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APPLICATION FOR LICENSE FOR AUTOMATIC AMUSEMENT DEVICE
(Mass General Laws, Chapter 140, Section 177A)

Automatic amusement devices licensed under this section shall be so installed on the premises described in the license as to be in open view at all times while in operation and shall at all times be available for inspection.

Any violation of any provision of this section or of Chapter 136 of the General Laws, by any person managing or controlling any premises where an automatic amusement device licensed under this section is kept or offered for operation, shall be cause for the revocation of all licenses for automatic amusement devices kept or offered for operation on such premises.

NAME OF APPLICANT _____

ADDRESS WHERE AMUSEMENT DEVICE IS TO BE LOCATED _____

KIND OF BUSINESS CONDUCTED WHERE AMUSEMENT IS TO BE LOCATED _____

* "M" NUMBER AND DESCRIPTION OF AMUSEMENT DEVICES AT THIS LOCATION _____

NAME AND ADDRESS OF DISTRIBUTOR _____

* "M" number may be
obtained from the
distributor

SIGNATURE OF APPLICANT _____

RESIDENCE ADDRESS _____

FEE: \$100 PER MACHINE
CALENDAR YEAR

TELEPHONE NUMBER _____

court to change the hours named in the license or to afford plaintiff relief so long as the conditions of the license were complied with. *Id.*

10. Discrimination

A billiard room was not a "public place of amusement," within St.1865, c. 277, providing that no discrimination or restriction on account of color or race would be lawful in any "licensed inn or in any place of public amusement," unless such billiard room had been licensed under G.S.1860, c. 88, § 69. *Com. v. Sylvester* (1866) 95 Mass. 247, 13 Allen 247.

11. Mandamus

Where town selectmen had not refused to act on petitioner's applications for licenses to conduct bowling alleys but had denied applications to protect persons living or owning property in neighborhood from annoyance, and there was nothing to show any abuse of discretion or that in reaching their conclusion selectmen committed any errors of law, selectmen, acting as a public board, owed petitioner no further duty and, hence, there was no reason for issuance of a writ of mandamus. *Marchesi v. Selectmen of Winchester* (1942) 42 N.E.2d 817, 312 Mass. 28.

AUTOMATIC AMUSEMENT DEVICES

Caption added by St.1949, c. 361

§ 177A. Amusement devices; license; definition; fee; view and inspection; gambling; nonapplicability of lottery statute

(1) The licensing authorities of any city or town may grant, and after written notice to the licensee, suspend or revoke a license to keep and operate an automatic amusement device for hire, gain or reward, approved by the director of standards and necessities of life under section two hundred and eighty-three of chapter ninety-four.

(2) The term "automatic amusement device" as used in this section shall be construed as meaning any mechanism whereby, upon the deposit therein of a coin or token, any apparatus is released or set in motion or put in a position where it may be set in motion for the purpose of playing any game involving, in whole or in part, the skill of the player, including, but not exclusively, such devices as are commonly known as pinball machines including free play pinball machines.

(3) Licenses granted under this section, unless sooner revoked, shall expire on December thirty-first of each year. Every such license shall specify the street and number of the premises where the automatic amusement device is to be kept or offered for operation or give some particular description of such premises, shall state the type of the automatic amusement device to which it relates, and shall cover any automatic amusement device of the same type which as a substitute or replacement for the automatic amusement device licensed, may, during the term of the license, be kept or offered for operation on the premises specified; but such license shall under no circumstances cover an automatic amusement device of a type other than the type stated in such license; and such license shall not cover the automatic amusement device if in any place other than the premises from time to time specified in such license. No such license shall specify more than one premises at one time. Upon written application, the licensing authority may from time to time amend any license granted under this section by changing the premises specified.

(4) The annual fee for a license under this section for any automatic amusement device licensed hereunder, or any renewal thereof, shall be twenty dollars, unless otherwise established in a town by town meeting action and in a city by city council action, and in a town with no town meeting by town council action, by adoption of appropriate by-laws and ordinances to set such fees, but in no event shall any such fee be greater than one hundred dollars. The fee for every change of premises shall be two dollars.

(5) Automatic amusement devices licensed under this section shall be so installed on the premises described in the license as to be in open view at all times while in operation, and shall at all times be available for inspection.

(6) No person keeping or offering for operation or allowing to be kept or offered for operation any automatic amusement device licensed under this section shall permit the same to be used for the purpose of gambling.

(7) The provisions of section seven of chapter two hundred and seventy-one of the General Laws shall not apply to machines licensed under the provisions of this section.

(8) Any violation of any provision of this section or of chapter one hundred and thirty-six of the General Laws by any person managing or controlling any premises where an automatic amusement device licensed under this section is kept or offered for operation shall be cause for the revocation of all licenses for automatic amusement devices kept or offered for operation on such premises.

Added by St.1949, c. 361. Amended by St.1981, c. 351, § 83; St.1981, c. 520.