

HOUSE No. 1554

By Mr. Lanigan of Boston, petition of George T. Lanigan for legislation to provide for the licensing and taxing of the exhibition of the Basque game of Pelota or jai a-lai. Legal Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Seven.

AN ACT PROVIDING FOR THE LICENSING AND TAXING OF EXHIBITION OF THE BASQUE GAME OF PELOTA OR JAI A-LAI.

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. Terms used in this chapter shall,
2 unless the context otherwise requires, be construed as
3 follows:—

4 “Jai A-lai” or “Pelota” shall mean the Spanish
5 Basque game of ball known under the names of “Jai
6 A-lai” or “Pelota” and played with a wicker woven
7 bat called a “cesta.”

8 “Fronton” shall mean the structure or building
9 containing the court, auditorium, amphitheatre and
10 bleachers, if any, and all the space and area in connec-
11 tion therewith incidental to the exhibition of Jai
12 A-lai and the comfort, convenience and entertainment
13 of patrons desirous of witnessing the same.

14 “Pari-mutuel” shall mean any pool wagering by

15 patrons upon a result of a competition or contest of
16 Jai A-lai or Pelota similar to pari-mutuels conducted
17 in connection with horse and dog racing within the
18 commonwealth.

19 The "Commission" shall refer to the state racing
20 commission of the commonwealth.

1 SECTION 2. Any person, firm, corporation, or
2 association desiring to operate a fronton for the
3 exhibition of the game called Jai A-lai, or Pelota, shall
4 have the right to do so upon compliance with the
5 terms and provisions of this act.

1 SECTION 3. The operation of all such frontons
2 shall be under the supervision of the state racing
3 commission.

1 SECTION 4. It shall be the duty of the commission
2 to carry out the provisions of this act, and to that end,
3 said commission shall have the power and authority
4 to personally, or by agent, supervise and check the
5 making of pari-mutuel pools and wagers and the
6 distribution therefrom, and

7 *Clause 1.* The fronton may be operated between
8 November first and April fifteenth of the following
9 year.

10 *Clause 2.* To require any applicant for a permit
11 to operate a fronton to file an application setting
12 forth (a) the full name of the person, firm, corpora-
13 tion, or association. (b) The exact location where it
14 is desired to operate a fronton. (c) A statement of
15 the assets and liabilities of the person, firm, corpora-
16 tion making application for such permit. (d) And
17 any other information the commission may require.

18 Such application shall be duly sworn to.

19 *Clause 3.* To make rules and regulations for the
20 holding, conducting and operation of Jai A-lai or
21 Pelota by the licensee.

1 SECTION 5. Every person, firm, corporation, or
2 association engaged in conducting exhibitions of the
3 game called Jai A-lai or Pelota, under this act, shall
4 pay to the state racing commission a sum equal to
5 three and one-half per cent of the total contributions
6 to all pari-mutuel pools, conducted or made on said
7 game operated under the provisions of this act.

1 SECTION 6. Every person, firm, corporation, or
2 association authorized to conduct exhibition of said
3 game shall pay to the state racing commission ten
4 per cent of all moneys received each day from ad-
5 missions.

1 SECTION 7. Before holding or conducting the game
2 of Jai A-lai or Pelota, every licensee shall provide a
3 place or places, equipped as hereinafter provided, on
4 the premises where such games are held or conducted
5 or adjacent thereto, but not elsewhere, at which such
6 licensee shall conduct and supervise the pari-mutuel
7 or certificate system of wagering, and such pari-
8 mutuel or certificate method of wagering upon such
9 games so conducted shall not under any circumstances
10 be held or construed to be unlawful, other statutes
11 of the commonwealth to the contrary notwithstanding.
12 Such place or places shall be equipped with automatic
13 betting machines capable of accurate and speedy
14 determination of award or dividend to winning
15 patrons, and all such awards or dividends shall be

16 calculated by a totalisator machine or like machine,
17 except at state or county fairs.

1 SECTION 8. No other place or method of betting,
2 pool making, wagering or gambling shall be used or
3 permitted by the licensee, nor shall this chapter be
4 deemed to authorize or legalize the pari-mutuel or
5 certificate system of wagering on any games except
6 at the fronton premises where such pari-mutuel or
7 certificate system of wagering is conducted. Each
8 licensee conducting Jai A-lai or Pelota games shall
9 become the custodian or depository for such sums as
10 may be deposited with such licensee by patrons as
11 wagers on the games and such licensee shall be respon-
12 sible for such sum so deposited and shall return to the
13 winning patrons so wagering all sums so deposited as
14 an award or dividend, according to the acknowledged
15 and recognized rules and method under which such
16 pari-mutuel or certificate system has been operated,
17 less the breaks, as defined in this section, and less an
18 amount not to exceed fifteen per cent of the total
19 amount so deposited by the patrons wagering on the
20 games.

1 SECTION 9. Each licensee shall pay to the commis-
2 sion on the day following each day of the operation of
3 the games, a sum equal to three and one half per cent
4 of the total amount deposited on the preceding day
5 by the patrons so wagering, said three and one half
6 per cent to be paid from the fifteen per cent withheld,
7 as provided in this section, from the total amount
8 wagered. Each licensee may retain as his commission
9 on the total of all sums so deposited in addition to
10 his share of the breaks as hereinafter provided, a sum

11 not exceeding the balance of the fifteen per cent with-
12 held, as provided in this section from the total amount
13 wagered after deducting therefrom the amount herein-
14 before required to pay to the commission.

1 SECTION 10. One half of the odd cents over any
2 multiple of ten cents otherwise payable to a patron
3 wagering shall be retained by the licensee, and one
4 half shall be paid to the commission, on the day
5 following each day of the operation of the games.
6 Such odd cents shall in this chapter be called the
7 "breaks".

1 SECTION 11. The sale of pari-mutuel pools on the
2 prospective scores or points of the game of Jai A-lai
3 or Pelota, under such regulations as the state racing
4 commission shall prescribe, is hereby authorized and
5 permitted.

1 SECTION 12. Accurate records and books shall at
2 all times be kept and maintained by each licensee,
3 showing the number, nature and amount of all wagers
4 made in connection with such games. The commis-
5 sion, or its duly authorized representatives, shall at all
6 reasonable times have access to the records and books
7 of any licensee for the purpose of examining and
8 checking the same, and ascertaining whether or not the
9 proper amount has been or is being paid to the com-
10 mission as herein provided.

1 SECTION 13. The commission may appoint one or
2 more representatives to attend the Jai A-lai or Pelota
3 games held or conducted under a license issued under
4 this chapter, and the appointment of said representa-

5 tives shall not be subject to chapter thirty-one. The
6 compensation of each such representative shall be
7 fixed by the commission.

8 Each such representative appointed by the com-
9 mission to attend the Jai A-lai or Pelota games shall
10 have full and free access to the space or enclosure
11 where the pari-mutuel or certificate system of wager-
12 ing is conducted or supervised for the purpose only of
13 ascertaining whether or not the provisions of this
14 chapter are being properly observed. He shall also,
15 for the same purpose only, have full and free access
16 of the books, records and papers pertaining to such
17 pari-mutuel or certificate system of wagering. He
18 shall investigate, ascertain and report to the com-
19 mission in writing under oath as to whether or not he
20 has discovered any violation at such meeting of any
21 of the provisions of this chapter, and, if so, the nature
22 and character of such violations. Such report shall
23 be made within ten days after the termination of the
24 duties of such representative at any racing meeting.
25 If any such report shows any violation of this chap-
26 ter, the commission shall transmit a copy of such
27 report to the attorney general for such action as he
28 shall deem proper.

1 SECTION 14. The receipts paid into the state
2 treasury under this chapter, after deducting there-
3 from the amount of expenses incurred by the com-
4 mission in carrying out the provisions of this chapter,
5 shall be used so far as necessary for reimbursing cities
6 and towns for assistance given by them to aged
7 citizens, under the provisions of chapter one hundred
8 and eighteen A, in the manner provided by section
9 eight of said chapter.

1 SECTION 15. Any licensee permitting any minor to
2 participate in the pari-mutuel or certificate system of
3 wagering at the Jai A-lai and Pelota games operated
4 by such licensee shall be punished by a fine of not
5 more than one hundred dollars.

1 SECTION 16. Within the enclosure of any fronton
2 licensed by the commission, but not elsewhere, wager-
3 ing on the respective scores or points and the sale of
4 pari-mutuel pools for winners, quinielas or daily
5 doubles are hereby authorized and permitted. Com-
6 missions on such pools and wagers shall in no event
7 exceed fifteen per cent and the odd cents of all dis-
8 tributions to be made on all pari-mutuel wagering
9 and of winning point wagers exceeding a sum equal
10 to the lowest multiple of ten; said moneys shall in-
11 clude the three and one half per cent which shall be
12 payable to the commission as herein provided.

1 SECTION 17. The commission shall require that at
2 least eighty-five per cent of those employed by any
3 licensee other than Jai A-lai players, player managers,
4 executives, coaches, trainers, ball and cesta makers
5 shall be citizens of the commonwealth and shall have
6 been citizens for at least two years immediately prior
7 to such employment.

1 SECTION 18. No person shall be permitted by the
2 commission to compete in any Jai A-lai or Pelota game
3 unless he shall be a citizen of the United States of
4 America and shall have engaged professionally in the
5 playing of Jai A-lai or Pelota in the United States of
6 America or in other countries; provided, however,
7 that Jai A-lai or Pelota players who are not citizens

8 of the United States of America must prove their
9 professional standing by exhibiting a certificate of the
10 American Pelota Players' Association, certifying to
11 the player's professional status, the length of time
12 during which, and place where, such player has played
13 Jai A-lai professionally, and certifying that said player
14 has committed no breach of the rules of Jai A-lai which
15 would subject him to suspension or expulsion from
16 professional competition.

1 SECTION 19. The fronton may be operated only
2 between the hours of half past seven post meridian
3 and half past twelve ante meridian.

1 SECTION 20. No license shall be issued for the
2 operation of any such fronton for the playing of
3 Jai A-lai on Sundays.

1 SECTION 21. No license shall be issued to permit
2 Jai A-lai or Pelota games to be conducted at a fronton
3 located fifty miles from another fronton.

1 SECTION 22. At the time of issuance of a license,
2 the licensee shall deliver to the commission a bond,
3 payable to the commission, in the sum of five thousand
4 dollars with a surety or sureties approved by the com-
5 mission, providing for the payment of this sum to the
6 commission in the event the licensee fails to erect or
7 build a fronton for the operation of the Jai A-lai or
8 Pelota games, within six months after building ma-
9 terials are available by government consent for the
10 erection of such fronton.

1 SECTION 23. No election shall be required as a
2 condition precedent to the granting of a permit for the

3 operation of a fronton of Jai A-lai or Pelota in any
4 county wherein elections have heretofore been held
5 in which a majority of the electors in such elections
6 voted in favor of the operation of Jai A-lai or Pelota
7 games.

1 SECTION 24. The invalidity of any section or sec-
2 tions or parts of any section or sections of this chapter
3 shall not affect the validity of the remainder of this
4 chapter.

