

# RESOLUTION OF THE CITY COUNCIL

No. 265

*Approved* April 17, 1995

RESOLVED, That the City Council endorses and urges passage by the General Assembly of Senate Bill 95-S 1122 and House Bill 95-H 6836 relating to Town and City Sealers, in substantially the form attached.

IN CITY COUNCIL  
APR 6 1995  
READ AND PASSED  
*Ernest V. Fargnoli*  
ACTING PRES.  
*Michael S. Clement*  
CLERK

APPROVED  
APR 17 1995  
*Vincent R. Cravino*  
MAYOR

## STATE OF RHODE ISLAND

## IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 1995

AN ACT  
RELATING TO

95-S 1122

## TOWNS AND CITY SEALERS

95-S 1122

Introduced By: Senators Roney,  
Perry, Palazzo  
and Walton  
Date Introduced: February 16, 1995  
Referred To: Senate Committee on  
Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 47-2.7 of the General Laws in Chapter 2 entitled  
2 "Town and City Sealers" shall be amended as follows:

3 47-2-7. Fees and compensation of sealer - Condemnation of incorrect  
4 scales or balances. -(a) The certified sealer of weights and measures, in any town  
5 or city, shall receive for testing and approving a fee of twenty-five cents (25¢) for  
6 every weight, wine or dry measure, sealed by him or her at his or her office; the  
7 sealer shall receive a fee of twenty-five cents (25¢) for every yardstick or yard  
8 measure sealed by him or her; for sealing every spring balance of a capacity less  
9 than one hundred pounds (100 lbs.) the sealer shall receive a fee of two dollars  
10 (\$2.00); for every spring balance of a capacity of one hundred (100) and less than  
11 five hundred pounds (500 lbs.), three dollars (\$3.00); for every platform scale of a  
12 capacity of five thousand pounds (5,000 lbs.) or more, five dollars (\$5.00); for  
13 every balance of a capacity of less than five thousand pounds (5,000 lbs.), two  
14 dollars (\$2.00); for every steel yard of a capacity of fifty pounds (50 lbs.) or less,  
15 one dollars (\$1.00); and for every steel yard of a capacity over fifty pounds (50  
16 lbs.), two dollars (\$2.00); every scale or balance used for weighing people shall be  
17 tested, and if found correct shall be sealed, by the sealer, and he or she shall  
18 receive a fee of two dollars (\$2.00) for each and every scale or balance so sealed.  
19 every mechanical, electronic, or other scale with NETP certification with a  
20 capacity of less than thirty-five (35) pounds a fee of eight dollars (\$8.00); for every  
21 scale used for the retail sale of precious metals twenty dollars (\$20.00); for every  
22 mechanical, electronic, or other scale with NETP certification with a capacity of  
23 thirty-five (35) pounds to three hundred (300) pounds a fee of fifteen dollars  
24 (\$15.00); for every platform scale with a capacity of three hundred (300) pounds a  
25 fee of fifteen dollars (\$15.00); for every platform scale with a capacity of three  
26 hundred (300) pounds to five thousand (5000) pounds a fee of twenty dollars

1 (\$20.00); and for every platform scale with a capacity over five thousand (5,000)  
2 pounds a fee of twenty-five dollars (\$25.00) per hour. If any of the scales or  
3 balances with NETP certification are found to be incorrect, then they shall be  
4 condemned so marked and their use forbidden as hereinbefore provided until such  
5 time as the devices meet the requirements of that current year edition of NIST  
6 Handbook 44. Scales, balances or like devices not having met NETP certification  
7 and are being used for purposes other than portion control and are located in an  
8 area that could facilitate fraud shall be confiscated by the certified sealer. Scales  
9 or balances not meeting class standards, as those often used to weigh people or  
10 scales for approximating weight, can be checked and the fees shall be the same as  
11 herein provided for same weight capacities. A certified sealer shall receive  
12 reasonable compensation for expenses occurred in visiting any place as provided  
13 for in Title 47 unless otherwise stated in 47-2-9. For proving and sealing coal and  
14 wood baskets, he or she shall receive a fee of fifty cents (50¢) each, and for every  
15 charcoal basket so sealed, sixty cents (60¢); he or she shall also have a reasonable  
16 compensation for all repairs, alterations, and adjustments which it may be  
17 necessary for the sealer to make, made by him or her, and for the expenses  
18 incurred in visiting any place, as provided for in § 47-2-5. These fees and  
19 compensation shall be paid to the sealer by the person owning or using the  
20 weights, measures, or balances tested and/or approved so adjusted and sealed.  
21 Every person violating the provisions of this section shall be fined not exceeding  
22 one five hundred dollars-(\$100) (\$500) for each offense, one-half (1/2) thereof to  
23 go to the town or city and one-half (1/2) to the complainant. All the fees received  
24 by any certified sealer of weights and measures of any town or city shall be  
25 retained by him or her as compensation for his or her services except as hereinafter  
26 provided. Any town or city council may, at any time, by ordinance fix an annual  
27 salary for the certified sealer of weights and measures of the town or city, and in  
28 that case the fees received by him or her shall be paid over by him or her to the  
29 town or city treasurer, at the time or times prescribed by any ordinance of the town  
30 or city.

31 (b) (1) For every spring balance or balance scale of a capacity of less than  
32 ten pounds (10 lbs.), he or she shall receive a fee of five dollars (\$5.00); for every  
33 spring balance or balance scale of a capacity of more than ten pounds (10 lbs.) and  
34 less than one hundred pounds (100 lbs.), he or she shall receive a fee of six dollars  
35 (\$6.00); for every spring balance, balance scale, or platform scale of a capacity of  
36 more than one hundred pounds (100 lbs.) and less than one thousand pounds  
37 (1,000 lbs.), he or she shall receive a fee of ten dollars (\$10.00)

38 (2) Subject to the sealing provisions and fees shall be any spring balance,  
39 balance scale, or platform scale maintained by any hospital or treatment center  
40 located within the city of Providence.

41 (3) If any of the scales or balances are found to be incorrect, they shall be  
42 condemned and their use forbidden as hereinbefore provided.

43 SECTION 2. This Act shall take effect upon its passage.  
44  
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95-S 1122

EXPLANATION  
OF  
AN ACT  
RELATING TO TOWN AND CITY SEALERS

\* \* \*

1        This Act would increase fees and compensation of a certified city or town  
2    sealer of weights and measures for testing or approving every mechanical,  
3    electronic or scale with NETP certification.

4        This Act would also permit confiscation by the certified city or town sealer  
5    if the balances, scales or like devices do not need NETP certification.

6        This Act shall take effect upon its passage.

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LC893  
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STATE OF RHODE ISLAND

95-H 6836

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 1995

A N A C T

RELATING TO WEIGHTS AND MEASURES -- TOWN  
AND CITY SEALERS

95-H 6836

Introduced By: Rep. S. Smith and Moura

Date Introduced: March 21, 1995

Referred To: Committee on Corporations

It is enacted by the General Assembly as follows:

1       SECTION 1. Section 47-2-7 of the General Laws in Chapter 47-2  
2       entitled "Town and City Sealers" is hereby amended to read as follows:  
3       47-2-7. Fees and compensation of sealer -- Condemnation of  
4       incorrect scales or balances. -- (a) The certified sealer of weights  
5       and measures, in any town or city, shall receive for testing and  
6       approving a fee of twenty-five cents-(25c)-for every weight, wine, or  
7       dry measure, seated by him or her at his or her office; the sealer  
8       shall receive a fee of twenty-five cents-(25c)-for every yardstick or  
9       yard measure seated by him or her; for seating every spring balance of  
10       a capacity less than one hundred pounds-(100-lbs) the sealer shall  
11       receive a fee of two dollars-(2.00); for every spring balance of a  
12       capacity of one hundred-(100)-and less than five hundred pounds-(500  
13       lbs); three dollars-(3.00); for every platform scale of a capacity  
14       of five thousand pounds-(5,000-lbs) or more; five dollars-(5.00);  
15       for every balance of a capacity of less than five thousand  
16       pounds-(5,000-lbs); two dollars-(2.00); for every steel yard of a  
17       capacity of fifty-(50)-pounds or less one dollar-(1.00); and for

1 every--steel--yard--of--a--capacity--over--fifty-pounds--(50-lbs--);--two  
2 dollars--(\$2.00)--;--every--scale--or--balance--used--for--weighing--people--shall  
3 be--tested--;--and--if--found--correct--shall--be--sealed--;--by--the--sealer--;--and--he  
4 or--she--shall--receive--a--fee--of--two--dollars--(\$2.00)--for--each--and--every  
5 scale--or--balance--so--sealed--; every mechanical, electronic, or other  
6 scale with NETP certification with a capacity of less than thirty-five  
7 (35) pounds a fee of eight dollars (\$8.00); for every scale used for  
8 the retail sale of precious metals twenty dollars (\$20.00); for every  
9 mechanical, electronic, or other scale with NETP certification with a  
10 capacity of thirty-five (35) pounds to three hundred (300) pounds a  
11 fee of fifteen dollars (\$15.00); for every platform scale with a  
12 capacity of three hundred (300) pounds a fee of fifteen dollars  
13 (\$15.00); for every platform scale with a capacity of three hundred  
14 (300) pounds to five thousand (5000) pounds a fee of twenty dollars  
15 (\$20.00); and for every platform scale with a capacity over five thou-  
16 sand (5,000) pounds a fee of twenty-five dollars (\$25.00) per hour.  
17 If any of the scales or balances with NETP certification are found to  
18 be incorrect, then they shall be condemned so marked and their use  
19 forbidden as--hereinbefore--provided--; until such time as the devices  
20 meet the requirements of that current year edition of NIST Handbook  
21 44. Scales, balances or like devices not having met NETP certifica-  
22 tion and are being used for purposes other than portion control and  
23 are located in an area that could facilitate fraud shall be confis-  
24 cated by the certified sealer. Scales or balances not meeting class  
25 standards, as those often used to weigh people or scales for approxi-  
26 imating weight, can be checked and the fees shall be the same as herein  
27 provided for same weight capacities. A certified sealer shall receive  
28 reasonable compensation for expenses occurred in visiting any place as  
29 provided for in title 47 unless otherwise stated in 47-2-9. For-prov-  
30 ing-and-sealing-coal-and-wood-baskets--;--he-or-she shall receive a fee  
31 of--fifty--cents--(\$0.50)--each--;--and--for--every--charcoal-basket--so--sealed--;  
32 sixty--cents--(\$0.60)--;--he-or-she--shall--also--have--a--reasonable--compensation  
33 for--all--repairs--alterations--;--and--adjustments--which--it--may--be--neces-

1 sary--for-the-sealer-to-make;-made-by-him-or-her;-and-for-the-expenses  
2 incurred-in-visiting-any-place;-as-provided--for--in--section--47-2-5r  
3 These fees and compensation shall be paid to the sealer by the person  
4 owning or using the weights, measures, or balances so--adjusted--and  
5 sealed; tested and/or approved. Every person violating the provisions  
6 of this section shall be fined not exceeding one-hundred-dollars  
7 ~~(\$100.00)~~ five hundred dollars (\$500) for each offense, one-half (1/2)  
8 thereof to go to the town or city and one-half (1/2) to the complain-  
9 ant. All the fees received by any certified sealer of weights and mea-  
10 sures of any town or city shall be retained by him or her as compensa-  
11 tion for his or her services except as hereinafter provided. Any town  
12 or city council, may at any time by ordinance fix an annual salary for  
13 the certified sealer of weights and measures of the town or city, and  
14 in that case the fees received by him or her shall be paid over by him  
15 or her to the town or city treasurer, at the time or times prescribed  
16 by any ordinance of the town or city.

17 (b)(1)-For-every-spring-balance-or-balance-scale-of-a-capacity-of  
18 less-than-ten-pounds-(10-lbsr);-he-or-she-shall-receive-a-fee-of--five  
19 dollars-(55.00);-for-every-spring-balance-or-balance-scale-of-a-capac-  
20 ity-of-more-than-ten-pounds-(10-lbsr)-and-less-than-one-hundred-pounds  
21 (100--lbsr);-he-or-she-shall-receive-a-fee-of-six-dollars-(56.00);-for  
22 every-spring-balance;-balance-scale;-or-platform-scale-of--a--capacity  
23 of--more-than-one-hundred-pounds-(100-lbsr)-and-less-than-one-thousand  
24 pounds-(1,000-lbsr);-he-or-she-shall-receive--a--fee--of--ten--dollars  
25 ~~(\$10.00).~~

26 (2)-Subject--to--the--sealing--provisions--and--fees-shall-be-any  
27 spring-balance;-balance-scale;-or-platform--scale--maintained--by--any  
28 hospital-or-treatment-center-located-within-the-city-of-Providence

29 (3)-if--any--of-the-scales-or-balances-are-found-to-be-incorrect;  
30 they-shall-be-condemned-and-their-use-forbidden-as--hereinbefore--pro-  
31 vided;

# RESOLUTION OF THE CITY COUNCIL

No. 266

*Approved* April 17, 1995

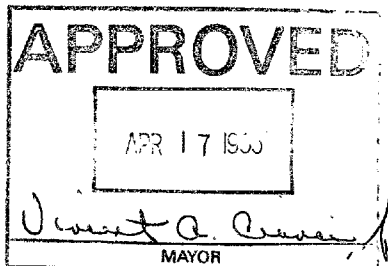
RESOLVED, That the City Council opposes passage by the General Assembly of Senate Bill 95-S 0391 and House Bill 95-H 5971 relating to Alcoholic Beverages - Retail Licenses, in substantially the form attached.

IN CITY COUNCIL

APR 6 1995

READ AND PASSED

*Evelyn V. Fargnoli*  
ACTING PRES.  
*Michael L. Clement*  
CLERK





INTRODUCED AT THE REQUEST OF:

9 5 --

THE NEW ENGLAND CONVENIENCE STORES ASSOC.

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RS311  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

95-H 5971

JANUARY SESSION, A.D. 1995

A N A C T

RELATING TO ALCOHOLIC BEVERAGES --  
RETAIL LICENSES

95-H 5971

Introduced By: Reps. Kennedy, Reilly,  
Quick and Campbell

Date Introduced: February 14, 1995

Referred To: Committee on Corporations

It is enacted by the General Assembly as follows:

- 1       SECTION 1. Chapter 3-7 of the General Laws entitled "Retail  
2       Licenses" is hereby amended by adding thereto the following section:  
3       3-7-3.1. Limited Class A licenses. -- Limited Class A licenses  
4       may be issued by the department of business regulation to any person,  
5       firm or corporation owning one (1) or more convenience stores (as  
6       hereinafter described) authorizing the holder to keep for sale and to  
7       sell at the place therein described malt and vinous beverages (but not  
8       beverages consisting in whole or in part of alcohol produced by dis-  
9       tillation and not for consumption on the premises where sold) at  
10       retail in conjunction with and in addition to the sale of nonalcoholic  
11       beverages, foodstuffs, newspapers, magazines and other convenience  
12       store items. Limited Class A licenses may be granted only to conven-  
13       ience stores having retail space of no less than eight hundred (800)  
14       square feet and no more than three thousand five hundred (3,500)  
15       square feet. The provisions of sections 3-7-4 and 3-5-11 shall not  
16       apply to the holders of such limited Class A licenses provided, how-  
17       ever, the closing hours set forth in section 3-7-23 and the prohibi-

1 tions on Sunday and holiday sales set forth in section 3-8-1 shall  
2 apply to the holders of limited Class A licenses (at which times and  
3 on which days all malt and vinous beverages shall be segregated from  
4 other merchandise and clearly marked as not available for sale). The  
5 annual fee for a limited Class A license shall be fifteen hundred  
6 dollars (\$1,500) prorated to the year ending December 1 in every cal-  
7 endar year.

8 3-7-4.1. Proximity of limited Class A licenses. -- Retailer's  
9 limited Class A licenses under this chapter shall not be issued to  
10 authorize the sale of beverages in any convenience store within one  
11 thousand feet (1000') measured by any public way of another premises  
12 holding a Class A license or a limited Class A license. Where a pro-  
13 posed licensee's premises is upon the opposite side of the street from  
14 that of an existing license holder, the width of the street is to be  
15 disregarded in measuring the distance so as to ascertain if it is one  
16 thousand feet (1000') away from the premises.

17 SECTION 2. Section 3-7-23 of the General Laws in Chapter 3-7  
18 entitled "Retail Licenses" is hereby amended to read as follows:

19 3-7-23. Closing hours for Class A licenses. -- The following  
20 closing hours shall be observed by all Class A license and limited  
21 Class A license holders:

22 (a) November 1 to May 31 -- No holder of a Class A license or  
23 limited Class A license shall sell or deliver beverage under that li-  
24 cense between the hours of 10:00 p.m. and 7:00 a.m. (local time),  
25 except on legal holiday eves at which time the closing hour shall be  
26 11:00 p.m. When a legal holiday is celebrated on a Monday, the pre-  
27 ceding Saturday shall be considered the holiday eve.

28 (b) June 1 to October 31 -- No holder of a Class A license or  
29 limited Class A license shall sell or deliver beverages under said li-  
30 cense between the hours of 11:00 p.m. and 7:00 a.m. (local time).

31 SECTION 3. Section 3-8-1 of the General Laws in Chapter 3-8  
32 entitled "Regulation of Sales" is hereby amended to read as follows:

33 3-8-1. Sales on Sundays and holidays -- Sales to underage per-

1 sons, intoxicated persons, and persons of intemperate habits. --  
2 Licenses issued under the provisions of this title shall not authorize  
3 the sale or service of beverages on Sunday except as herein provided,  
4 nor on Christmas day excepting licensed taverns, clubs, victualing  
5 houses and retail Class F licensed places when served with food to  
6 guests, and except in places operated under a retail Class E license  
7 described above, and excepting the sale of wine or winery products at  
8 retail pursuant to section 3-6-1.1(d)(4) by holders of farmer-winery  
9 licenses and the serving of complimentary samples pursuant to section  
10 3-6-1.1(f) by holders of farmer-winery licenses, and except in cars or  
11 on passenger-carrying marine vessels operated by holders of Class G  
12 licenses; provided that the department may limit the sale of beverages  
13 on passenger-carrying marine vessels to the hours from 6:00 p.m. to  
14 8:00 o'clock a.m. on those days; nor shall they authorize the sale or  
15 delivery to any underaged person as defined in this title for purposes  
16 of sale, possession and consumption of alcoholic beverages, either for  
17 his own use or for the use of his parents, or of any other person; or  
18 the sale of beverages to any intoxicated persons or to any person of  
19 notoriously intemperate habits; and, provided further, places oper-  
20 ating under a retail Class C license shall be authorized to be open  
21 for the sale of alcoholic beverages upon Columbus day, Armistice day,  
22 Victory day, provided however, that local board of license may author-  
23 ize places operating under a Class C license to be open on New Year's  
24 day; and provided further, places operating under a retail Class A  
25 license shall not be authorized to be open for the sale of alcoholic  
26 beverages upon Thanksgiving day and New Year's day; and provided fur-  
27 ther places operating under a limited Class A retailer's license shall  
28 be authorized to be open for the sale of alcoholic beverages on Sun-  
29 days after Thanksgiving day prior to New Year's day.

30 SECTION 4. Sections 3-5-12, 3-5-14, 3-5-17 and 3-5-20 of the  
31 General Laws in Chapter 3-5 entitled "License Generally" are hereby  
32 amended to read as follows:

33 3-5-12. Licenses to keep or sell legal beverages only -- Minimum

1 size of containers. -- Only beverages which have been legally manu-  
2 factured and on which all taxes and charges, federal and state, have  
3 been paid, shall be kept for sale or sold by a licensee. Holders of  
4 Class B, C, D, I and J licenses shall not have on the licensed prem-  
5 ises distilled or vinous beverages in the containers, nor bottles,  
6 flasks or containers of less capacity than twenty-three ounces (23  
7 oz.). Holders of Class B wholesaler's licenses, Class G retailer's  
8 licenses, Class B-H retailer's licenses, limited Class A retailer's  
9 licenses and Class A retailer's licenses are authorized to keep for  
10 sale and to sell distilled beverages in containers of a minimum capac-  
11 ity of fifty milliliters (50 mls.) or one and seven tenths (1.7)  
12 ounces.

13 3-5-14. Licenses issued by department of business regulation. --

14 The right, power and jurisdiction to issue manufacturer's,  
15 wholesaler's or retailer's limited Class A, Class G and Class I  
16 licenses shall be solely in the department of business regulation,  
17 provided, that before the department shall issue any Class I license  
18 it shall first receive the approval of the licensing authority of the  
19 town or city in which the premises covered by the Class I license are  
20 located; and provided, further, that the number of Class I licenses in  
21 the state shall be limited to one (1) to each twenty-five thousand  
22 (25,000) of its inhabitants as determined by the latest census taken  
23 under the authority of the United States or of this state.

24 3-5-17. Notice and hearing on licenses. -- Before granting a li-  
25 cense to any person under the provisions of this chapter and title the  
26 board, body or official to whom application for the license shall be  
27 made, shall give notice by advertisement published once a week for at  
28 least two (2) weeks in some newspaper published in the city or town  
29 where the applicant proposes to carry on business, or, if there be no  
30 newspaper published in a town, then in some newspaper having a general  
31 circulation in the city or town; provided, that applications for  
32 retailer's limited Class A, Class F and Class G licenses need not be  
33 advertised. The advertisement so published shall contain the name of

1 the applicant and a description by street and number or other plain  
2 designation of the particular location for which the license is  
3 requested. Notice of the application shall also be given to all owners  
4 of property within two hundred feet (200') of the place of business  
5 seeking the application, by mail. The notice shall be given by the  
6 board, body or official to whom the application is made, and the cost  
7 thereof shall be borne by the applicant. The notices shall state that  
8 remonstrants are entitled to be heard before the granting of the li-  
9 cense, and shall name the time and place of the hearing. At the time  
10 and place a fair opportunity shall be granted the remonstrants to make  
11 their objections before acting upon the application.

12 3-5-20. Rules and regulations -- Notice and procedure. -- All  
13 licenses to be issued hereunder shall be in such form as shall be pre-  
14 scribed by the department of business regulation; and the license  
15 shall be held under such rules and regulations as the department shall  
16 impose, establish and authorize (including, but not limited to, rules  
17 and regulations regarding the training of those employees of holders  
18 of limited Class A licenses entitled to make sales of malt and vinous  
19 beverages); and the department is hereby authorized to establish rules  
20 and regulations and to authorize the making of such rules and regula-  
21 tions by the licensing authority of the several towns and cities as in  
22 their respective discretions in the public interest shall seem proper  
23 to be made. Notwithstanding any of the foregoing provisions of this  
24 section, the adoption or authorization of rules and regulations by the  
25 department and the modification or repeal of any rules and regulations  
26 previously adopted shall be by written order of the department and  
27 adopted in accordance with the provisions of chapter 35 of title 42.

28 SECTION 5. This act shall take effect upon passage.

=====  
RS311  
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95-H 5971

EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

AN ACT

RELATING TO ALCOHOLIC BEVERAGES --  
RETAIL LICENSES

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- 1        This act would permit the department of business regulation  
2        to issue limited Class A licenses to convenience stores allowing  
3        the sale of beer and wine only and in the same manner as other  
4        licensed retail establishments and to promulgate regulations  
5        regarding the same.  
6        This act would take effect upon passage.

-----  
RS311  
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LC598

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

95-S 391

JANUARY SESSION, A.D. 1995

A N A C T

RELATING TO ALCOHOLIC BEVERAGES --  
RETAIL LICENSES

95-S 0391

Introduced By: Senator Dominic  
DiSandro (by request)

Date Introduced: February 7, 1995

Referred To: Senate Committee on  
Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 3-7 of the General Laws entitled "Retail  
2 Licenses" is hereby amended by adding thereto the following section:  
3 3-7-3.1. Limited Class A licenses. -- Limited Class A licenses  
4 may be issued by the department of business regulation to any person,  
5 firm or corporation owning one (1) or more convenience stores (as  
6 hereinafter described) authorizing the holder to keep for sale and to  
7 sell at the place therein described malt and vinous beverages (but not  
8 beverages consisting in whole or in part of alcohol produced by dis-  
9 tillation and not for consumption on the premises where sold) at  
10 retail in conjunction with and in addition to the sale of nonalcoholic  
11 beverages, foodstuffs, newspapers, magazines and other convenience  
12 store items. Limited Class A licenses may be granted only to conven-  
13 ience stores having retail space of no less than eight hundred (800)  
14 square feet and no more than three thousand five hundred (3,500)  
15 square feet. The provisions of sections 3-7-4 and 3-5-11 shall not  
16 apply to the holders of such limited Class A licenses provided, how-  
17 ever, the closing hours set forth in section 3-7-23 and the prohibi-

1 tions on Sunday and holiday sales set forth in section 3-8-1 shall  
2 apply to the holders of limited Class A licenses (at which times and  
3 on which days all malt and vinous beverages shall be segregated from  
4 other merchandise and clearly marked as not available for sale). The  
5 annual fee for a limited Class A license shall be fifteen hundred  
6 dollars (\$1,500) prorated to the year ending December 1 in every cal-  
7 endar year.

8 3-7-4.1. Proximity of limited Class A licenses. -- Retailer's  
9 limited Class A licenses under this chapter shall not be issued to  
10 authorize the sale of beverages in any convenience store within one  
11 thousand feet (1000') measured by any public way of another premises  
12 holding a Class A license or a limited Class A license. Where a pro-  
13 posed licensee's premises is upon the opposite side of the street from  
14 that of an existing license holder, the width of the street is to be  
15 disregarded in measuring the distance so as to ascertain if it is one  
16 thousand feet (1000') away from the premises.

17 SECTION 2. Section 3-7-23 of the General Laws in Chapter 3-7  
18 entitled "Retail Licenses" is hereby amended to read as follows:

19 3-7-23. Closing hours for Class A licenses. -- The following  
20 closing hours shall be observed by all Class A license and limited  
21 Class A license holders:

22 (a) November 1 to May 31 -- No holder of a Class A license or  
23 limited Class A license shall sell or deliver beverage under that li-  
24 cense between the hours of 10:00 p.m. and 7:00 a.m. (local time),  
25 except on legal holiday eves at which time the closing hour shall be  
26 11:00 p.m. When a legal holiday is celebrated on a Monday, the pre-  
27 ceding Saturday shall be considered the holiday eve.

28 (b) June 1 to October 31 -- No holder of a Class A license or  
29 limited Class A license shall sell or deliver beverages under said li-  
30 cense between the hours of 11:00 p.m. and 7:00 a.m. (local time).

31 SECTION 3. Section 3-8-1 of the General Laws in Chapter 3-8  
32 entitled "Regulation of Sales" is hereby amended to read as follows:

33 3-8-1. Sales on Sundays and holidays -- Sales to underage per-



1 sons, intoxicated persons, and persons of intemperate habits. --  
2 Licenses issued under the provisions of this title shall not authorize  
3 the sale or service of beverages on Sunday except as herein provided,  
4 nor on Christmas day excepting licensed taverns, clubs, victualing  
5 houses and retail Class F licensed places when served with food to  
6 guests, and except in places operated under a retail Class E license  
7 described above, and excepting the sale of wine or winery products at  
8 retail pursuant to section 3-6-1.1(d)(4) by holders of farmer-winery  
9 licenses and the serving of complimentary samples pursuant to section  
10 3-6-1.1(f) by holders of farmer-winery licenses, and except in cars or  
11 on passenger-carrying marine vessels operated by holders of Class G  
12 licenses; provided that the department may limit the sale of beverages  
13 on passenger-carrying marine vessels to the hours from 6:00 p.m. to  
14 8:00 o'clock a.m. on those days; nor shall they authorize the sale or  
15 delivery to any underaged person as defined in this title for purposes  
16 of sale, possession and consumption of alcoholic beverages, either for  
17 his own use or for the use of his parents, or of any other person; or  
18 the sale of beverages to any intoxicated persons or to any person of  
19 notoriously intemperate habits; and, provided further, places oper-  
20 ating under a retail Class C license shall be authorized to be open  
21 for the sale of alcoholic beverages upon Columbus day, Armistice day,  
22 Victory day, provided however, that local board of license may author-  
23 ize places operating under a Class C license to be open on New Year's  
24 day; and provided further, places operating under a retail Class A  
25 license shall not be authorized to be open for the sale of alcoholic  
26 beverages upon Thanksgiving day and New Year's day; and provided fur-  
27 ther places operating under a limited Class A retailer's license shall  
28 be authorized to be open for the sale of alcoholic beverages on Sun-  
29 days after Thanksgiving day prior to New Year's day.

30 SECTION 4. Sections 3-5-12, 3-5-14, 3-5-17 and 3-5-20 of the  
31 General Laws in Chapter 3-5 entitled "License Generally" are hereby  
32 amended to read as follows:

33 3-5-12. Licenses to keep or sell legal beverages only -- Minimum

1 size of containers. -- Only beverages which have been legally manu-  
2 factured and on which all taxes and charges, federal and state, have  
3 been paid, shall be kept for sale or sold by a licensee. Holders of  
4 Class B, C, D, I and J licenses shall not have on the licensed prem-  
5 ises distilled or vinous beverages in the containers, nor bottles,  
6 flasks or containers of less capacity than twenty-three ounces (23  
7 oz.). Holders of Class B wholesaler's licenses, Class G retailer's  
8 licenses, Class B-H retailer's licenses, limited Class A retailer's  
9 licenses and Class A retailer's licenses are authorized to keep for  
10 sale and to sell distilled beverages in containers of a minimum capac-  
11 ity of fifty milliliters (50 mls.) or one and seven tenths (1.7)  
12 ounces.

13 3-5-14. Licenses issued by department of business regulation. --  
14 The right, power and jurisdiction to issue manufacturer's,  
15 wholesaler's or retailer's limited Class A, Class G and Class I  
16 licenses shall be solely in the department of business regulation,  
17 provided, that before the department shall issue any Class I license  
18 it shall first receive the approval of the licensing authority of the  
19 town or city in which the premises covered by the Class I license are  
20 located; and provided, further, that the number of Class I licenses in  
21 the state shall be limited to one (1) to each twenty-five thousand  
22 (25,000) of its inhabitants as determined by the latest census taken  
23 under the authority of the United States or of this state.

24 3-5-17. Notice and hearing on licenses. -- Before granting a li-  
25 cense to any person under the provisions of this chapter and title the  
26 board, body or official to whom application for the license shall be  
27 made, shall give notice by advertisement published once a week for at  
28 least two (2) weeks in some newspaper published in the city or town  
29 where the applicant proposes to carry on business, or, if there be no  
30 newspaper published in a town, then in some newspaper having a general  
31 circulation in the city or town; provided, that applications for  
32 retailer's limited Class A, Class F and Class G licenses need not be  
33 advertised. The advertisement so published shall contain the name of

1 the applicant and a description by street and number or other plain  
2 designation of the particular location for which the license is  
3 requested. Notice of the application shall also be given to all owners  
4 of property within two hundred feet (200') of the place of business  
5 seeking the application, by mail. The notice shall be given by the  
6 board, body or official to whom the application is made, and the cost  
7 thereof shall be borne by the applicant. The notices shall state that  
8 remonstrants are entitled to be heard before the granting of the li-  
9 cense, and shall name the time and place of the hearing. At the time  
10 and place a fair opportunity shall be granted the remonstrants to make  
11 their objections before acting upon the application.

12 3-5-20. Rules and regulations -- Notice and procedure. -- All  
13 licenses to be issued hereunder shall be in such form as shall be pre-  
14 scribed by the department of business regulation; and the license  
15 shall be held under such rules and regulations as the department shall  
16 impose, establish and authorize; (including, but not limited to, rules  
17 and regulations regarding the training of those employees of holders  
18 of limited Class A licenses entitled to make sales of malt and vinous  
19 beverages); and the department is hereby authorized to establish rules  
20 and regulations and to authorize the making of such rules and regula-  
21 tions by the licensing authority of the several towns and cities as in  
22 their respective discretions in the public interest shall seem proper  
23 to be made. Notwithstanding any of the foregoing provisions of this  
24 section, the adoption or authorization of rules and regulations by the  
25 department and the modification or repeal of any rules and regulations  
26 previously adopted shall be by written order of the department and  
27 adopted in accordance with the provisions of chapter 35 of title 42.

28 SECTION 5. This act shall take effect upon passage.

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EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

AN ACT

RELATING TO ALCOHOLIC BEVERAGES --  
RETAIL LICENSES

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1        This act would permit the department of business regulation  
2        to issue limited Class A licenses to convenience stores allowing  
3        the sale of beer and wine only and in the same manner as other  
4        licensed retail establishments and to promulgate regulations  
5        regarding the same.

6        This act would take effect upon passage.

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