

## CHAPTER 405—H. F. No. 671

*An act relating to licensing the sale of cigarettes, repealing Mason's Minnesota Statutes of 1927, Sections 3242, 3244, 3245, 3246, 3247, Mason's Supplement 1940, Sections 3243 and 3248, and adding new provisions.*

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

**Section 1. Laws repealed.**—Mason's Minnesota Statutes of 1927, Sections 3242, 3244, 3245, 3246, 3247, and Mason's Supplement 1940, Sections 3243 and 3248, are hereby repealed, effective December 31, 1941.

**Sec. 2. Present laws to continue in effect until December 31, 1941.**—The power and duties of the commissioner of taxation with respect to the enforcement of the laws relating to licensing the manufacture and sale of cigarettes shall continue until December 31, 1941, and thereafter to the extent necessary to enforce penalties and collect fees accruing prior to said date.

**Sec. 3. Municipalities may issue cigarette licenses—fees.**—The governing body of each village, borough, and city of any class, may, after January 1, 1942, license and regulate the sale at retail of cigarettes, cigarette paper or cigarette wrappers and may fix the license fee therefor at not to exceed \$12.00 per annum, and provide for the punishment of any violation of such regulations, and may make such other provisions for the regulation of the sale of cigarettes within its jurisdiction as are permitted by law. The county board may make like provisions for licensing and regulating the sale of cigarettes in areas outside the limits of any municipality, provided that no license shall be issued for the conduct of such business in any town, unless the consent of the governing body of such town, if organized, is filed with the application for such license.

**Sec. 4. Disposition of fees.**—The fees for licenses granted by the governing body of any municipality shall be for the benefit of the municipality; fees for licenses issued by the county board shall be paid to the county treasurer who shall apportion ten per cent thereof to the general revenue fund of the county and the balance to the town in which the business licensed is conducted. If a license is issued by the county board for the conduct of business in an area outside the limits of any organized town or municipality, the entire fee shall be paid to the general revenue fund of the county.

**Sec. 5. Not to affect prior licenses.**—This act shall not affect the validity of any license issued prior to December 1, 1941.

**Sec. 6. State dairy and food commissioner to license railroads.**—Subdivision 1. The state dairy and food commissioner may issue a license or permit to any railroad company, dining car company or sleeping car company or other common carrier operating in this state, to sell cigarettes upon any club, parlor, dining, buffet, observation, cafe, lounge or passenger car. Each such company applying for such license shall pay to the dairy and food commissioner a fee of \$25.00 per annum. A duplicate of such license shall be posted in each such car in which cigarettes are sold. The license so granted shall govern and permit the sale of cigarettes in the state of Minnesota, or in any political subdivision thereof, in any club, parlor, dining, buffet, observation, cafe, lounge or passenger car which is part of a train or which is about to become a part of a train then being operated or to be operated in this state. Such cigarettes are to be sold only to bona fide passengers or persons actually being transported.

Subdivision 2. It shall be unlawful to sell, exchange, barter, dispose of or give away, or keep for sale any cigarettes on any such car without first having obtained the license herein provided.

Subdivision 3. The state dairy and food commissioner, his inspectors and assistants and employees, shall enforce the provisions of this section, and the fees collected shall be paid into the state treasury by the dairy and food commissioner.

Subdivision 4. Any person violating any of the provisions of Section 6 of this act shall be guilty of a misdemeanor.

Approved April 24, 1941.

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#### CHAPTER 406—S. F. No. 41

*An act relating to divorce, and amending Mason's Supplement 1940, Section 8585.*

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

**Section 1. Law amended—grounds for divorce.**—Mason's Supplement 1940, Section 8585, is hereby amended to read as follows:

“A divorce from the bonds of matrimony may be adjudged by the district court for any of the following causes: