

HOUSE No. 3921

By Mr. Rogers of New Bedford (by request), petition of Edward F. Harrington for legislation to provide a penalty for violation of the law relating to alcoholic beverages. Government Regulations.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR PENALTY FOR VIOLATION OF LIQUOR LAWS.

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. It shall be unlawful for a minor to enter any
2 premises licensed for the retail sale of alcoholic beverages for
3 the purpose of purchasing or having served or delivered to
4 him or her, any alcoholic beverage; or for a minor to consume
5 any alcoholic beverage on premises licensed for the retail sale
6 of alcoholic beverages, or to purchase, attempt to purchase,
7 or have another purchase for him or her any alcoholic bev-
8 erage, or for any person to misrepresent or misstate his or her
9 age, or the age of any other person, or to misrepresent his or
10 her age through the presentation of any of the following doc-
11 uments:

- 12 (a) birth certificate
 - 13 (b) baptismal certificate
 - 14 (c) an armed service identification card
 - 14 (d) discharge record of the armed services
 - 15 (e) a Massachusetts motor vehicle operator's license
 - 16 (f) a Massachusetts identification card or out-of-state iden-
17 tification card as hereinafter defined
- 18 for the purpose of inducing any licensee or any employee of
19 any licensee, to sell, serve, or deliver any alcoholic beverage
20 to a minor.

1 SECTION 2. Every retail class A, B, C and D licensee shall
2 cause to be kept a book and such licensee and/or his employee
3 shall require that any person who has shown a document as
4 set forth in this section substantiating his or her age, to sign
5 said book and indicate what document was presented.

6 If such person whose age is in question shall sign said book
7 before he or she is sold alcoholic beverage or beverages and
8 it is later determined that such person was not twenty-one
9 years of age at the time of said selling, it shall be considered
10 prima facie evidence that the licensee and/or his agent or
11 servant acted in good faith in selling such alcoholic beverage
12 or beverages to such person or persons so producing said docu-
13 ment as set forth in this section misrepresenting his or her age.

14 Provided, however, if such person whose age is in question
15 shall present a Massachusetts identification card or an out-
16 of-state identification card as hereinafter set forth before he
17 or she is sold, served or delivered any alcoholic beverage, the
18 licensee and/or his servant, agent or employee shall not be
19 guilty of violating any of the provisions of this title if it is
20 later determined that such identification card holder was not
21 twenty-one years of age at the time of said sale, service or
22 delivery.

23 The city or town clerk or his duly authorized deputies or
24 any city or town in which any person twenty-one years of
25 age or over is resident shall issue to such person a Massachu-
26 setts identification card upon payment of a fee of one dollar
27 and twenty-five cents and upon presentation of a certified
28 birth or baptismal certificate together with a document bear-
29 ing the applicant's signature.

30 The identification card shall be signed by the applicant
31 and his or her picture secured thereto after entry thereon
32 of the required information and the card shall thereafter be
33 encased in laminated plastic. The card shall be two inches in
34 height and four inches in length and shall be printed in the
35 following form:

MASSACHUSETTS IDENTIFICATION CARD

Dated Issued No.

First Name Middle Name Last Name

Address

Secure Photo by pasting here	Birth Record				
	Month	Day	Year		
	Color of Hair	Color Eyes	Sex	Ht.	Wt.

 Issued by
 City-Town

Clerk

36 Such cards shall be produced at the adult correctional
 37 institute if it has facilities to do so; if the adult correctional
 38 institution has no such facilities then all cards shall be manu-
 39 factured by the lowest responsible bidder following public
 40 advertisement for the solicitation of bids.

41 If the person whose age is in question shall not be a resident
 42 of any city or town in the state of Massachusetts, he or she
 43 may present to any licensee or his servant, agent or employee
 44 a laminated identification card of his or her home state or of
 45 any branch of the armed forces of the United States, provided,
 46 however, that such card must bear the signature and picture
 47 of that person and must contain comparable information re-
 48 quired in the Massachusetts identification card. Such person
 49 shall sign the licensee's book as set forth in subparagraph (c)
 50 of this section and such entry in said book shall not make
 51 the sale, service or delivery of any alcoholic beverage to the
 52 person producing the identification card a violation of any
 53 of the provisions of this title if it is later determined that he
 54 or she was not twenty-one years of age at the time of said sale,
 55 service or delivery.

1 SECTION 3. Any person who shall violate any of the pro-
 2 visions of this section shall be guilty of a misdemeanor and

3 shall be punished for his first offense by a fine in the sum of
4 fifty dollars and for each additional offense and thereafter
5 by a fine not exceeding the sum of one hundred dollars.

6 Within thirty days after a charge or charges have been
7 brought against a licensee, his servant, agent or employee
8 under the provisions of this section, the respective police chief
9 of the appropriate city or town is directed to inform in writ-
10 ing, the department of business regulation whether or not
11 charges in accordance with the provisions of this section have
12 been preferred against the minor violating the same and,
13 provided, further, that if no such charge shall be brought
14 against a minor violating the provisions of this section, then
15 the respective police chief will state the reason for his failure
16 to so charge the said minor.