

# HOUSE . . . . No. 861

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By Mr. Melley of Chelsea, petition of the Retail Gasoline Dealers Association, Inc., for various amendments of the law regulating the price and sale of gasoline in this Commonwealth. Public Safety.

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## The Commonwealth of Massachusetts

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

### AN ACT TO REGULATE THE PRICE OF GASOLINE SOLD WITHIN THE COMMONWEALTH 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 Chapter ninety-four of the General Laws is hereby  
2 amended by inserting after section two hundred  
3 and ninety-five A, inserted by chapter two hundred  
4 and twenty-eight of the acts of nineteen hundred  
5 and thirty-three, the following new sections:—

6 *Section 295B. Definitions.* The word “depart-  
7 ment” when used in this act shall mean the depart-  
8 ment of labor and industries of the commonwealth  
9 of Massachusetts.

10 The term “gasoline” when used in this act means  
11 a light distillate of petroleum or allied substance  
12 heretofore sold under the name of gasoline with  
13 suitable volatility and other characteristics to be  
14 used as a fuel for operating internal combustion  
15 engines whether it is mixed with other materials or  
16 not.

17 *Section 295C. Examination and Investigation as*  
18 *to Prices.* The department shall from time to time  
19 ascertain by such examination or investigation as  
20 the situation may permit or warrant what prices,  
21 terms, and conditions relative to gasoline at retail  
22 in the several localities and markets in the common-  
23 wealth under the varying conditions therein will  
24 be most beneficial to the public interest and will best  
25 protect the gasoline industry. In every such exam-  
26 ination or investigation the department shall take  
27 into consideration all the conditions affecting the  
28 gasoline industry, including the amount necessary  
29 to yield a reasonable return to the retailer.

30 *Section 295D. Fixing of Prices.* The department,  
31 after making an examination or conducting an in-  
32 vestigation as provided by section two hundred and  
33 ninety-five C shall from time to time by its order fix  
34 the minimum prices at which the various grades of  
35 gasoline shall be sold at retail. Such orders relative  
36 to such minimum price shall apply to the locality  
37 in which the gasoline in question is sold and may  
38 vary in different localities according to the varying  
39 and differing conditions therein. Each such order  
40 shall specify the minimum prices for the different  
41 grades of gasoline which may be sold at retail in the  
42 commonwealth. The prices so fixed or revised shall  
43 be fair, just, and reasonable, and shall be given  
44 publicity by the department by advertising the same  
45 in the principal newspapers and otherwise in the  
46 district or districts affected.

47 *Section 295E. Sale Below Fixed Price Prohibited.*  
48 After the department shall fix prices to be charged  
49 for gasoline of the different grades, no person by  
50 himself, his agent, or servant shall sell or offer to sell

51 gasoline at retail at any price less than such price or  
52 prices as shall have been so fixed and no method or  
53 device shall be lawful whereby gasoline is sold or  
54 offered to be sold at a price less than such price or  
55 prices whether by discount, rebate, free service,  
56 advertising allowance, or by a combined price for  
57 such gasoline together with another commodity or  
58 commodities or service or services, as a result of  
59 which the total price for the gasoline and such other  
60 commodity or commodities or service or services is  
61 less than the aggregate of the prices for the same  
62 when sold or offered for sale or performed separately  
63 or by any other method or device. Whoever, by  
64 himself, his agent, or servant violates any provision  
65 of this section shall be punished by a fine of not less  
66 than fifty dollars nor more than five hundred dollars  
67 and each sale or offer to sell shall constitute a separate  
68 offense.

69 *Section 295F. Sale of Gasoline at Retail Affected*  
70 *with Public Interest.* The sale of gasoline at retail  
71 within this commonwealth shall be deemed to be  
72 affected with the public interest and to be a subject  
73 of regulation by this commonwealth in the exercise  
74 of its police power and the provisions of this act and  
75 all orders, rules, and regulations made thereunder  
76 shall apply to all such gasoline.

77 *Section 295G. Adoption of Rules, etc., by Depart-*  
78 *ment.* The department may adopt and enforce all  
79 rules, regulations, and orders not inconsistent with  
80 law which are necessary or desirable to administer  
81 this act. Every such general rule, regulation, or  
82 order shall be posted for public inspection in the  
83 main office of the department at last three days  
84 before it shall become effective, and a copy thereof

85 shall be mailed to each licensed retail dealer of gaso-  
86 line, and shall be further published by advertisement  
87 in a newspaper or otherwise as the department deems  
88 advisable. A rule, regulation, or order of the depart-  
89 ment duly posted, mailed, served, or published as  
90 provided by this section shall have the force and  
91 effect of law, and whoever by himself, his agent, or  
92 servant violates any rule, regulation, or order of the  
93 department lawfully made under this act shall be  
94 punished by a fine of not less than fifty dollars nor  
95 more than five hundred dollars.

96 *Section 295H. Change in Rules, etc., of Depart-*  
97 *ment.* The department, upon its own motion or  
98 upon application, may from time to time alter,  
99 revise, or amend any order at any time made by it  
100 with respect to the prices to be paid for gasoline at  
101 retail. After making such investigation as it deems  
102 necessary and before making, revising, or amending  
103 any such order, the department shall hold a hearing  
104 thereon after having given reasonable notice thereof  
105 to interested parties of whom the department has  
106 notice and, in addition to the public, by advertising  
107 in such newspaper or newspapers as in the judgment  
108 of the department will afford sufficient notice and  
109 publicity thereof.

110 *Section 295I. Posting of Prices.* Every retail  
111 dealer of gasoline shall conspicuously mark his pumps  
112 or outlets with the price of the gasoline dispensed  
113 from that pump or outlet. No person shall mark his  
114 pumps or outlets with price signs of a size larger  
115 than eight inches by ten inches or smaller than two  
116 inches by five inches, and signs indicating prices  
117 shall not be used on or about the premises where gaso-  
118 line is sold at retail, except upon the pumps or outlets.

119 Whoever by himself, his agent or servant violates  
120 any provision in this section shall be punished by a  
121 fine of not less than fifty dollars nor more than five  
122 hundred dollars.

123 *Section 295J. Sale at Price Other Than Posted*  
124 *Price Prohibited.* No person shall sell or offer to  
125 sell gasoline at a price other than the price posted  
126 upon his pumps or outlets and no method or device  
127 shall be lawful whereby gasoline is sold or offered  
128 to be sold at a price less than that which is posted,  
129 whether by discount, rebate, free service, advertising  
130 allowance, or by a combined price for such gasoline,  
131 together with another commodity or commodities,  
132 or service or services, as a result of which the total  
133 price for the gasoline and such other commodity or  
134 commodities or service or services is less than the  
135 aggregate of the prices for the same, when sold or  
136 offered for sale or performed separately or by any  
137 other method or device. Whoever by himself, his  
138 agent, or servant violates any provision of this  
139 section shall be punished by a fine of not less than  
140 fifty dollars nor more than five hundred dollars, and  
141 each sale or offer to sell shall constitute a separate  
142 offense.

143 *Section 295K. Continued Violation May Be En-*  
144 *joined.* The continued violation of any provision  
145 of this act by any person may be enjoined by the  
146 supreme judicial or superior court upon petition  
147 therefor by the department.

The first part of the document is a list of names and their corresponding numbers. The names are written in a cursive script, and the numbers are in the right margin. The list appears to be a record of some kind, possibly a list of names for a school or a church.

The second part of the document is a series of paragraphs of text, also written in cursive. The text is somewhat faded and difficult to read, but it appears to be a narrative or a report. The paragraphs are separated by small gaps, and the text is written in a consistent hand.

The third part of the document is a list of names and numbers, similar to the first part. The names are written in a cursive script, and the numbers are in the right margin. This list appears to be a continuation of the first list, or a separate list of names.

The fourth part of the document is a series of paragraphs of text, similar to the second part. The text is written in a cursive script and appears to be a continuation of the narrative or report. The paragraphs are separated by small gaps, and the text is written in a consistent hand.



