

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

Evelyn V. Fargnoli
ACTING PRES.

Michael S. Clement
CLERK

APPROVED

APR 17 1995

Vincent A. Cassin
MAYOR

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 1995

95-S 1122

AN ACT
RELATING TO

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
45
46

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.

7

8

LC893

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--street--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--cost--and--wood--baskets;--he--or--she--shall--receive--a--fee
31 of--fifty--cents--(50c)--each;--and--for--every--charcoal--basket--so--sealed;
32 sixty--cents--(60c);--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-lbs); 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-lbs)-and-less-than-one-hundred-pounds
21 (100-lbs); he-or-she-shall-receive-a-fee-of-six-dollars-(6.00); for
22 every-spring-balance; balance-scale; or-platform-scale-of--a--capacity
23 of--more-than-one-hundred-pounds-(100-lbs)-and-less-than-one-thousand
24 pounds-(1,000-lbs); he-or-she-shall-receive--a--fee--of--ten--dollars
25 (910.00).

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

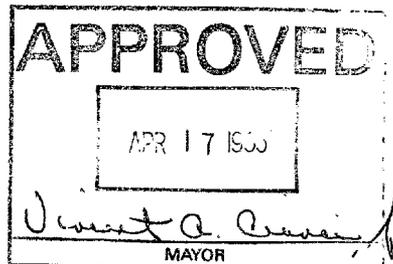
No. 266

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



RS311

S T A T E O F R H O D E I S L A N D

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 cence 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 cence 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

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

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 cence 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 cence 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.

LC598

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EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

AN ACT

RELATING TO ALCOHOLIC BEVERAGES --
RETAIL LICENSES

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.

LC598
