

SENATE No. 474

The Commonwealth of Massachusetts

SENATE, April 10, 1935.

The committee on Legal Affairs, to whom was referred the petition (accompanied by bill, House, No. 238) of Timothy J. Murphy that the word "tavern" be re-defined and relative to serving alcoholic beverages at counters and tables; the petition (accompanied by bill, House, No. 604) of Alfred M. Bessette and other members of the House relative to the manner of selling and serving alcoholic beverages in taverns and clubs; the petition (accompanied by bill, House, No. 608) of Charles A. Kelley for repeal of certain provisions of law requiring serving of alcoholic beverages to persons sitting at tables or at counters equipped with stools; and the petition (accompanied by bill, House, No. 1539) of Ernest H. Sparrell relative to definition of the word "tavern" and for removal of certain restrictions as to manner of selling and serving alcoholic beverages, report the accompanying bill (Senate, No. 474).

For the committee,

H. B. PUTNAM.

The Commonwealth of Massachusetts

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

An Act relative to the Sale and Service of Alcoholic Beverages to be Drunk on the Premises.

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. The definition "Tavern" of section one
2 of chapter one hundred and thirty-eight of the Gen-
3 eral Laws, as appearing in section one of chapter
4 one hundred and twenty-one of the acts of nineteen
5 hundred and thirty-four, is hereby amended by
6 striking out, in the fourth and fifth lines, the words
7 "sitting at tables or sitting at counters equipped with
8 stools",—so as to read as follows:—"Tavern",
9 an establishment where alcoholic beverages may be
10 sold, as authorized by this chapter, with or without
11 food, to be served to and drunk by patrons in plain
12 view of other patrons, all entrances to which shall
13 open directly from a public way. No woman shall
14 be allowed as patron in a tavern. The business con-
15 ducted therein shall be open to public view from the
16 sidewalk level and the establishment shall be prop-
17 erly lighted. No window facing a public way shall
18 be obstructed by any screen or other object extending
19 more than five feet above the level of the sidewalk
20 on which the establishment abuts, but in no event
21 shall any screen or obstruction prevent a clear view

22 of the interior of said tavern. Said windows shall
23 contain no advertising matter other than the name of
24 the proprietor, followed by the word "Tavern" or
25 "Tavern-Keeper".

1 SECTION 2. Section twelve of said chapter one
2 hundred and thirty-eight, as amended, is hereby
3 further amended by striking out in the seventeenth
4 to twenty-first lines, inclusive (as appearing in sec-
5 tion three of chapter three hundred and eighty-five
6 of the acts of nineteen hundred and thirty-four) the
7 words " , and, in the case of a hotel, restaurant or
8 tavern licensee, only served to and drunk by patrons
9 sitting at tables or sitting at counters equipped with
10 stools; provided, that no alcoholic beverage shall be
11 served to or drunk by a woman in a tavern; and pro-
12 vided, further", — and inserting in place thereof the
13 words: — ; provided, — so that the first paragraph
14 will read as follows: — A common victualler duly
15 licensed under chapter one hundred and forty to con-
16 duct a restaurant, an innholder duly licensed under
17 said chapter to conduct a hotel and a keeper of a
18 tavern as defined by this chapter, in any city or town
19 wherein the granting of licenses to sell all alcoholic
20 beverages or only wines and malt beverages, as the
21 case may be, is authorized by this chapter, subject
22 however, in the case of a tavern, to the provisions of
23 section eleven A, may be licensed by the local li-
24 censing authorities, subject to the prior approval of
25 the commission except as provided in section twenty-
26 three, to sell to travelers, strangers and other patrons
27 and customers not under twenty-one years of age,
28 such beverages to be served and drunk, in case of a
29 hotel or restaurant licensee, only in the dining room

30 or dining rooms and in such other public rooms or
31 areas of a hotel as the local licensing authorities may
32 deem reasonable and proper, and approve in writing;
33 provided, that no tavern license shall be granted to
34 the holder of a hotel license hereunder. Such sales
35 may also be made by licensed innholders to registered
36 guests occupying private rooms in their hotels. Dur-
37 ing such time as the sale of such alcoholic beverages
38 is authorized in any city or town under this chapter,
39 the authority to grant innholders' and common vict-
40 uallers' licenses therein under chapter one hundred
41 and forty shall be vested in the local licensing au-
42 thorities.

1 SECTION 3. Said section twelve, as so appearing,
2 is hereby further amended by inserting after the first
3 paragraph the following new paragraph:—

4 No alcoholic beverage shall be served to or drunk
5 by a woman in a public room or area of a hotel, or in
6 a restaurant or club, licensed under this section, ex-
7 cept while seated at a table or seated at a counter
8 equipped with stools, and no such beverage shall be
9 served to or drunk by a woman in a tavern; and no
10 such beverage shall be served to or drunk by any
11 person standing at a bar or counter in such a hotel,
12 restaurant or club on Sundays.

1 SECTION 4. Said section twelve, as so appearing,
2 is hereby further amended by striking out, in the
3 forty-sixth to forty-eighth lines, inclusive, the words
4 “; provided, that such beverages shall be served to
5 and drunk by members or guests only sitting at tables
6 or sitting at counters equipped with stools”.

1 SECTION 5. The fifth paragraph of section twenty-
2 three of said chapter one hundred and thirty-eight,
3 as appearing in section sixteen of said chapter three
4 hundred and eighty-five, is hereby amended by strik-
5 ing out, in the fifteenth to nineteenth lines, inclusive,
6 the words "and served therein over, and drunk by
7 customers standing at, a bar or counter, instead of
8 being drunk sitting at tables or sitting at counters
9 equipped with stools in dining or other rooms or
10 quarters as contemplated by or authorized under the
11 provisions" and inserting in place thereof the words:
12 —, served or drunk therein in violation of any pro-
13 vision, — so as to read as follows:— Whenever, in
14 the opinion of the local licensing authorities, any ap-
15 plicant for a license under section twelve, fourteen or
16 fifteen fails to establish to their satisfaction his com-
17 pliance with the requirements of this chapter, or any
18 other reasonable requirements which they may from
19 time to time make with respect to licenses under said
20 sections respectively, or to the conduct of business
21 by any licensee thereunder, said authorities may re-
22 fuse to issue or reissue to such applicant any such
23 license; and whenever in their opinion any holder of
24 such a license fails to maintain such compliance or
25 whenever it shall appear to them that the nature of
26 the business, or of the equipment of and service of
27 any hotel, restaurant, club or tavern no longer satis-
28 fies the definition thereof contained in this chapter,
29 or that alcoholic beverages are being or have been
30 sold, served or drunk therein in violation of any pro-
31 vision of this chapter, they may, after hearing or
32 opportunity therefor modify, suspend, revoke or can-
33 cel such license.

