

By Mr. Gaudette of New Bedford, petition of Donald R. Gaudette for legislation to authorize the licensing of a game commonly called Beano. Government Regulations.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-One.

AN ACT AUTHORIZING THE LICENSING OF A GAME COMMONLY CALLED BEANO.

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

1 SECTION 1. Chapter 271 of the General Laws is hereby
2 amended by striking out section 6B, inserted by chapter 243
3 of the acts of 1953, and inserting in place thereof the
4 following section:—

5 *Section 6B.* Whoever, except as provided in section twenty-
6 two B, sets up or promotes the game commonly known as
7 skilo or any similar game regardless of name, shall be held to
8 have set up and promoted a lottery and shall be punished as
9 provided in section seven.

1 SECTION 2. Said chapter 271 is hereby further amended by
2 inserting after section 22A the following section:—

3 *Section 22B.* Nothing in this chapter shall authorize the
4 prosecution, arrest or conviction of any person for promoting
5 or playing, or for allowing to be conducted, promoted or
6 played, the game commonly called beano, or substantially the
7 same game under another name in connection with which
8 prizes are offered to be won by chance; provided, the said
9 game of beano is conducted under a license so to do by a
10 fraternal organization having chapters or branches in at least
11 one other New England state, or a religious organization
12 under the control or affiliated with an established church of
13 the commonwealth, or a veterans organization chartered by
14 the Congress of the United States or included in clause (12)
15 of section five of chapter forty. No such license shall be issued

16 to an organization unless such organization has been in
17 existence for at least five years immediately prior to June
18 first, nineteen hundred and sixty-eight.

19 Any such fraternal, religious or veterans organization desir-
20 ing to operate or conduct the game of beano within the
21 commonwealth may make application to the commissioner of
22 public safety for a license to conduct said game if such
23 application is first approved by the mayor and council of the
24 city, or the selectmen of the town wherein said game is to be
25 operated.

26 The fee for the license to operate, hold or conduct such
27 game shall be fixed by the commissioner of public safety and
28 shall not exceed the sum of twenty-five dollars per annum,
29 and shall be equally apportioned between the department
30 and the city or town wherein said license is granted.

31 Such license may be revoked at the discretion of said
32 commissioner and shall be suspended or revoked upon written
33 request to said commissioner from the mayor of the city or
34 the board of selectmen in a town. No licensee shall have the
35 right to a hearing or right of appeal, and suspension or
36 revocation by said commissioner shall be final.

37 No license shall be granted to operate, hold or conduct such
38 game on Sunday.

39 Any license so granted shall limit the playing of said game
40 to the hours between seven o'clock postmeridian and twelve
41 o'clock midnight.

42 Any such organization shall be limited to conducting said
43 game to one night in each calendar week and said night shall
44 be specified in the license.

45 A license so granted shall not permit the giving of any one
46 prize exceeding fifty dollars in value, either cash or mer-
47 chandise.

48 No alcoholic beverages shall be sold, dispensed or con-
49 sumed in that portion of any building or premises of the
50 licensee during the hours such game is being conducted.

51 No minor shall be permitted in that portion of any
52 building or premises of the licensee during such time as such
53 game is being played.

54 No such game shall be advertised or publicized beyond the
55 city or town limits covered by each license.

56 A fraternal, religious or veterans organization holding a
57 license to conduct such game shall operate, manage and
58 control such game by its own members. Whoever not being a
59 member thereof operates such a game under a license issued
60 to such organization shall be punished by a fine of one
61 thousand dollars and imprisonment for not more than one
62 year.

63 Any organization, licensed to conduct beano, which fails to
64 exercise exclusive control and management of such game, or
65 which fails to have one of its members in good standing in
66 full control and management of the games at all times during
67 its operation shall be punished by a fine of not more than one
68 thousand dollars.

69 The profits of beano, conducted under this section, shall be
70 the property of the organization conducting said game, and
71 the profit derived from said game shall be used for charitable,
72 religious or educational purposes and shall not be distributed
73 to the members of the organization, and no person shall be
74 entitled to a percentage of any money received as a result of
75 conducting beano.

76 Accurate records and books shall be kept at all times and
77 maintained by each licensee showing the total amount of all
78 monies deposited by those playing, attending or participat-
79 ing in said games, the expenses incurred and the name and
80 address of each person, company or organization receiving
81 said money. The commissioner, the approving authority of
82 the city or town wherein said game is conducted, or their duly
83 authorized agents or representatives, shall at all times have
84 access to said records and books of any licensee for the
85 purpose of examining and checking the same.

86 The commissioner may make such other rules and regula-
87 tions for the conduct of said game as he may deem necessary.

1 SECTION 3. Any organization operating, holding or con-
2 ducting the game of beano under the provisions of this
3 section shall file a return with the commissioner of corpora-
4 tions and taxation, hereinafter called the commissioner, in
5 such form as he, with the approval of the state tax commis-
6 sion, may determine, within ten days after the game is held

7 and shall pay therewith a tax of ten per cent of the gross
8 proceeds derived from such game of beano. Said return shall
9 include the names and addresses of all winners of prizes worth
10 more than twenty-five dollars.

11 All the provisions of chapter sixty-two relative to the
12 assessment, collection, payment, abatement, verification and
13 administration of taxes, including penalties, shall, so far as
14 pertinent, be applicable to the tax imposed by this para-
15 graph. All sums received by the commissioner from the tax
16 imposed by this paragraph as taxes, interest thereon, fees,
17 penalties, forfeitures, costs of suits or fines, less all amounts
18 refunded thereon, together with any interest or costs paid on
19 account of such refunds, shall be paid into the treasury of the
20 commonwealth and credited to the General Fund.

21 The commissioner may, in his discretion, also require such
22 organization to withhold from the prize or collect from the
23 winner thereof any income tax that it is estimated that such
24 winner will owe to the commonwealth as a result of winning
25 the prize and to pay over such estimated tax to the commis-
26 sioner within ten days after the game of beano is held. The
27 winner of the prize shall receive a credit on his income tax
28 return for any estimated tax paid over by such organization.

1 SECTION 4. This act shall be submitted for acceptance to
2 the qualified voters of the cities and towns at their first city
3 or town election or at the first state election whichever occurs
4 first in the form of the following question to be placed on the
5 official ballot to be used in said elections: "Shall licenses be
6 granted in this city (or town) for the operation, holding or
7 conducting a game commonly called beano in accordance
8 with the provision of section twenty-two B of chapter two
9 hundred and seventy-one of the General
10 Laws?"

YES.	
NO.	

11 If a majority of the votes cast in a city or town in answer
12 to this question is in the affirmative such city or town shall be
13 taken to have authorized the operation, holding or conduct-
14 ing a game commonly called beano in accordance with the
15 provisions of section twenty-two B of chapter two hundred
16 and seventy-one of the General Laws.