

By Mr. Catino of Medford (by request), petition of James F. Fallon, Jr., for permitting certain charitable corporations to conduct lotteries, raffles, skillo, games of chance and other gambling devices for the benefit of private schools operated by them. Legal Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Three.

AN ACT TO IMPROVE THE EDUCATION OF CHILDREN, RELIEVE THE FINANCIAL BURDENS OF CITIES AND TOWNS, AND PROMOTE THE TOURIST AND RESORT TRADE, BY PERMITTING GAMBLING FOR THE BENEFIT OF CHARITABLE CORPORATIONS WHICH OPERATE PRIVATE SCHOOLS.

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

1 Chapter 271 of the General Laws is hereby amended by in-
2 serting after section 22 A the following section:—

3 *Section 22B.* No person shall be deemed to have violated
4 sections one, two, three, four, five, five A, six, six B, seven,
5 eight, nine, ten, eleven, seventeen, eighteen, twenty-two or thirty-
6 one, and sections fourteen, twenty-three and thirty-three shall
7 not apply, in connection with any activity conducted by, and
8 for the exclusive benefit of, a non-profit corporation if it shall
9 be shown that:

10 (a) Such person has filed for public record such periodic and
11 final reports, if any, as he personally may have been required to
12 file under reasonable regulations published by the attorney
13 general disclosing the amount and disposition of all funds re-
14 ceived, including the name and address of each payee and the
15 occasion for each payment;

16 (b) A substantial function of such corporation is the operation,
17 within the commonwealth, of a school attended by children who,
18 by such attendance, comply with the requirements of section
19 one of chapter seventy-six;

20 (c) Such corporation is organized exclusively for educational,
21 charitable, religious, civic, literary, scientific, historical, philo-
22 sophical, artistic or musical purposes or a combination of them;

23 (d) Such corporation is chartered under the laws of this com-
24 monwealth or, if chartered under another jurisdiction, is law-
25 fully operating within this commonwealth;

26 (e) No person has received or has any present, future or con-
27 tingent right to receive any commission, royalty, share or licens-
28 ing fee in connection with such activity;

29 (f) Such corporation has not made and is under no fixed or
30 contingent obligation to make any payment on account of any
31 contract or purchase in connection with such activity except
32 winners' prizes, salaries of its own employees, and payments, in
33 amounts which would be ordinary and reasonable if paid in con-
34 nection with businesses lawful in the absence of this section, as
35 rent, for supplies and equipment, and for kinds of property and
36 services customary in business generally.

37 (g) No person employed by such corporation primarily in
38 connection with such activity receives any compensation for
39 his services other than a regular salary not exceeding one hundred
40 twenty-five dollars per week.

41 (h) All participants in such activity are required to pay money
42 in advance, and no participation by check or upon any form of
43 credit is ever permitted; and

44 (i) Prior to the commencement of such activity within any
45 city or town such corporation has filed for public record with the
46 chief of police and with the district attorney a statement setting
47 forth such pertinent information as may have been required by
48 reasonable regulations published by the attorney general.