such (alcoholic) beverages to be served and drunk, in case of a hotel or restaurant license, only in the dining room or dining rooms and in such other public rooms or areas of a hotel as the local licensing authorities may deem reasonable and proper, and approve in writing; . . . Such sales may also be made, by

an innholder licensed hereunder, to registered guests occupying private rooms in his hotel, and, in the case of innholders holding seasonal licenses, in the dining room or dining rooms and in such other public rooms or areas of buildings on the same premises as the hotel and operated as appurtenant and contiguous to and in conjunction with such hotel and to registered guests occupying private rooms in such buildings. Any club . . . may be licensed by the local licensing authorities subject to the approval of the commission to sell such (alcoholic) beverages to its members only, and also, subject to regulations made by the local licensing authorities, to guests introduced by members, and to no others."

Hours of Sale—Hotels, Restaurants, Taverns, Clubs, "Package Goods" Stores, Drug Stores, Manufacturers and Wholesalers and Importers. (Manufacturers and Wholesalers and Importers—See also Regulation 23.)

SECTION 12. "The hours during which sales of such alcoholic beverages may be made by any licensee as aforesaid (Hotels, Restaurants, Taverns, and Clubs) shall be fixed by the local licensing authorities either generally or specially for each licensee; provided, that no such sales shall be made on any secular day between the hours of one and eight o'clock ante meridian and that, except as provided in section thirty-three, no such licensee shall be barred from making such sales on any such day after eleven o'clock ante meridian and before eleven o'clock post meridian, and that no tavern shall be kept open on any such day after eleven o'clock post meridian.

SECTION 15. "Any holder of a license under this section shall be permitted to make sales in accordance with the terms of his license at any time between eight o'clock ante meridian and eleven o'clock post meridian, or

between eight o'clock ante meridian and half past eleven o'clock post meridian on any day immediately preceding a legal holiday, except when prohibited by section thirty-three."

SECTION 30A. "Sales of such (alcoholic) beverages by a licensee hereunder (Registered Pharmacists) shall be permitted only during such hours as sales thereof may be made by a licensee under section fifteen ("Package Goods" Stores)."

SECTION 33. "No licensee under section twelve (Hotels, Restaurants, Taverns and Clubs) shall sell and no licensee under section fifteen ("Package Goods" Stores) shall sell or deliver any alcoholic beverages, and no registered pharmacist acting under section twenty-nine and no licensee under section thirty A (Registered Pharmacists licensed to sell alcoholic beverages) shall sell any alcoholic beverages or alcohol without a physician's prescription, during polling hours on any day on which a state or municipal election, caucus or primary is held in the city or town in which such licensed place is conducted; provided, that the foregoing restrictions shall not apply in the case of such an election, primary or caucus if the local licensing authorities issue an order to that effect applicable alike to all licensees of every class subject to such restrictions. No holder of a tavern license shall sell any alcoholic beverages on Sundays, no other licensee under section twelve shall sell any such beverages on Sundays before one o'clock post meridian, no licensee under section twelve shall sell any such beverages on Christmas day, or on the day following when Christmas day occurs on Sunday, between one o'clock ante meridian and one o'clock post meridian, no registered pharmacist acting under section twenty-nine and no licensee under section thirty A shall sell any alcoholic beverages or alcohol without a prescription on Sundays or

legal holidays, no licensee under section fifteen shall sell or deliver any alcoholic beverages on Sundays or on May thirtieth, Thanksgiving day or Christmas day or on the day following when May thirtieth or Christmas day occurs on Sunday, or on any other legal holiday before one o'clock post meridian and no licensee under any other section of this chapter for the sale of alcoholic beverages not to be drunk on the premises (Manufacturers, Wholesalers and Importers and Alcohol licensees) shall sell or deliver any such beverages or alcohol on Sundays or legal holidays."

Inspection—Of Licensed Premises.

SECTION 63. "The local licensing authorities or their agents may at any time enter upon the premises of a person who is licensed by them, and the commission or its agents may enter upon the premises of any holder of a license, permit or certificate of fitness under this chapter, to ascertain the manner in which he conducts the business carried on under such license, permit or certificate. Such licensing authorities or their agents may at any time take samples for analysis from any beverages or alcohol kept on such premises, and the vessel or vessels containing such samples shall be sealed on the premises in the presence of the holder of such license, permit or certificate or one of his employees, and shall remain so sealed until presented to the State department of public health for analysis, and duplicate samples shall be left with such holder."

Investigators—Hindering or Delaying.

SECTION 63A. "Any person who hinders or delays any authorized investigator of the commission or any investigator, inspector or any other authorized agent of local licensing authorities in the performance of his duties, or who refuses to admit to or locks out any such investigator, inspector or agent from any place

which such investigator, inspector or agent is authorized to inspect, or who refuses to give to such investigator, inspector or agent such information as may be required for the proper enforcement of this chapter, shall be punished by a fine of not less than fifty nor more than two hundred dollars or by imprisonment for not more than two months, or both."

Investigators—Impersonation of.

SECTION 33, Chapter 268, General Laws, as amended. "Whoever falsely assumes or pretends to be a justice of the peace, notary public, sheriff, deputy sheriff, medical examiner, associate medical examiner, constable, police officer, probation officer, or examiner or investigator appointed by the registry of motor vehicles, or inspector, investigator or examiner of the department of public utilities, or investigator or other officer of the alcoholic beverages control commission, and acts as such or requires a person to aid or assist him in a matter pertaining to the duty of such officer, shall be punished by a fine of not more than four hundred dollars or by imprisonment for not more than one year."

Legal Holidays—Days of Observance.

SECTION 7, Chapter 4, General Laws, as amended. "Eighteenth (clause), "Legal holiday" shall include January first, February twenty-second, April nineteenth, May thirtieth, July fourth, the first Monday of September, October twelfth, November eleventh, Thanksgiving day and Christmas day, or the day following when any of the five days first mentioned, October twelfth, November eleventh, or Christmas day occurs on Sunday; and the public offices shall be closed on all of said days; and all laws, statutes, orders, decrees, rules and regulations regulating the observance of the Lord's day shall be applicable to May thirtieth and November eleventh

between the hours of seven o'clock ante meridian and one o'clock post meridian, or during the same hours on the day following when May thirtieth or November eleventh occurs on Sunday, except that on May thirtieth, or on the day following when May thirtieth occurs on Sunday, florist shops may be kept open all of said day, and except that on November eleventh, or on the day following when November eleventh occurs on Sunday, hunting during said hours, if otherwise lawful, shall not be prohibited, and all laws, statutes, orders, decrees, rules and regulations regulating the keeping open of retail stores on the Lord's day shall be applicable to the keeping open of retail stores on October twelfth between the hours of seven o'clock ante meridian and one o'clock post meridian, or during the same hours on the day following when October twelfth occurs on Sunday. "Legal holiday" shall also include, with respect to Suffolk County only, March seventeenth and June seventeenth, or the day following when March seventeenth or June seventeenth occurs on Sunday, and the public offices of the cities of Boston, Chelsea and Revere, the town of Winthrop and the county of Suffolk shall be closed on said March seventeenth or the day following when March seventeenth occurs on Sunday, and the public offices of the commonwealth within the county of Suffolk shall close at twelve o'clock noon on said March seventeenth or the day following when March seventeenth occurs on Sunday, and the public offices in said county shall be closed on said June seventeenth or the day following when June seventeenth occurs on Sunday; provided, that the words "legal holiday" as used in section forty-five of chapter one hundred and forty-nine, and the word "holiday" as used in chapter one hundred and seven, shall not include March seventeenth or the day following when March seventeenth occurs on Sunday."

Licenses—Date of Expiration.

SECTION 23. "Every license and permit granted under the provisions of this chapter, unless otherwise provided in such provisions, shall expire on December thirty-first of the year of issue, subject, however, to revocation or cancellation within its term."

License or Permit Fees—Shall be Paid in Full Before Issuance of Licenses or Permits.

SECTION 70. "No license or permit under this chapter shall be granted by the commission or the local licensing authorities unless the fee therefor has been paid into the state treasury or the city or town treasury, as the case may be."

Manufacturers—Sales by.

SECTION 19. "The commission may issue . . . licenses to manufacture alcoholic beverages. Manufacturers of such beverages may sell the same to any licensee holding a valid license granted by the licensing authorities for the sale within the commonwealth in accordance with the provisions of this chapter, and may also sell such beverages for export from this commonwealth into any state where the sale of the same is not by law prohibited, and into any foreign country; and manufacturers of such beverages may sell the same to any registered pharmacist holding a certificate of fitness under section thirty and also as authorized by section twenty-eight."

SECTION 28. "The holder of a license under section eighteen or nineteen (Wholesalers and Importers and Manufacturers) may sell alcoholic beverages to churches and religious societies, educational institutions licensed under section fourteen, incorporated hospitals and homes for aged people whose real or personal property is exempt from taxation under the

laws of the commonwealth, and to manufacturers of food products, including ice cream, for use only in connection with the manufacture of such products, and to manufacturers of drugs and chemicals for use only in the manufacture or preparation of articles mentioned in section thirty-five of chapter one hundred and twelve, in such quantities and subject to such restrictions as the commission may by regulation prescribe. The holder of such a license may also sell and deliver such beverages to any person on any federal or state military or naval reservation authorized by the commanding officer thereof to purchase and receive the same."

Married Women—To Record Themselves.

SECTION 10, Chapter 209, General Laws, as amended. "If a married woman does or proposes to do business on her separate account, she shall cause to be recorded in the clerk's office of the city or town where she does or proposes to do such business a certificate stating her name and that of her husband, the nature of the business and the place where it is or is proposed to be carried on, giving, if practicable, the street and number, and the name, which shall not be her husband's, under which she proposes to carry on business, and pay to said clerk the fee provided by clause (46) of section thirty-four of chapter two hundred and sixty-two. If the nature of the business or the place where or the name under which it is carried on is changed, a new certificate shall be recorded accordingly. If she fails to cause such certificates to be recorded her husband may do so. If such certificates are not so recorded by either husband or wife, the personal property employed in such business shall be liable to be attached as the property of the husband and to be taken on execution against him, and the husband shall be liable upon all contracts lawfully made in the

prosecution of such business in the same manner and to the same extent as if such contracts had been made by him. This section shall not, however, affect the rights of any person under any certificate filed or recorded prior to August first, eighteen hundred and ninety-eight."

Minors—Employment of, Prohibited.

SECTION 34. "Whoever being licensed under this chapter, employs any person under twenty-one years of age in the direct handling or selling of alcoholic beverages or alcohol . . . shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than six months, or both."

Minors—False Statements to Procure Sales or Deliveries to, Prohibited.

SECTION 34A. "Whoever, being a minor, makes a false statement as to his age in order to procure a sale or delivery of alcoholic beverages or alcohol, either for his own use or for the use of another, and whoever knowingly makes a false statement, as to the age of a minor in order to procure a sale or delivery of such beverages or alcohol to such minor, either for the use of the minor or for the use of some other person, and whoever induces a minor to make a false statement as to his age in order to procure a sale or delivery of such beverages or alcohol to such minor, shall be punished by a fine of not less than ten nor more than one hundred dollars."

Minors—Issuance of Licenses or Permits to, Prohibited.

SECTION 34. "No person shall receive a license or permit under this chapter who is under twenty-one years of age."

Minors—Sales to, Prohibited.

SECTION 34. “. . . whoever makes a sale or delivery of any such beverages or alcohol to any person under twenty-one years of age, either for his own use or for the use of his parent or of any other person or whoever, being a patron of an establishment licensed under section twelve or fifteen (Hotels, Restaurants, Taverns, Clubs and “Package Goods” Stores), delivers or procures to be delivered in any public room or area of such establishment if licensed under said section twelve, or in any area of such establishment if licensed under said section fifteen, any such beverages or alcohol to or for the use of a person whom he knows or has reason to believe to be under twenty-one years of age shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than six months, or both.”

“Package Goods” Stores—Sales to Be Made for Consumption off Premises Only.

SECTION 15. “Local licensing authorities . . . may grant licenses for the sale at retail of such alcoholic beverages or wines and malt beverages, as the case may be, not to be drunk on the premises. . . . No such license shall be granted except to an applicant approved by the commission. . . .”

Peddling—Prohibited.

SECTION 32. “No holder of a license or permit under this chapter shall himself or through an agent or employee go from town to town or from place to place in the same town selling, bartering, hawking or peddling, or exposing or carrying for sale, barter, hawking or peddling, any alcoholic beverages from a vehicle. All sales of such beverages under section fifteen of this chapter (“Package Goods” Stores), and all sales thereof by a licensee under sec-

tion eighteen or nineteen (Wholesalers and Importers or Manufacturers), where transportation and delivery are required, shall be made only upon orders actually received at the licensed place of business prior to the shipment thereof. Violation of this section shall be punished by a fine not exceeding two hundred dollars or by imprisonment for not more than six months, or both.”

Price Lists—“Package Goods” Stores to Keep Price Lists Conspicuously Posted. Shall Sell at Posted Prices and in Original Packages.

SECTION 15. “Every licensee hereunder (“Package Goods” Stores) shall keep conspicuously posted in each room where any alcoholic beverages are sold a price list of such beverages but shall not display any price list or matter relating to the prices of beverages sold therein, in the windows or in any other place where visible from outside the licensed premises. Sales by such licensees shall be made only in the original manufacturer’s or wholesaler’s and importer’s package and at the prices stated on the current posted price list.”

Retail Licensees—Shall purchase from Massachusetts Wholesalers and Importers and Manufacturers Only.

SECTION 23. “No license issued under section twelve, fourteen or fifteen, and no certificate of fitness issued under section thirty, (Hotels, Restaurants, Taverns, Clubs, Special Licensees and “Package Goods” Stores) shall authorize the sale of any alcoholic beverages other than those purchased from a licensee under section eighteen or nineteen (Massachusetts Wholesalers and Importers and Manufacturers) or from a holder of a special permit to sell issued under section twenty-two A (Special Permits); provided, that the holder of a license

under section twelve or fifteen may sell alcoholic beverages acquired as the result of the purchase of a warehouse receipt for such beverages if the said receipt was purchased from the holder of a license under section eighteen or nineteen, or from a broker registered under chapter one hundred and ten A who is authorized thereunder to deal in warehouse receipts for alcoholic beverages; and provided, further, that nothing contained in this section shall be construed to authorize a licensee under section twelve or fifteen to import alcoholic beverages into this commonwealth except through the holder of a license issued under section eighteen."

Taps, Faucets, etc.—Labelling of, for on Draught Sale of Malt Beverages.

SECTION 12. ". . . No malt beverage shall be sold on draught from a tap, faucet or other draughting device unless there shall plainly appear on or attached to such device, in legible letters, the brand or trade name of the malt beverage so sold therefrom . . ."

Transfers—From One Location to Another.

SECTION 23. "Any license issued under this chapter may, upon application by the holder thereof to the licensing authorities issuing the same, be transferred from one location to another, but no new license fee shall be required. A transfer of location of a license issued by the local licensing authorities shall be subject to the prior approval of the commission. The local licensing authorities may transfer a common victualler's or innholder's license issued under chapter one hundred and forty from one location to another if the applicant therefor is also the holder of a license for the sale of alcoholic beverages at the location from which the transfer is sought. If the local licensing authorities of any city or town refuse to grant or fail to act upon an application for

a transfer of location of any license as authorized by this section, the applicant therefor may appeal to the commission under section sixty-seven in the same manner as though such authorities had refused to grant or failed to act upon an application for an original license under this chapter, and all the provisions of said section shall apply to such an appeal.

Nothing herein contained shall be construed to limit or prevent the transfer from one location to another by local licensing authorities of common victuallers' or innholders' licenses issued under chapter one hundred and forty if the applicant for such a transfer is not the holder of a license for the sale of alcoholic beverages.

Transfers—From One Licensee to Another.

SECTION 23. "Any license under this chapter held by an individual, partnership or corporation may be transferred to any individual, partnership or corporation qualified to receive such a license in the first instance, if, in the opinion of the licensing authorities, such transfer is in the public interest. If the local licensing authorities determine that an individual, partnership or corporation is not entitled to a transfer as aforesaid of a license granted by them, the applicant for such transfer may appeal to the commission as if such authorities had refused to grant the license to such individual, partnership or corporation upon an original application therefor, and the decision of the commission upon such appeal shall be final."

Transportation—Of Alcoholic Beverages or Alcohol Without a Permit Prohibited. Exceptions.

SECTION 22. "Any person may, but only for his own use and that of his family and guests, transport alcoholic beverages or alcohol with-

out any license or permit, but not exceeding in amount, at any one time, eight gallons of malt beverages, three gallons of any other alcoholic beverage, or one gallon of alcohol, or their measured equivalent; provided, that any person may, without any license or permit, transport from his place of residence to a new place of residence established by him alcoholic beverages manufactured by him for his own private use. . . . Whoever knowingly transports within the commonwealth any alcoholic beverages or alcohol except as authorized by this section shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than six months, or both."

SECTION 2. ". . . but the provisions of this chapter shall not apply to . . . transportation by a person or public officer under a provision of law which requires him to sell personal property, or to . . . transportation by executors, administrators, receivers and trustees duly authorized by proper judicial order or decree."

Transportation Permits—Shall Be Kept on Vehicles.

SECTION 22. "Every person operating a vehicle when engaged in such transportation or delivery (alcoholic beverages or alcohol) shall carry the vehicle permit or certified copy thereof and shall, upon the demand of any constable, policeman, member of the state police or any investigator of the commission or of the registry of motor vehicles produce such permit or copy for inspection; and failure to produce such permit or copy shall be prima facie evidence of unlawful transportation and shall, in the discretion of the commission, be sufficient cause for the suspension, cancellation, revocation or forfeiture of such permit."

Wholesalers and Importers—Sales By.

SECTION 18. "The commission may issue . . . licenses as wholesalers and importers (1) to sell for resale to other licensees under this chapter alcoholic beverages manufactured by any manufacturer licensed under the provisions of section nineteen and to import alcoholic beverages into the commonwealth from holders of certificates (of compliance) issued under section eighteen B whose licensed premises are located in other states and foreign countries for sale to such licensees, or (2) to sell for resale wines and malt beverages so manufactured to such licensees and to import as aforesaid wines and malt beverages for sale to such licensees. Licenses may be granted under this section authorizing the holders (a) to sell wines to be used for sacramental purposes only, to any registered, regularly ordained priest, minister or rabbi, or to any church or religious society, (b) to sell alcoholic beverages to registered pharmacists holding certificates of fitness under section thirty, (c) to sell alcoholic beverages as authorized by section twenty-eight, or (d) to sell alcohol for use in the manufacture or preparation of articles mentioned in section thirty-five of chapter one hundred and twelve, or to sell alcoholic beverages for any or all the purposes specified in this section. Nothing contained in this section shall prevent the holder of a wholesaler's and importer's license from selling such alcoholic beverages as he is licensed to sell hereunder, for export from this commonwealth into any state where the sale of the same is not by law prohibited and into any foreign country."

SECTION 28. "The holder of a license under section eighteen or nineteen (Wholesalers and Importers and Manufacturers) may sell alcoholic beverages to churches and religious societies, educational institutions licensed under

section fourteen, incorporated hospitals and homes for aged people whose real or personal property is exempt from taxation under the laws of the commonwealth, and to manufacturers of food products, including ice cream, for use only in connection with the manufacture of such products, and to manufacturers of drugs and chemicals for use only in the manufacture or preparation of articles mentioned in section thirty-five of chapter one hundred and twelve, in such quantities and subject to such restrictions as the commission may by regulation prescribe. The holder of such a license may also sell and deliver such beverages to any person on any federal or state military or naval reservation authorized by the commanding officer thereof to purchase and receive the same."

Woman—Service to in a Tavern, Prohibited.

SECTION 1. "No woman shall be allowed as patron in a tavern. . . ."

Women—Service to While Standing, Prohibited.

SECTION 12. "No alcoholic beverage shall on secular days be served to or drunk by a woman as patron, guest or member in a public room or area of a hotel, or in a restaurant or club, licensed under this section, except while seated at a table or seated at a bar or counter equipped with stools. . . ."