

fifty-two dollars in addition to the amount and for the purposes specified in subsection (4) of section 20.55 of the statutes.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 28, 1929.

No. 72, A.]

[Published May 31, 1929.

## CHAPTER 129.

AN ACT to repeal section 20.126, chapter 165 and subsection (6) of section 363.02 of the statutes and to create subsection (9) of section 66.05 and sections 351.59 to 351.63, abolishing the office of the state prohibition commissioner and all permits required by law to be issued by such office and repealing the appropriation therefor, and giving towns, villages and cities power to license and regulate the sale of nonintoxicating liquors, and providing penalties.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section 20.126, chapter 165 and subsection (6) of section 363.02 of the statutes, are repealed and the office of the state prohibition commissioner is abolished.

SECTION 2. A new subsection is added to section 66.05 and five new sections are added to the statutes to read: (66.05) (9) (a) Each town board, village board and common council shall grant licenses to such persons as they deem proper for the sale of nonintoxicating liquors to be consumed on the premises where sold and to manufacturers, wholesalers, retailers and distributors of nonintoxicating liquors, for which a license fee of not less than five dollars nor more than fifty dollars, to be fixed by the board or council, shall be paid, except that where nonintoxicating liquors are sold, not to be consumed on the premises, the license fee shall be five dollars. Such license shall be issued by the town, village or city clerk, shall designate the specific premises for which granted and shall expire the thirtieth day of June thereafter. The full license fee shall be charged for the whole or a fraction of the year. No such liquor shall be manufactured, sold at wholesale or retail or sold for consumption on the premises, or kept for sale at wholesale or retail, or for consumption on the premises where sold without such license.

(b) No license or permit shall be granted to any person, unless to a domestic corporation, not a citizen of the United States and of this state and a resident of the town, village or city in which such license is applied for, nor to any person who has been convicted of a felony, unless such person has been pardoned.

(c) Each town board, village and common council shall have authority by resolution or ordinance to adopt such regulations as it may deem reasonable and necessary regarding the location of licensed premises, the conduct thereof, the sale of nonintoxicating liquors and the revocation of any license or permit.

351.59 Any person found in any public place in such a state of intoxication as to disturb others, or unable, by reason of his condition, to care for his own safety or the safety of others, shall, upon conviction thereof, be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail for not more than sixty days, or by both such fine and imprisonment; but this chapter shall not abridge the powers of towns, cities or villages to enact ordinances for punishment of such offenses, nor be applicable to any city or village which has enacted an ordinance for the punishment of such offense.

351.60 (1) No person while intoxicated, shall enter or be on or remain upon, as a passenger, a train of a steam railroad, interurban railroad or a car of a street railway connecting any two or more cities in this state or any city in this state with a city or cities in any other state or any interurban motor bus.

(2) No person shall publicly drink any intoxicating liquor as a beverage in any smoking car, parlor car or day coach of a steam railroad or interurban railroad, or car of a street railway or interurban motor bus included within the provisions of subsection (1), or give, or cause to be given, to any other person therein, intoxicating liquor as a beverage.

351.61 The conductor or operator of a railway train or car on any railroad or street railway or interurban motor bus included within the provisions of section 351.60 shall summarily arrest, with or without warrant, any person violating any of the provisions of section 351.60, and for such purpose shall have the same power and authority as any peace officer, including the power to summon assistance, and such conductor shall further have 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 said offense was committed, and to make a complaint against such person. Provided, that if the car or bus on which such arrest is made does not stop within the county within which such offense was committed, then such conductor shall deliver the person so arrested to some sheriff, constable or police officer of the county wherein such car shall first stop after such arrest, who shall deliver the person so arrested to some judge or justice of the peace of the county in which the offense was committed, for trial.

351.62 The conductor or operator of any railway train or interurban motor bus may take from any person found violating any of the provisions of section 351.60 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 the same, and if not so delivered within such time, shall be destroyed by such agent.

351.63 Persons and corporations engaged wholly, or in part, in the business of carrying passengers for hire, their agents, servants or employes, who shall knowingly permit any person to drink any intoxicating liquor as a beverage in any train of a steam railroad or interurban railroad or coach, or in any car of any street railway or interurban motor bus included in the provisions of section 351.60, and any person violating any other provisions of sections 351.60 to 351.63, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for not less than thirty days, nor more than ninety days.

SECTION 3. This act shall take effect upon passage and publication.

Approved May 29, 1929.