

secretary of the state agricultural society the names of such societies or associations herein named as have complied with the provisions hereof."

Sec. 2. Report to be filed.—The report required to be filed by subdivision 4, Section 7861 of Mason's Minnesota Statutes for 1927, as amended, for the year 1934 may be filed by the Minnesota Association of Local Creameries Inc., Land O'Lakes Creameries Inc. on or before January 13, 1935 and in succeeding years shall be filed in accordance with the provisions of said subdivision 4.

Approved January 9, 1934.

CHAPTER 58—H. F. No. 60

An act regulating the manufacture, sale and distribution of intoxicating liquor and of fermented malt beverages, the levy and collecting of a tax thereon, providing for the use of the proceeds thereof; for financing, and also providing for penalties for violation of the act.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Definitions.**—For the purposes of this bill:

(a) "Brewer" shall mean any person who manufactures malt liquor containing more than one-half of one per cent of alcohol by volume.

(b) "Wholesaler" shall mean any person who sells such malt liquor and intoxicating liquors to retail dealers.

(c) "Retailer" shall mean any person who sells such malt liquor and intoxicating liquors to a consumer.

(d) "Commissioner" shall mean the Liquor Control Commissioner.

(e) "Fermented Malt Beverages" shall mean any fermented malt liquor potable as a beverage containing more than one-half of one per cent of alcohol by volume.

Sec. 2. Must file proof with commissioner.—Every manufacturer, wholesaler and brewer shall file with the Commissioner

proof that he has a government permit together with the number thereof which shall be registered by the Commissioner.

Sec. 3. All liquors, etc., to be labeled.—No intoxicating liquor and no fermented malt beverage shall be sold, bartered, exchanged, offered or exposed for sale, kept in possession with intent to sell, or served in any premises unless there shall be placed upon each barrel, keg, cask, bottle or other container a label bearing the name and address of the manufacturer, wholesaler or brewer manufacturing said beverage and, in plain legible type, the registration number of said manufacturer, wholesaler or brewer.

Sec. 4. Rates of excise tax.—(a) There shall be levied and collected on all intoxicating liquors, sold in this State, the following excise tax:

(1) On all light wines up to 14% of alcohol by weight, the sum of 10c per gallon.

(2) On all wines from 14% to 21% of alcohol by weight, the sum of 20c per gallon.

(3) On all wines from 21% to 24% of alcohol by weight, the sum of 40c per gallon.

(4) On all wines containing more than 24% of alcohol by weight the sum of 60c per gallon.

(5) On all natural sparkling wines containing alcohol, the sum of 60c per gallon.

(6) On all artificial sparkling wines containing alcohol, the sum of 30c per gallon.

(7) On all other liquors, liqueurs and cordials, the sum of 60c per gallon.

Provided that in computing the tax on any package of spirits a proportionate tax at a like rate on all fractional parts of a gallon shall be paid, except that all fractional parts of a gallon less than 1/16 shall be taxed at the same rate as shall be taxed for 1/16 of a gallon.

(b) An excise tax is hereby assessed, imposed and levied upon the sale, either directly or indirectly, of fermented malt beverages other than for shipment in interstate or foreign commerce. Such tax shall be levied and shall be collected at the rate of one dollar per barrel of thirty-one gallons, containing not more than 3.2 per cent

of alcohol by weight, and a tax of \$2.00 per barrel of thirty-one gallons containing more than 3.2 per cent of alcohol by weight, and at a proportionate rate for fractional parts thereof. All the receipts from said taxes shall be paid into the general revenue fund by the Liquor Control Commissioner.

Sec. 5. **State Treasurer to issue stamps.**—(a) The stamps herein provided for shall be prepared and printed by the State Treasurer in such form and denominations as the Commissioner may require and shall be issued by such State Treasurer to the Commissioner upon requisition by him from time to time. The Commissioner shall make report to the State Auditor at least once each month of the number and amount of stamps sold by him, and shall upon depositing receipts from the sale of such stamps with the State Treasurer file a duplicate of such report with the Treasurer. All expenses of the State Treasurer in complying with the provisions of this Act shall be paid as other expenses of the liquor control Commissioner are paid.

(b) Such excise tax shall be paid by the purchase of stamps from the Commissioner, who shall designate the design and denominations thereof. The Commissioner shall by regulation, prescribe the manner in which said stamps shall be affixed and cancelled. Such stamps shall be cancelled by the person making the first sale of such fermented malt beverages within the state. No retailer shall sell or remove any fermented malt beverages from any barrel, keg, case or other container, unless the same shall have affixed thereto duly cancelled stamps of proper denomination. Every manufacturer, wholesaler, brewer or retailer shall be liable for the payment of the tax provided in this chapter on sales made for resale or consumption within this State, and shall be required to affix stamps of the proper amount on every barrel, keg, case or other container containing fermented malt beverages imported from without the state, sold or delivered to any purchaser or consumer within this State, unless such stamps shall have been previously affixed and cancelled. It shall not be necessary to affix stamps to individual bottles of fermented malt liquor, but no bottle containing the same shall be removed from containers for sale or consumption unless the original container in which the same was packed shall have affixed thereto stamps of proper denominations. Such stamps shall be affixed by the manufacturer, wholesaler, brewer or other person to each barrel, keg, case, or other container of such fermented malt liquor before any

sale, except that as to wines containing less than 25% of alcohol by weight such stamps may be affixed at any time prior to sale to the consumer.

Sec. 6. Sales in interstate commerce not to be subject to tax.—Sales by a manufacturer, wholesaler or brewer for shipment outside the state in interstate commerce shall not be subject to the payment of the tax.

Sec. 7. Commissioner to enforce law.—The Commissioner shall enforce and administer the provisions of this chapter and shall have authority to employ and fix the compensation of any employees necessary for the performance of his duties hereunder.

The Commissioner shall keep a suitable record of the sale of all stamps which shall show the dates of the sale thereof and the names of the purchasers. The Commissioner may refund to any purchaser the money paid for any stamps returned unfit for use or otherwise unused, and shall prescribe the method of proof required for obtaining such refund.

The Commissioner or his duly authorized employes, may at all reasonable hours enter in and upon any licensed premises, and examine the books, papers and records of any brewer, manufacturer, wholesaler or retailer, for the purpose of inspecting the same and determining whether the tax imposed by this chapter has been fully paid, and shall have power to inspect and examine any premises where fermented malt beverages are manufactured, sold, exposed for sale, possessed or stored, for the purpose of determining whether the provisions of this chapter are being complied with.

Sec. 8. Consignee to send invoices to commissioner.—For the purpose of fixing the amount of tax on all foreign or imported intoxicating liquors, the consignee of such liquors shall send all invoices for shipments of liquor to the office of the Liquor Control Commissioner immediately upon receipt of the same. The consignees of any intoxicating liquors shall send a copy of all invoices of shipments of liquor to the office of the Liquor Control Commissioner, immediately upon receipt of same. Upon arrival of any intoxicating liquor, imported into this state, the same shall be checked against the invoice by an inspector of the Liquor Control Commissioner and the amount of stamps equivalent to the tax shall be affixed to the package. These stamps shall be designated as "Package Stamps."

Sec. 9. Certain acts gross misdemeanor.—Any person, other than the person or corporation registering the same, who shall place

upon any barrel, keg, cask, bottle or other container containing any fermented malt beverage any label bearing a number registered by any other person or corporation, or who shall place upon any label a permit number not registered in the office of the Commissioner or who shall falsely or fraudulently make, forge, alter or counterfeit any stamp prescribed by this Act shall be guilty of a gross misdemeanor.

Sec. 10. Liquors without stamps may be confiscated.—Intoxicating liquor and fermented malt liquor in the possession of any person without proper stamp or labels as herein provided, without authority to have such intoxicating liquor and fermented malt liquor, without such stamps or labels, may be confiscated, as other contraband articles may be confiscated by law.

Sec. 11. Violations a felony.—Every manufacturer and/or wholesaler and anyone licensed to sell intoxicating liquor, who evades or attempts to evade a payment of the tax thereon or fraudulently neglects or refuses to keep full and complete accounts in the book or books of accounts, or who refuses or neglects to make true and exact entries and reports of the same in the manner as required by the rules and regulations prescribed by the Liquor Control Commissioner, or in any manner required by law, or who in any manner conspires to violate this Act or any section of it, or fails to do or cause to be done, any of the things required by law to be done to such person or who intentionally makes false entry in said book or in any statement, pertaining to his business as contemplated in this Act, or anyone who shall refill or cause to be refilled, a bottle or container which previously had contained intoxicating liquor, for the purpose of evading the payment of the tax thereon, or in any manner conspires to evade, avoid or defraud the State out of the payment of the proper tax upon intoxicating liquor, shall be guilty of a felony.

Sec. 12. Certain violations a misdemeanor.—Any person who shall violate any of the provisions of this chapter for which specific penalty is not herein provided shall be deemed guilty of a misdemeanor.

Approved January 8, 1934.