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REPORT TO THE
GOVERNOR
AND THE
LEGISLATURE. --

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THE
LIQUOR CONTROL DIVISION
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DEPARTMENT OF PUBLIC SAFETY

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INTRODUCTION

This report is prepared in response to the mandate of Laws 1976 Chapter 5 that the Commissioner of Public Safety review the current operations of the Liquor Control Division and all applicable liquor statutes and make a report to the Governor and Legislature of specific recommendations for improvement of operations and updating of statutes. Several recommendations are presented. We have not attempted an in-depth analysis in this report of public policy on alcoholic beverages; rather, recommendations are briefly set out to serve as the base for further study where the legislature deems appropriate.

This report makes a number of references to the need for a thorough review and revision of the State's liquor laws. We believe that such a review of the law should be accompanied by an in-depth study of public policy regarding the regulation of the sale and use of alcoholic beverages.

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REORGANIZATION OF CHAPTER 340

The Intoxicating Liquor Statutes, Chapter 340, essentially date back to 1934 when the repeal of prohibition placed upon the states the power and responsibility to regulate the transportation, importation and use of intoxicating liquors. A few sections pre-date prohibition, some as early as 1905. Since 1934 Minnesota liquor laws have been amended as the need arose. Without undertaking a major analysis of exactly how the current Chapter 340 evolved, it is evident from a thorough reading of it that it contains both repetitious language and obsolete provisions.

Presently Chapter 340 is vaguely organized by classification of liquor -- non-intoxicating malt liquor, intoxicating liquor, violations and taxes. However, within those sections many subjects are repeated each time a different kind of liquor license is discussed. Along with repetition, there seem to be many inconsistencies. Drinking age, hours of sale, violations and penalties, and local vs. state issuance and approval of licenses are examples of subjects that are repeated throughout Chapter 340, but not always consistently. Also, various restrictions on manufacturers, wholesalers, importers, etc. are inconsistent with respect to the various types of liquor involved.

As the liquor laws have been amended through the years, for the purpose of meeting new problems of the day, many obsolete or unneeded provisions have been left in the statutes. This report

contains a recommendation for repeal of several obviously obsolete sections of Chapter 340. However, in addition to those, we feel Chapter 340 should be comprehensively reviewed by the Legislature on the basis of relevancy to present day needs.

A thorough review and analysis of Chapter 340 would uncover many areas which contribute to difficulties in interpretation, understanding, compliance and enforcement. It is therefore recommended that a study of Chapter 340 be undertaken for the purpose of grouping like subjects, removing inconsistencies and redundancies, and making substantive amendments to bring the liquor laws into focus with present day problems and needs. Should the Legislature choose to appoint an interim commission to undertake such project, the Department of Public Safety would willingly offer assistance.

REPEAL OF OBSOLETE PROVISIONS OF CHAPTER 340

It is the recommendation of the Department of Public Safety that the sections of Minnesota Statutes listed below be repealed. (See Appendix A for the full text.) These sections are obsolete and unenforceable. (In the case of section 340.73, see in this report Discussion of Other Issues concerning sales to intoxicated persons.)

Minn. Stat. 340.73	340.88
340.74	340.89
340.76	340.90
340.77	340.91
340.78	340.92
340.81	340.93
340.83	

AMENDMENTS TO CHAPTER 340

Ambiguous and obsolete language in the liquor laws have caused problems in regulation, enforcement, and adjudication. The following proposals offer some solutions through strengthening of existing statutes. Although we have already recommended a complete revamping of Chapter 340, these recommendations are predicated on its present format.

The statutes should be clarified and made uniform on the issue of sales by manufacturers, brewers, wholesalers, importers, distilleries and wineries as shown in 1-3 below. Presently, only the Liquor Control Rules contain language adequate to enforce compliance. Also the penalties in the following three sections should be gross misdemeanors to be consistent with other violations relating to the wholesale liquor industry.

(340.031)

1. Restrict non-intoxicating malt liquor brewers, wholesalers, and importers to selling only to municipal liquor stores, government instrumentalities, holders of non-intoxicating malt liquor licenses, and to persons described in Minn. Stat. 340.02, subd. 10.

(340.13)

2. Restrict distilled spirits and wine manufacturers, wholesalers, distilleries, wineries, and importers to selling only to municipal liquor stores, government instrumentalities and holders of intoxicating liquor licenses.

(340.403)

3. Restrict intoxicating malt liquor brewers, wholesalers, and importers to selling only to municipal liquor stores, government instrumentalities, holders of intoxicating liquor licenses and to persons described in Minn. Stat. 340.11, subd. 15.

(340.11)

In legislation for the 1977 session already submitted by the Department, we have proposed increasing various license fees which accrue to the State. However, off-sale liquor license fees, imposed by municipalities, are unrealistically low today. Since 75% of all liquor sold in Minnesota is sold at off-sale, it is reasonable to expect these licensees to pay economically realistic fees. We propose that off-sale license fees be increased as follows:

In cities of the 1st class, from \$1000 maximum to \$1500.

In cities of the 2nd class, from \$200 to \$1000.

In cities of the 3rd class, from \$200 to \$750.

In cities of the 4th class, from \$100 and \$150 to \$500.

(340.07 subd. 13)

For public convenience and to reflect the changes in philosophy over the years, the definition of "exclusive liquor store" should be amended to allow the sale of products and ingredients used in the preparation of alcoholic drinks, including glassware. Originally this prohibition was instituted to keep other unrelated products from inducing people into a liquor store. Today it is an inconvenience.

(340.11 subd. 5)

All liquor licenses, except on-sale licenses and special Sunday sales licenses issued by municipalities, are subject to approval by the Commissioner. We recommend that all licenses not issued or approved by the Commissioner not be effective until they have been filed with the Commissioner and he has in turn notified the applicant that the license applications have been received.

(340.11 subd. 20)

The 1975 legislature created a new class of intoxicating liquor license, the "on-sale wine license". The sale of wine is authorized on all days of the week unless the municipality or county restricts the sale to all days other than Sunday. The wine law is not specific as to actual hours of sale. The Department recommends that the hours and days of sale of on-sale wine be made consistent with that for intoxicating liquors as found in Minn. Stat. 340.14.

(340.13 subd. 1)

Non-intoxicating and intoxicating malt liquor brewers and wholesalers are restricted from engaging in the retail liquor industry according to very specific provisions. However, the same restriction for intoxicating liquor manufacturers and wholesalers is rather broad and uninclusive. Some believe that Minn. Stat. 340.13 could be interpreted to permit retailers to become involved in wholesale corporations, even though wholesalers may not be retailers. The law should be made consistent with the restrictions concerning malt liquor manufacturers and wholesalers.

(340.13 subd. 9)

To be consistent with multiple ownership laws, which restrict ownership in more than one liquor license by persons who already own more than 10% of a liquor license, we recommend amending the statute concerning transfer of license, to provide that any change in ownership exceeding 10% be deemed a transfer thereby requiring consent of the licensing authority. Presently in corporate ownership of a liquor license, ownership changes can take place without the knowledge of the licensing authority. Along with this proposal we also recommend that a transfer of a license have the consent of the issuing and approving authorities.

(340.13 subd. 11)

State law requires that licensees be issued any required federal liquor permits before the State license becomes effective. No other state has a requirement that the state license is contingent on a federal permit. It is also a rather ambiguous requirement since it seems to require local and State licensing authorities to verify federal requirements. This statutory provision should be repealed. It would not affect the licensee's responsibility under federal law to obtain any required federal permits, and enforcement of a federal requirement then clearly would be a federal not State matter.

(340.11 subd. 13)

State law now restricts the number of off-sale liquor licenses which may be granted in cities of the first class. We feel this restriction should be repealed since there is no limitation on the number of off-sale licenses for other classes of cities. Even for on-sale licenses, the statutory limitations on maximum number to be

granted are not binding, since local issuing authorities are allowed to issue in excess if approved by voter referendum.

(340.13 subd. 12)

Any person convicted in the prior five years of any federal, State, or local liquor law is ineligible for a liquor license. However, the construction of language in this section is not very clear. The Department recommends clarifying it and, in addition, denying eligibility for a liquor license from persons who have been convicted of a felony. It seems incongruous that a person convicted of a misdemeanor liquor law is ineligible to obtain a liquor license, whereas a person convicted of a non-liquor related felony is eligible.

(340.14 subd. 1.a.)

In order to facilitate law enforcement efforts in determining violations of selling or providing liquor to minors or obviously intoxicated persons, we recommend that possession and consumption in public places by minors or intoxicated persons also be prohibited. Currently, it is a violation to sell, furnish, or deliver intoxicating liquor to minors or to any obviously intoxicated person. It is often difficult to prove sale or delivery after the fact, but a peace officer can determine possession or consumption after the sale has been made.

(340.13 subd. 15)

Finally, we recommend that the statutes clearly specify that retail dealers and municipal liquor stores shall not sell liquor for the express or suspected purpose of resale. Sales by retailers

to other licensed and unlicensed outlets has provided opportunities for tax and licensing evasion. This has become a serious problem with respect to unlicensed outlets such as small resorts and "kegger" parties. By definition a retailer is not a wholesaler, thereby implying prohibition of such activity. However, clarifying this issue would place responsibility squarely on the retail dealer.

DISCUSSION OF OTHER ISSUES

There are two concepts relating to the safety of the public and the Liquor Control Division which merit further study. One involves the education and licensing of retail liquor employees. This practice has proved effective in many states and Minnesota has one municipality which practices it. Administrative agencies regulate the standards of many industries and occupations at the present time. Few industries contain as many opportunities to present hazards to public safety as does the liquor industry. Present statutes provide no qualifications for these employees other than a minimum age requirement. Men and women, many of whom possess only a slight knowledge of the liquor laws, work in bars and package stores throughout the State. They deal daily with one of the fastest reacting substances which can affect people's minds. Unlike the licensee, an employee may be convicted of a violation yet can continue his occupation. More satisfactory regulation, through education and licensing of employees, is an area that we believe warrants further study. Such licensing, if deemed desirable, probably would be limited to a demonstrated knowledge of the basic liquor laws and rules that apply to the relationship of the employee and the customer.

Drunken driving is one of the more serious problems facing public safety today. The arrest of the drunken driver is meeting the problem too late. To the best of our knowledge a liquor licensee never has been charged with or convicted of selling liquor to an intoxicated person under Minn. Stat. 340.14 or 340.73. An

amendment to Minn. Stat. 340.14 subd. 1.a., placing stricter criminal penalties on selling liquor to obviously intoxicated persons, may make enforcement more effective. Licensees who find themselves faced with criminal prosecution for selling liquor to obviously intoxicated persons would employ the same precautionary measures now taken to avoid selling to minors. By an intense statewide effort, through public information and local law enforcement education, many dangerously intoxicated drivers may be kept off the highways.

Earlier in this report it was recommended that Minn. Stat. 340.73 be repealed. Its language is archaic and unenforceable. It is of dubious constitutionality because of sweeping terms it uses to describe classes of people defined by vague, obsolete and offensive terms.

There is an additional issue which we feel requires legislative action but for which the Department has not formulated a recommendation. Minn. Stat. 340.15, pertaining to regulation of advertising, is unworkable in its present form. It requires administrative rules "...restricting advertising to prevent it from counteracting temperance education". A related issue should be addressed, specifically price advertising. Presently, a prohibition against price advertising, except on the premises of license establishments, is contained in the Liquor Control Rules, effective November 13, 1973. Since then there have been several liquor price advertising bills proposed. Therefore the rule has not been amended pending legislative action and clarification.

Finally, we recommend a review of all requirements in Chapter 340 for filing of bonds with corporate surety. Such review should be in conjunction with the Attorney General, the Insurance Commissioner, and the League of Minnesota Municipalities. The purpose of a surety bond seems to be a liability-type insurance coverage, making the licensee responsible for injuries and damages. For this purpose, the dollar amount of the bonds are unrealistically low. We also have found that liability payment from it is questionable. Its only real feature is that of a revokable penal bond.

LIQUOR REVENUE COLLECTION AND ENFORCEMENT

In the judgment of some of the staff of the Liquor Control Division, the State may be losing considerable revenue, due to the investigators' inability to determine, on sight, tax paid from non-tax paid liquor. Prior to July 1, 1959, when a tax stamp was affixed to tax paid liquor, liquor control inspectors were able to provide some revenue collection and enforcement control at the retail level. Since the tax stamp was discontinued visual control has not been possible.

While the staff is not able to specifically document that the State is losing revenues, statistical trends nationally and in other states seem to lend validity to it. For example, in 1975 the Distilled Spirits Council of the United States published a document entitled "APPARENT CONSUMPTION OF DISTILLED SPIRITS BY MONTHS AND STATE - 1968 TO 1974". Based on figures from this document, per capita consumption increased nationally by 13.7% from 1968 to 1974 (1.73 gallons per person vs. 1.97 gallons per person). Data from states which use tax stamps show an increase of 26.7%. It seems fair to assume that the quality of life in those states -- Georgia, Maryland, Oklahoma, and Wisconsin -- contain no significant factors which would lead to an increase in liquor consumption. Data for all non-tax stamp states show that the per capita consumption increased only 12.8%. For the same period, per capita consumption for Minnesota increased by 14.3%. The level of Minnesota's increase is only slightly above the national average and the average

for non-tax stamp states. Again, there is no information available that would identify any factors which would explain why Minnesota's rate of per capita consumption increase is roughly half that of the tax-stamp states.¹

It was decided, after discussions with the Department of Revenue, that they ought to study further the question of enforcing liquor tax collection through the use of tax stamps. In addition to collection of revenues due the State, such a program would enhance the ability of investigators to enforce Chapter 340 relating to collection of taxes on distilled spirits. Also, consumers would be assured that the portion of the retail price they paid as a tax in fact ended up in the State treasury.

Because the above concerns relate primarily to the collection of taxes, the Department of Revenue has drafted proposed legislation relating to liquor tax enforcement tools. In consultation with them we have concurred that the enforcement of liquor tax laws could be a joint responsibility with liquor control inspectors assisting the Department of Revenue. Since liquor control inspectors visit retail liquor establishments for various inspection duties, they should work closely with the Department of Revenue to tighten our tax law enforcement. Personnel from the Departments of Public Safety and Revenue are currently studying how to most effectively join efforts to ensure that tax laws and the applicable parts of

¹Excerpted from a management study report on Liquor Control operations

the liquor laws are enforced. Efforts are underway to include in the job description for liquor control inspectors the requirement that they be qualified and trained to examine records and files, to determine that they are being maintained in an appropriate manner for use by both departments. Failure of a dealer to maintain records in the prescribed manner might result in either an immediate report to other authorities or a citation or warning tag to correct the shortcoming in the record maintenance system.

INVESTIGATIVE OPERATIONS OF THE LIQUOR CONTROL DIVISION

Chapter 340 deals in part with acts and practices which are felonies, gross misdemeanors, and misdemeanors. It also defines certain duties and responsibilities of liquor control inspectors. The references to enforcement and authorities of the Liquor Control Division are interspersed throughout the chapter. As was noted at the beginning of this report certain sections predate prohibition. Others were enacted immediately following the repeal of prohibition. Still others are of recent vintage. Ambiguity, duplication, and lack of specificity, particularly in regard to the authority of the liquor control inspectors, exist through much of Chapter 340. This situation is at least partially responsible for uncertainty of actual responsibilities and authority on the part of the inspectors.

According to certain inspectors, the public and local law enforcement officials perceive the role of Liquor Control as that of enforcement of all provisions of the liquor laws. The public, according to this reasoning, views Liquor Control as the authority to police the liquor industry from the distiller to the retailer. They reportedly believe that the Division conducts thorough investigations and inspections of license applicants to ascertain, for example, that organized crime is not involved. This is simply not the case. The statutes do not confer such authority on the Liquor Control Division. Even if public policy and legal authority clearly placed such sweeping enforcement powers at the State level through the Liquor Control Division, the personnel required to effect such enforcement would have to be vastly greater than is the case today.

Recent legislation (Laws 1976, Chapter 105), authorizes local licensing authorities to conduct investigations or to contract the investigation to the Criminal Apprehension Division. This legislation clearly places the responsibility for on-sale license application investigations with local jurisdictions.

Historically, most liquor control inspectors perceived their role as that of enforcement of liquor laws. The wording of the original Liquor Tax Law, giving the Commissioner power to enforce and administer it, has been the basis upon which the Division has assumed general law enforcement powers. Until recently, according to some inspectors, they engaged in law enforcement duties without statutory authority. They actively assisted federal, State and local law enforcement agencies in investigations that sometimes extended beyond liquor laws. Some inspectors apparently exercised vast discretion in responding to local investigative requests.

Many investigative activities of liquor control inspectors are no longer performed, at the specific direction of management, because of lack of express authority. A critical need exists for a clear legislative determination of the mission of the Liquor Control Division. There has been little effort in the past to define the responsibilities of liquor control inspectors where the statute is imprecise. In spite of recent efforts to clarify job roles, some inspectors claim to be unclear as to their responsibilities and freedom to act.

There are at least three alternatives which could be considered in attempting to define the enforcement mission and goals of the Liquor Control Division.

1. To give liquor control inspectors full peace officer powers. This would give them the authority and responsibility to carry a weapon and to fully enforce liquor laws and all other State laws.
2. To continue existing statutory authority for police and peace officers to enforce liquor laws. This assures that liquor laws are being enforced by trained police and peace officer personnel.
3. To establish by statute specific enforcement authorities to be granted to liquor control inspectors, in addition to the inspection and investigative functions they currently perform.

It is the recommendation of the Department of Public Safety that alternative Number 3 above be adopted. The issue of enforcement powers to be granted to agents of the state, in this case liquor control inspectors, should be clearly expressed by statute. If liquor control inspectors are to have enforcement powers relating to Chapter 340 the matter should be determined by the legislature. The issue should not remain unresolved or clouded by practices deemed acceptable 20-40 years ago.

This conclusion is based on the following:

1. It is best in keeping with what we feel is the spirit and intent of Chapter 340.
2. Local law enforcement personnel should continue to be the primary enforcers of liquor laws, relying upon existing State enforcement agencies only upon request.
3. As a regulatory agency, the Liquor Control Division could

better utilize their resources by developing and implementing a liquor law instruction program for local licensing and enforcement authorities. Where local authorities are not knowledgeable of liquor laws, rules and procedures, the Liquor Control Division can provide instruction and training.

CONCLUSION

The history of the results of the misuse of intoxicating beverages is as old as history itself. Society's approach to the problem has constantly changed.

The attempt to eliminate the problem through federal prohibition of the manufacture, sale and use of alcohol resulted in 14 years of bloody circumvention of the U.S. Constitution.

Repeal of federal prohibition left the states to regulate the flow and use of alcohol. Many states, including Minnesota, believed their responsibility to control abuse lay in counseling temperance and in passing criminal penalties for public drunkenness. The state attempted to control the use of liquor by defining persons to whom liquor could not be sold.

Since repeal of prohibition in 1934 our attitude toward dealing with abuse in the use of alcohol has changed. Gradually the emphasis moved toward controlling the distribution and sale of liquor at the wholesale and retail level, rather than by attempting to police individuals. Product purity and appropriate facilities in which to serve beverages, in addition to inspecting for liquor tax compliance were major duties of the liquor control inspectors. Requests for State investigative assistance by local law enforcement agencies into alleged liquor law violations continued to be a part of the inspector's job.

More recently other changes in the State's attitude toward the use of alcohol have occurred. Public drunkenness is no longer a crime. Alcoholism is generally recognized as a disease. Many states, with Minnesota in the lead, provide treatment facilities for those afflicted with the disease of alcoholism. In light of these changes it is now time to bring our state's laws dealing with the control and regulation of alcoholic beverages into conformity with current thinking.

In this report recommendations are made to repeal the most obviously obsolete and unenforceable sections of Chapter 340, the basic law dealing with liquor law enforcement. Approximately 15 entire sections could thus be eliminated.

Other portions of Chapter 340, dealing with revenue collection, auditing, and tax law enforcement have been transferred to the Department of Revenue.

Earlier in this report a recommendation is made dealing with enforcement of liquor laws, i.e., that such enforcement is a matter for peace officers as defined by statute. The recommendation maintains enforcement responsibilities with local police authorities, acknowledging that they may, from time to time, require the assistance of State peace officers (Criminal Apprehension agents and the State Patrol).

Further this report strongly recommends that even if all the above recommendations are successful there is still a need for thorough study and a complete rewriting of Chapter 340.

What then is the mission of the Liquor Control Division in the Department of Public Safety? This question has been the subject of numerous discussions among Department of Public Safety personnel for the last year.

Current State law rules and tradition find the following functional responsibilities in the Liquor Control Division:

- Licensing and maintaining records of all liquor licenses.
- Pre-license inspections.
- Inspections for law compliance and product purity.
- Enforcement of laws requiring all licensed importers to sell equally to all licensed wholesalers.
- Enforcement of price filing laws and maintenance of records.
- Promulgating and enforcing rules where necessary.
- Collecting prescribed fees and maintaining appropriate records.
- Enforcing statutory requirements for brand label registration and maintaining appropriate records.
- Maintaining records of manifests or invoices of shipments of alcoholic beverages into Minnesota.
- Assurance that each level of the industry maintain and preserve required records.

If the recommendations contained in this report are placed in effect, the changes in mission to the Liquor Control Division would primarily emphasize the following:

- Licensing functions will be upgraded.
- Compliance inspections will include examination of records to determine their accuracy and currency for use of the Departments of Public Safety and Revenue.

- Promulgation of rules will be determined by statutory changes.
- Law enforcement duties other than those clearly defined either by statute or administrative directive will be a matter for local authorities.

Finally, we will continue to study and review the enforcement activities in the Liquor Control Division. We will seek to avoid any inter- and intra-department duplication and at the same time seek ways to improve our effectiveness in gaining compliance with all applicable statutes and rules.

APPENDIX A

310.73 PERSONS TO WHOM SALES ARE ILLEGAL. Subdivision 1. It shall be unlawful for any person, except a licensed pharmacist to sell, give, barter, furnish, deliver, or dispose of, in any manner, either directly or indirectly, any spirituous, vinous, malt, or fermented liquors in any quantity, for any purpose, whatever, to any minor person, or to any intoxicated person, or to any public prostitute.

Subd. 2. It shall be unlawful for any person except a licensed pharmacist to sell, give, barter, furnish or dispose of, in any manner, either directly or indirectly, any spirituous, vinous, malt or fermented liquors in any quantity, for any purpose, whatever, to any spendthrift, habitual drunkard, or improvident person, within one year after written notice by any peace officer, parent, guardian, master, employer, relative, or by any person annoyed or injured by the intoxication of such spendthrift, habitual drunkard, or improvident person, forbidding the sale of liquor to any such spendthrift, habitual drunkard, or improvident person.

Subd. 3. Whoever shall in any way procure liquor for the use of any person named in this section shall be deemed to have sold it to such person. Any person violating any of the provisions of this section is guilty of a gross misdemeanor.

[R. L. s. 1534; 1911 c. 33; 1913 c. 538 s. 1; 1947 c. 87 s. 1; 1961 c. 330 s. 2; 1969 c. 319 s. 1] (3238-4)

310.74 FRAUDULENT SHIPMENTS. Every person who knowingly delivers or causes to be delivered to any common carrier for shipment any liquor under a false or misleading title, name, or mark, and every common carrier, or agent of such carrier, who knowingly receives the same for shipment, and every person knowingly shipping or receiving liquor so marked, is guilty of a misdemeanor; and any liquor so shipped with the knowledge of the owner, and the casks or packages containing the same, shall be forfeited to the school fund of the county. The books and waybills of any common carrier handling such liquors may be examined by any police officer for the purpose of tracing such liquors to the shipper or receiver.

[R. L. s. 1555] (3238-5)

310.76 PHARMACISTS; ILLEGAL ACTS. Any pharmacist or druggist who sells any liquor, except as allowed by this chapter, or who allows his place of business to be used as an unlicensed drinking place, is subject to all the penalties provided in this chapter for such acts.

[R. L. s. 1557] (3238-7)

310.77 PHYSICIANS; ILLEGAL ACTS. Every physician who shall give a prescription of liquor for other than medicinal purposes, or with intent to aid in the evasion of the liquor laws of this state, is guilty of a misdemeanor, and is subject to the penalties prescribed for the illegal sale of liquor, and shall also forfeit his license as a physician.

[R. L. s. 1558] (3238-8)

310.78 SALES TO MINORS AND OTHERS, AFTER NOTICE. Every person selling liquor to a minor, habitual drunkard, or person under guardianship, after written notice by a parent, husband, wife, child, guardian, master, or employer of such minority, habitual drunkenness, or guardianship, or in the case of an habitual drunkard after written notice by the mayor, chief of police, or any member of the council of the municipality in which such habitual drunkard resides, or member of the county board of the county in which such habitual drunkard resides, and within one year after such notice in case of an habitual drunkard, and in other cases during the continuance of the minority, or guardianship, shall be guilty of a misdemeanor.

[R. L. s. 1559; 1907 c. 247 s. 1; 1973 c. 725 s. 65] (3238-9)

310.81 EXCLUSION OF MINORS FROM PLACES WHERE LIQUOR IS SOLD, AFTER NOTICE; PENALTY. No minor, intemperate drinker, habitual drunkard, inmate of a poor or alms house, or person under guardianship, shall be allowed in any room where intoxicating liquor is sold in less quantities than five gallons as a beverage, after written notice upon the licensee or his agent, by parent, husband, wife, child, guardian, master or employer of such minority, intemperate drinking, habitual drunkenness or guardianship, or in the case of an intemperate drinker, inmate of a poor or alms house, or habitual drunkard, after written notice by the mayor, chief of police, judge of the municipal court, or any member of the council of the municipality in which such intemperate drinker, or habitual drunkard, resides, or member of the county board of the county in which such inmate of a poor or alms house, intemperate drinker or habitual drunkard resides, and within one year after such notice, in case of an inmate of a poor or alms house, intemperate drinker or habitual drunkard, and in other cases during the continuance of the minority or guardianship. Any violation of this section shall be guilty of a misdemeanor.

[1909 c. 193 s. 1; 1973 c. 725 s. 66] (3238-12)

340.83 SALES TO PAROLEES FROM STATE INSTITUTIONS. Subdivision 1. It shall be unlawful for any person to sell, give, barter, furnish, or dispose of, in any manner, either directly or indirectly, or by agent, employee, or otherwise, any spirituous, vinous, malt, or fermented liquors in any quantity or for any purpose, to any person on parole from any state institution of this state during the term of his parole; and any person violating the foregoing provision of this subdivision is guilty of a misdemeanor; and, upon conviction thereof by any court having jurisdiction, shall be punished by fine of not less than \$25 nor more than \$100 and costs of prosecution or by imprisonment in the county jail not less than 30 nor more than 90 days or until such fine and costs are paid not exceeding 90 days.

Subd. 2. Subdivision 1 shall not apply to persons who have no knowledge that the person procuring such liquors is such paroled person.

[1905 c 72 s 1, 2] (3238-14, 3239-15)

340.88 INTOXICATED PERSONS ON TRAINS OR STREET CARS. No person shall while intoxicated enter or be or remain upon a railway train or street car as a passenger.

[1911 c 28 s 1; 1913 c 417 s 1] (3238-19)

340.89 DRINKING ON TRAINS, STREET CARS. No person shall publicly drink any intoxicating liquor as a beverage in any railway train, coach, or street car, or give, or cause to be given, to any other person therein, intoxicating liquor as a beverage, except in a compartment or place where such liquor is sold or served under the authority of a license lawfully issued.

[1911 c 28 s 1; 1913 c 417 s 2] (3238-20)

340.90 DRINKING ON TRAINS, STREET CARS; PENALTY FOR PERMITTING. Persons and corporations engaged, wholly or in part, in the business of carrying passengers for hire, their agents, servants, or employees, who knowingly permit any person to drink any intoxicating liquor as a beverage in any railway train, coach or street car, except in a compartment where such liquor is sold or served under the authority of a license lawfully issued, and any person violating any provision of sections 340.88 to 340.93 is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than \$10 nor more than \$100 or by imprisonment in the county jail for not less than 20 nor more than 90 days.

[1911 c 28 s 1; 1913 c 417 s 3] (3238-21)

340.91 CONDUCTORS TO ARREST. The conductor of any railway train or street car shall summarily arrest, with or without a warrant, any person violating any of the provisions of sections 340.88 to 340.93; and, for such purpose, has the same power and authority as any peace officer, including the power to summon assistance, and such conductor has power to deliver any such person to any policeman, constable or other public officer of the county in which such offense was committed, and it shall be the duty of such officer to bring the person charged with such offense before the nearest justice of the peace or municipal court of the county where the offense was committed and to make a complaint against such person, and such complaint made upon information and belief of the officer, is sufficient.

[1911 c 28 s 1; 1913 c 417 s 4] (3238-22)

340.92 INTOXICATED PERSONS LEAVING TRAINS. No conductor or employee of any railroad company shall expel or allow any intoxicated person who is not in charge of a person who is not intoxicated, to depart from his train at a station where there is no police protection, jail or lockup, but shall carry such intoxicated person to the nearest station having police and jail protection.

[1911 c 28 s 1; 1913 c 417 s 5] (3238-23)

340.93 SEIZURE OF LIQUORS. The conductor of any railway train or street car may take from any person found violating any of the provisions of sections 340.88 to 340.93 any intoxicating liquor then in the possession of such person and deliver the same to the nearest station agent, giving the person from whom it is taken a receipt therefor. Upon the presentation and surrender of such receipt within ten days thereafter, such liquor shall be delivered to the person presenting same; and, if not so delivered within such time, shall be destroyed by such station agent.

[1911 c 28 s 1; 1913 c 417 s 6] (3238-24)