

By Mr. Tynan of Boston, petition of Francis T. Norton and John T. Tynan for legislation to authorize the conducting of lotteries by certain fraternal, religious and veterans organizations. Legal Affairs.

The Commonwealth of Massachusetts

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

AN ACT AUTHORIZING AND CONDUCTING A LOTTERY BY CERTAIN FRATERNAL, RELIGIOUS AND VETERANS ORGANIZATIONS.

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

1 The General Laws are hereby amended by inserting after
2 chapter 128B the following chapter:—

3 CHAPTER 128C.

4 Nothing in the General Laws shall authorize the prosecution,
5 arrest or conviction of any person conducting, promoting, selling
6 or buying a ticket or chance substantially to be considered as a
7 lottery in connection with which monetary prizes are to be
8 offered to be won by chance provided that said lottery is con-
9 ducted under a license to do so by a fraternal organization hav-
10 ing chapters or branches in at least two New England states, or
11 a religious organization under the control or affiliated with an
12 established church of the commonwealth, or a veterans organiza-
13 tion chartered by the Congress of the United States or included
14 in clause (12) of section five of chapter forty. All such organiza-
15 tions must have been in existence in all phases of eligibility
16 requisite at least five years prior to the date of application for
17 license.

18 Any organization as set forth in the preceding paragraph of
19 this section, desiring to conduct or operate a lottery within the
20 commonwealth shall make application to the commissioner of
21 public safety after having first received approval of said applica-
22 tion from the mayor of the city or the selectmen of the town
23 wherein said lottery will be drawn.

24 Licenses or permits may be withdrawn at the discretion of the
25 commissioner or after written request for the same has been
26 made by a mayor of a city or the board of selectmen of a town
27 in which the lottery license has been issued to the commissioner
28 of public safety.

29 The licensee has the right of a hearing before the commissioner
30 before revocation of license. Revocation of license or permit is
31 final.

32 No license shall be granted for the holding, conducting, or pro-
33 moting of a lottery on a Sunday.

34 The application for license must stipulate the maximum num-
35 ber of tickets involved, the prizes offered, the date of the drawing,
36 the place of the drawing. The application must also be sub-
37 mitted with a bond to cover the amount of prize money offered.
38 The application must stipulate the cost of a ticket or chance
39 which cannot exceed five dollars per ticket or chance.

40 The organization as set forth in this paragraph is limited to
41 one lottery or drawing per month.

42 The cost of the ticket or chance may not exceed five dollars
43 per ticket or chance and cannot be sold to anyone under the age
44 of twenty-one years.

45 The total prize money offered to the public must exceed sixty
46 per cent of the total anticipated income. All participants in the
47 lottery must be notified in writing as to the winners of each
48 drawing.

49 The fraternal, religious or veterans organizations, as described
50 in this section, holding a license to conduct a lottery, must oper-
51 ate, manage and control the lottery by its own members; the
52 operation of a lottery by any other person, persons, firms, or
53 corporations under the name, guise of such fraternal, religious,
54 or veterans organization shall be illegal, and said operators and
55 organization be subject to a fine of two thousand dollars and
56 imprisonment for one year.

57 The profits of the lottery so conducted under this section shall
58 be the property of the organization conducting said game and
59 these profits shall be used for charitable or educational purposes
60 and shall not be distributed to the members of the organization.

61 A seven per cent tax on the gross receipts payable monthly to
62 the treasurer of the commonwealth shall be levied and shall be
63 deposited in the General Fund of the commonwealth. After de-

64 ducting from the total thereof, the cost of administration and
65 collection of such tax the remainder or balance of such tax shall
66 be returned to the city or town in proportion to which the
67 amounts collected in each city and town bears to the total
68 amount collected.

69 Accurate records and books shall be kept at all times and
70 maintained by each licensee showing the total amount of all
71 monies. The commissioner of public safety shall at all times
72 have access to said records and books of any licensee for the
73 purpose of examination and checking the same.

74 The commissioner may promulgate such other rules and regu-
75 lations as he deems necessary and as are not set forth in this
76 section.

