

HOUSE No. 86

By Mr. Petersen of Springfield (by request), petition of Charles L. Manser that corporations and others operating more than one store or mercantile establishment be required to obtain licenses from the Commissioner of Corporations and Taxation. Taxation.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Two.

An Act requiring Licenses for the Operation, Maintenance, Opening or Establishment of Stores in the Commonwealth and Prescribing the License and Filing Fees, the Powers and Duties of the Commissioner of Corporations and Taxation in Connection therewith and Penalties for the Violation thereof.

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

1 SECTION 1. The General Laws are hereby amended
2 by inserting after chapter sixty-three, under the title,
3 Licenses for the Operation, Maintenance, Opening
4 or Establishment of Stores, the following new
5 chapter:—

6 CHAPTER 63A.

7 *Section 1.* It shall be unlawful for any person,
8 firm, corporation, association or copartnership, either
9 foreign or domestic, to operate, maintain, open or
10 establish any store, as defined in section eight, in this

11 commonwealth without first having obtained a li-
12 cense so to do from the commissioner of corporations
13 and taxation, as hereinafter provided.

14 *Section 2.* Any person, firm, corporation, associ-
15 ation or copartnership desiring to operate, maintain,
16 open or establish a store in this commonwealth shall
17 apply to the commissioner of corporations and taxa-
18 tion for a license so to do. The application for a
19 license shall be made on a form which shall be pre-
20 scribed and furnished by said commissioner, and
21 shall set forth the name of the owner, manager,
22 trustee, lessee, receiver or other person desiring such
23 license; the name of such store; the location, includ-
24 ing the street number, of such store; and such other
25 facts as the said commissioner may require. If the
26 applicant desires to operate, maintain, open or estab-
27 lish more than one such store, he shall make a sep-
28 arate application for a license to operate, maintain,
29 open or establish each such store, but the respective
30 stores for which the applicant desires to secure li-
31 censes may all be listed on one application blank.
32 Each such application shall be accompanied by a
33 filing fee of fifty cents, and by the license fee as
34 prescribed in section five.

35 *Section 3.* As soon as practicable after the receipt
36 of any such application, the said commissioner shall
37 carefully examine such application to ascertain
38 whether it is in proper form and contains the neces-
39 sary and requisite information. If, upon examina-
40 tion, the said commissioner shall find that any such
41 application is not in proper form and does not con-
42 tain the necessary and requisite information, he shall
43 return such application for correction. If an applica-
44 tion is found to be satisfactory, and if the filing and

45 license fees, as herein prescribed, shall have been
46 paid, the said commissioner may issue to the appli-
47 cant a license for each store for which an application
48 for a license shall have been made. Each licensee
49 shall display the license so issued in a conspicuous
50 place in the store for which such license is issued.

51 *Section 4.* All licenses shall be so issued as to
52 expire on the thirty-first day of December of each
53 calendar year. On or before the first day of Janu-
54 ary of each year, every person, firm, corporation,
55 association or copartnership having a license, shall
56 apply to the said commissioner for a renewal license
57 for the calendar year next ensuing. All applications
58 for renewal licenses shall be made on forms which
59 shall be prescribed and furnished by the said com-
60 missioner. No license shall lapse prior to the thirty-
61 first day of January of the year next following the
62 year for which such license was issued, and if, by
63 such thirty-first day of January, an application for a
64 renewal license has not been made, the said com-
65 missioner shall notify such delinquent license holder
66 thereof, by registered mail, and if application is not
67 made for and a renewal license issued on or before
68 the last day of February, next ensuing, the former
69 license shall lapse and become null and void. Each
70 such application for a renewal license shall be ac-
71 companied by a filing fee of fifty cents, and by the
72 license fee as prescribed in section five.

73 *Section 5.* Every person, firm, corporation, asso-
74 ciation or copartnership opening, establishing, oper-
75 ating or maintaining one or more stores or mercan-
76 tile establishments, within this commonwealth, under
77 the same general management, supervision or owner-
78 ship, shall pay the license fees hereinafter prescribed

79 for the privilege of opening, establishing, operating
80 or maintaining such stores or mercantile establish-
81 ments. The license fee herein prescribed shall be
82 paid annually, and shall be in addition to the filing
83 fee prescribed in sections two and four. The license
84 fees herein prescribed shall be as follows:

85 (1) Upon one store, the annual license fee shall be
86 ten dollars for each such store;

87 (2) Upon two stores or more, but not to exceed
88 five stores, the annual license fee shall be twenty
89 dollars for each such additional store;

90 (3) Upon each store in excess of five, but not to
91 exceed ten, the annual license fee shall be fifty dollars
92 for each such additional store;

93 (4) Upon each store in excess of ten, but not to
94 exceed twenty, the annual license fee shall be one
95 hundred dollars for each such additional store;

96 (5) Upon each store in excess of twenty, the an-
97 nual license fee shall be two hundred and fifty dollars
98 for each such additional store.

99 *Section 6.* Each and every license issued prior to
100 the first day of July of any year shall be charged for
101 at the full rate, and each and every license issued on
102 or after the first day of July of any year shall be
103 charged for at one half of the full rate, as prescribed
104 in section five.

105 *Section 7.* The provisions of this chapter shall be
106 construed to apply to every person, firm, corpora-
107 tion, copartnership or association, either domestic or
108 foreign, which is controlled or held with others by
109 majority stock ownership or ultimately controlled or
110 directed by one management or association of
111 ultimate management.

112 *Section 8.* The term "store" as used in this
113 chapter shall be construed to mean and include any
114 store or stores or any mercantile establishment or
115 establishments which are owned, operated, main-
116 tained or controlled by the same person, firm, cor-
117 poration, copartnership or association, either domes-
118 tic or foreign, in which goods, wares or merchandise
119 of any kind, are sold, either at retail or wholesale.

120 *Section 9.* Any person, firm, corporation, copart-
121 nership or association who shall violate any of the
122 provisions of this chapter shall be deemed guilty of
123 a misdemeanor and upon conviction thereof shall be
124 punished by a fine of not less than twenty-five nor
125 more than one hundred dollars, and each and every
126 day that such violation shall continue shall consti-
127 tute a separate and distinct offense.

128 *Section 10.* All money collected under the provi-
129 sions of this chapter shall be paid into the treasury
130 of the commonwealth monthly by the commissioner
131 of corporations and taxation, and shall be added to
132 and shall constitute a part of the general fund.

1 SECTION 2. If any section, provision or clause of
2 this act should be declared invalid, such invalidity
3 shall not be construed to affect the portions of the
4 act not so held invalid.

1 SECTION 3. This act shall take effect from and
2 after the first day of July, nineteen hundred and
3 thirty-two.

