

By Mr. Della Russo, a petition of Harry Prince for legislation to provide for the licensing of theatrical exhibitions, public shows, public amusements and exhibitions. Commerce and Labor.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR LICENSES TO HOLD THEATRICAL EXHIBITIONS,
PUBLIC SHOWS, PUBLIC AMUSEMENTS AND EXHIBITIONS.

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 140 of the General Laws is hereby amended
 2 by striking out section 181, as appearing in the Tercentenary
 3 Edition, and inserting in place thereof the following section: —
 4 *Section 181.* Application for a license to hold theatrical ex-
 5 hibitions, public shows, public amusements and exhibitions of
 6 every description to be held upon weekdays only, to which ad-
 7 mission is obtained upon payment of money or upon the de-
 8 livery of any valuable thing, or by a ticket or voucher obtained
 9 for money or any valuable thing, or in which, after free ad-
 10 mission, amusement is furnished upon a deposit of money in a
 11 coin-controlled apparatus may be made by any person to the
 12 mayor, selectmen or license commission of such city or town in
 13 which said theatrical exhibition, public show, public amusement
 14 and exhibitions of any description, is to be held; such license
 15 shall be issued provided that such theatrical exhibition, public
 16 show, or public amusement and exhibition meets all the re-
 17 quirements of law, and provided the area is zoned for theatrical
 18 exhibition, public shows, public amusements and exhibitions of
 19 every description. The mayor, selectmen or license commission
 20 shall, within ten days after submission of such application, issue
 21 said license or, in refusing to issue said license, assign the rea-
 22 son therefor in writing. An applicant aggrieved by a decision
 23 of the mayor, selectmen or license commission in refusing to

24 grant, or reinstate, or in revoking or suspending a license, under
25 this section may file a petition for review in the superior court
26 in the county in which said theatrical exhibition, public show,
27 public amusement or exhibition was to have been held. The
28 petition shall be filed in the court within fifteen days after
29 receipt of notice of said decision, or within twenty-five days
30 after an application has been duly filed, provided the mayor
31 selectmen or license commission has failed to act on said appli-
32 cation. A copy of the petition shall, within the same period,
33 be served personally or by registered mail upon the mayor,
34 selectmen or license commission.

35 The petition shall be addressed to the court and shall include
36 a concise statement of the facts showing that petitioner is ag-
37 grieved, a copy of the decision of the mayor, selectmen or li-
38 cense commission or a statement that no decision was rendered
39 and a demand of the relief to which petitioner believes he is
40 entitled.

41 The review shall be conducted by the court without a jury.
42 The court may affirm the decision of the mayor, selectmen or
43 license commission or the court may by decree set aside or
44 modify the decision, or compel any action unlawfully withheld
45 or unreasonably delayed if it determines that the substantial
46 rights of any party may have been prejudiced.

47 No provision of this section shall restrict the right of the
48 licensing authorities to act in the best interests of the public
49 or to refuse such license for just, reasonable or good cause.