

Chap. 14. AN ACT RELATIVE TO THE AMOUNT OF MONEY THAT THE COUNTY COMMISSIONERS OF BARNSTABLE COUNTY MAY EXPEND FOR THE CAPE COD PLANNING AND ECONOMIC DEVELOPMENT COMMISSION.

Be it enacted, etc., as follows:

Section 2 of chapter 453 of the acts of 1965 is hereby amended by striking out the first sentence, as most recently amended by chapter 74 of the acts of 1978, and inserting in place thereof the following sentence:- Beginning with the fiscal year commencing on January first, nineteen hundred and sixty-five, to meet the expenses incurred under this act there may annually be expended from the treasury of Barnstable county, subject to appropriation, such sums as may be appropriated annually thereafter.

Approved March 8, 1979.

Chap. 15. AN ACT INCREASING TO TWENTY YEARS THE AGE REQUIREMENT OF A PERSON LICENSED TO SELL OR ALLOWED TO PURCHASE ALCOHOL OR ALCOHOLIC BEVERAGES.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 138 of the General Laws is hereby amended by striking out the definition of "Minor", as appearing in section 1 of chapter 929 of the acts of 1977.

SECTION 2. The first sentence of the first paragraph of section 12 of said chapter 138 is hereby amended by striking out the word "eighteen", inserted by section 1 of chapter 241 of the acts of 1973, and inserting in place thereof the word:- twenty.

SECTION 3. The third sentence of the fourth paragraph of said section 12 of said chapter 138 is hereby amended by striking out the word "eighteen", inserted by section 2 of said chapter 241, and inserting in place thereof the word:- twenty.

SECTION 4. The second sentence of the first paragraph of section 14 of said chapter 138 is hereby amended by striking out the word "eighteen", inserted by section 3 of said chapter 241, and inserting in place thereof the word:- twenty.

SECTION 5. Said chapter 138 is hereby further amended by striking out section 30E, as amended by section 29 of chapter 440 of the acts of 1935, and inserting in place thereof the following section:-

Section 30E. Every retail pharmacist licensed under section thirty A shall keep a book in which he shall enter, at the time of every such sale, the date thereof, the name of the purchaser, the kind, quantity and price of said beverage, the purpose for which it was sold, and the residence by street and number if any, of said purchaser. If such sale is made upon the prescription of a physician, the book shall also contain the name of the physician and shall state the use for which said beverage is prescribed and the quantity to be used for such purpose, and the

prescription shall be cancelled in the manner provided in the preceding section with reference to certificates. Said book shall be in form substantially as follows:

Date.	Name of Purchaser.	Residence.	Kind and Quantity.	Purpose of Use.	Price.	Name of Physician.
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The certificate mentioned in the preceding section shall be a part of said book and shall not be detached therefrom, and shall be in form substantially as follows:

CERTIFICATE

I wish to purchase _____ and I certify that I am not a person under age twenty and that the same is to be used for *Mechanical *Chemical *Medicinal purpose.

(*Draw a line through the words which do not indicate the purpose of the purchase.)

Signature
Cancelled

SECTION 6. Said chapter 138 is hereby further amended by striking out section 34, as most recently amended by section 14 of chapter 929 of the acts of 1977, and inserting in place thereof the following section:-

Section 34. No person shall receive a license or permit under this chapter who is under twenty years of age. Whoever being licensed under this chapter makes a sale or delivery of any alcoholic beverages or alcohol to any person under twenty years of age, either for his own use or for the use of his parent or any other person, or whoever, being a patron of an establishment licensed under section twelve or fifteen, delivers or procures to be delivered in any public room or area of such establishment if licensed under said section twelve, fifteen, or nineteen B, or in any area of such establishment if licensed under said section fifteen or nineteen B, any such beverages or alcohol to or for the use of a person whom he knows or has reason to believe to be under twenty years of age or whoever procures any such beverages or alcohol for a person under twenty years of age who is not his child, ward or spouse shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than six months, or both. Nothing in this section shall prohibit any person licensed under this chapter from employing any person eighteen years of age or older for the direct handling and selling of alcoholic beverages or alcohol.

Notwithstanding the provisions of clause fourteen of section sixty-two of chapter one hundred and forty-nine, any licensee under this chapter may employ a person under the age of eighteen who does not directly handle, sell, mix or serve alcohol or alcoholic beverages.

SECTION 7. Said chapter 138 is hereby further amended by striking out section 34A, as most recently amended by chapter 859 of the acts of 1977, and inserting in place thereof the following section:-

Section 34A. Any person under twenty years of age who purchases alcoholic beverages or alcohol, or makes arrangements with any person to purchase or in any way procure such beverages, or who willfully misrepresents his age, or in any way alters, defaces or otherwise falsifies his identification offered as proof of

age, with the intent of purchasing alcoholic beverages, either for his own use or for the use of any other person shall be punished by a fine of three hundred dollars and whoever knowingly makes a false statement as to the age of a person who is under twenty years of age in order to procure a sale or delivery of such beverages or alcohol to such person under twenty years of age, either for the use of the person under twenty years of age or for the use of some other person, and whoever induces a person under twenty years of age to make a false statement as to his age in order to procure a sale or delivery of such beverages or in order to procure a sale or delivery of such beverages or alcohol to such person under twenty years of age, shall be punished by a fine of three hundred dollars.

The commission shall prepare and distribute to business establishments which sell, serve or otherwise dispense alcohol or alcoholic beverages to the general public, posters to be displayed therein in a conspicuous place. Said posters shall contain a summary and explanation of this section.

SECTION 8. Section 34B of said chapter 138, as most recently amended by section 3 of chapter 155 of the acts of 1972, is hereby further amended by striking out the first two paragraphs and inserting in place thereof the following two paragraphs:-

Any person who shall have attained age twenty may apply for a liquor purchase identification card. Such cards shall be issued by the registry of motor vehicles upon the payment of a fee of five dollars, and shall bear the name, signature, date of birth, address and photograph of such person. The commission with the advice and consent of the registrar of motor vehicles shall prescribe rules and regulations governing uniformity of form of said card and the manner in which an applicant for such a card shall be required to identify himself.

Any licensee, or agent or employee thereof, under this chapter who reasonably relies on such a liquor purchase identification card or motor vehicle license issued pursuant to section eight of chapter ninety for proof of a person's identity and age shall not suffer any modification, suspension, revocation or cancellation of such license nor shall he suffer any criminal liability for delivering or selling alcohol or alcoholic beverages to a person under twenty years of age, provided that, nothing herein shall affect the applicability of section sixty-nine of said chapter one hundred and thirty-eight.

SECTION 9. Said chapter 138 is hereby further amended by striking out section 34C, as amended by chapter 377 of the acts of 1967, and inserting in place thereof the following section:-

Section 34C. Whoever, being under twenty years of age and unaccompanied by his parent or legal guardian, knowingly transports or carries on his person any alcohol or alcoholic beverages shall be punished by a fine of not more than fifty dollars; provided that, this section shall not apply to any person eighteen or nineteen years of age who knowingly transports or carries on his person alcohol or alcoholic beverages in the course of his employment. A police officer may arrest without a warrant any person who violates this section. A conviction of a violation of this section shall be reported forthwith to the registrar of motor

vehicles by the court if, at the time of the violation, the defendant was operating a motor vehicle upon a public way or a way to which the public had a right of access as invitees or licensees, and said registrar may suspend for not more than three months the license of such person to operate a motor vehicle.

SECTION 10. Section 64 of said chapter 138 is hereby amended by striking out the second sentence, inserted by chapter 64 of the acts of 1964, and inserting in place thereof the following sentence:- If at any hearing a licensee is charged with serving or selling alcohol or alcoholic beverages to a person under twenty years of age, written notice of said allegations shall be sent by the licensing authorities to the parent or guardian of such person.

SECTION 11. A special commission to consist of six members of the senate to be appointed by the president of the senate and eleven members of the house of representatives to be appointed by the speaker of the house is hereby established for the purpose of making an investigation and study relative to educational programs in the public schools on alcohol and alcohol abuse and the penalties for violations of all Massachusetts statutes dealing with alcohol or alcoholic beverages, public and traffic safety.

Said commission shall hold hearings, make findings and file a report with the clerk of the senate not later than July first, nineteen hundred and seventy-nine.

SECTION 12. The provisions of this act shall take effect on April first, nineteen hundred and seventy-nine.

Approved March 8, 1979.

EMERGENCY LETTER - April 16, 1979 @ 2:00 A.M.

Chap. 16. AN ACT AUTHORIZING THE TOWN OF WINCHESTER TO USE CERTAIN PARK LAND IN SAID TOWN FOR PUBLIC WORKS PURPOSES.

Be it enacted, etc., as follows:

The town of Winchester is hereby authorized to use for public works purposes a certain parcel of park land in said town located within the town's public works complex, said parcel of land being bounded and described as follows:-

A parcel of land, with buildings thereon, situated between Lake and Linden Streets and also lying off Main and Clark Streets, containing about 6.6 acres and bounded as follows:

Southeasterly by Lake Street, 292.33';

Southerly by Linden Street, 426.50';

Westerly by land now or formerly of Georgia Kaponika and Town of Winchester 232.07';

Southerly by land of Town of Winchester, 459.58';

Westerly by land of Town of Winchester, 38.56';

Northerly in several courses by land now or formerly Robert A. & Audrey B. Goldstein, James N. and Marcella A. Cogan, Alexander & Mary E. Milley, Andrew J. Sr. & Margaret M. Donohue, Catherine A. O'Brien, Helen E. & Marjorie E. Nowell; Norman J. and Dorothy W. Delorey, Marion C. Reilly, Rose M. Bruno and Robert G. Naughton, Trs. J. & R. Realty Trust, 473.89';