

By Mr. Birmingham of Boston, petition of Samuel H. Borofsky and others that the retail sale of goods, wares, merchandise and commodities be regulated and that dealers be licensed by the Secretary of the Commonwealth. Mercantile Affairs.

The Commonwealth of Massachusetts

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

An Act to regulate the Sale of Goods, Wares, Merchandise and Commodities at Retail.

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. Every person, partnership, corpora-
2 tion and voluntary association, before commencing
3 to do business for the sale of goods, wares, merchan-
4 dise and commodities at retail, in more than one
5 place of business in this commonwealth, and every
6 person, partnership, corporation and voluntary asso-
7 ciation engaged in the business of selling goods, wares,
8 merchandise and commodities at retail, in more than
9 one place of business in this commonwealth, shall
10 make application in writing under oath, to the secre-
11 tary of the commonwealth for a license, for each
12 additional place of business, in excess of one place of
13 business in this commonwealth, for the sale of goods,
14 wares, merchandise and commodities at retail, stating

15 the name and residence of the owner or owners, or the
16 party or parties in whose interest the said business is
17 to be conducted, or if the owner, or the party in whose
18 interest the business is to be conducted is a corpora-
19 tion, the place of its home office, and the names and
20 addresses of its officers and directors, and the city or
21 town, and if practicable, the street and the number of
22 the building where the said business is to be con-
23 ducted, and shall pay to him a license fee for each
24 and every such place of business, in excess of one
25 place of business, for each calendar year, beginning
26 with the first day of October in the year one thousand
27 nine hundred and thirty-one the following specified
28 sums, namely:

29 For a license in a town having a population of not
30 more than five thousand inhabitants, seven hundred
31 and fifty dollars.

32 For a license in a town having a population of more
33 than five thousand but not more than ten thousand
34 inhabitants, nine hundred dollars.

35 For a license in a city or town having a population
36 of more than ten thousand but not more than twenty-
37 five thousand inhabitants, one thousand and two
38 hundred dollars.

39 For a license in a city or town having a population
40 of more than twenty-five thousand but not more than
41 fifty thousand inhabitants, one thousand and five
42 hundred dollars.

43 For a license in a city or town having a population
44 of more than fifty thousand but not more than one
45 hundred thousand inhabitants, one thousand and
46 eight hundred dollars.

47 For a license in a city having a population of more
48 than one hundred thousand but not more than two

49 hundred and fifty thousand inhabitants, two thou-
50 sand and one hundred dollars.

51 For a license in a city having a population of more
52 than two hundred and fifty thousand but not more
53 than five hundred thousand inhabitants, two thou-
54 sand and four hundred dollars.

55 For a license in a city having a population of more
56 than five hundred thousand inhabitants, two thou-
57 sand and seven hundred dollars.

1 SECTION 2. Upon payment to him of the specified
2 license fee the secretary may grant a license for the
3 sale of goods, wares, merchandise and commodities
4 at retail, and he shall set forth therein the license fee
5 paid therefor, the city or town, and if practicable,
6 the street and number of the building in which said
7 business is to be located and the name and address of
8 the owner or owners, or the party or parties in whose
9 interest the said business is to be conducted.

1 SECTION 3. Excepting as provided in the section
2 following, the secretary shall during August and
3 September of each year, beginning with August and
4 September of the year one thousand nine hundred and
5 thirty-one receive applications for licenses and may
6 grant the same as provided in the preceding sections,
7 to take effect on the first day of October following.
8 All licenses granted shall expire on the last day of
9 September following at twelve o'clock midnight.

1 SECTION 4. Upon application to him therefor, dur-
2 ing the midterm of a license year the secretary may
3 grant licenses for the unexpired period of a license year,
4 for the purposes and upon the conditions set forth in

5 section one of this act. The license fee to be paid to
6 the secretary for each such license shall be proportion-
7 ate to the license fee for the entire license year.

1 SECTION 5. If a licensee ceases to do business, or
2 dies, before the expiration of the term of his license,
3 the secretary may refund to him or to his executor or
4 his administrator, a part of the license fee proportion-
5 ate to the unexpired term of the license.

1 SECTION 6. A license granted under the provisions
2 of this act shall not be transferable.

1 SECTION 7. The secretary of the commonwealth
2 shall keep on file all applications for licenses and a
3 record of all licenses issued thereon. All files and
4 records of said secretary shall be in convenient form
5 and open to public inspection.

1 SECTION 8. Any person who is the owner and any
2 person in whose interest a business for the sale of goods,
3 wares, merchandise and commodities is conducted, and
4 every partnership and each member thereof, and any
5 corporation and each officer and director thereof, and
6 every voluntary association and each member thereof,
7 engaged in the business of selling goods, wares, mer-
8 chandise and commodities at retail in this common-
9 wealth, and any person who is the manager of any such
10 businesses, who sells, or exposes for sale, or causes to
11 sell, or be exposed for sale, directly or indirectly, at
12 public or private sale, any goods, wares, merchandise
13 and commodities at retail, in more than one place of
14 business in this commonwealth without a state license
15 for each such place of business, in excess of one place

16 of business, shall be punished by a fine of not more
17 than one hundred dollars, or by imprisonment for not
18 more than sixty days, or by such fine and imprisonment
19 for each day that such offense continues.

1 SECTION 9. Every person who files any application
2 for a license, original or supplementary, which con-
3 tains any false statement which he knew, or should
4 have known to be false, shall be punished by a fine of
5 not more than five hundred dollars or by imprisonment
6 for not more than six months, or by both such fine and
7 imprisonment.

1 SECTION 10. In December of each year beginning
2 with December in the year one thousand nine hundred
3 and thirty-one, the secretary shall pay to each city and
4 town seventy-five per centum of the gross proceeds for
5 licenses issued for their respective municipalities and
6 the remaining twenty-five per centum of said proceeds,
7 he shall pay into the treasurer of the commonwealth.

1 SECTION 11. This act shall take effect on the first
2 day of October in the year one thousand nine hundred
3 and thirty-one; provided, however, that in so far as
4 it applies to receiving applications for licenses by the
5 secretary and granting the same in August and Septem-
6 ber in the year one thousand nine hundred and thirty-
7 one, it shall take effect on the first day of August of
8 said year.

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