ble Bonds

Attorneys in agreement that Bonds' historic, albeit-shattering home run could subdue the long-ball fan who caught the ball, one local lawyer was not impressed by the action. The Revenue Service will go after the baseball, but the fan at Fenway Park, who took the souvenir autoac-tion firehouse Boston Red Sox ball, is a matter of that sort of auto-

“Catching the Bonds ball is like finding money or digging up a buried treasure or going on a game show,” he says. “It’s all income.”

Because the IRS has a clear home-field advantage in such cases, Darby says, it is that agency’s call in determining whether the muchcoveted memorabilia is or is not income.

“Just because it seems unfair or illogical to tax something, that doesn’t mean it’s going to be exempt from taxation,” he says.

In reality, Darby says the IRS would not become involved until a fan walked into a store to cash in an item as a collectible.

“The IRS doesn’t have the time, resources and inclinations to get into the business of chasing down every fan who catches a baseball,” he says. “But I know the IRS has been besieged with calls about how they’re going to handle this [Bonds] situation and, thus far, has responded with a ‘no comment.’ It will be interesting to see what they do.”

Blues end

for buskers

Street performers can still be heard in Provincetown thanks to Boston attorney Marc L. LaCasse.

LaCasse, a lawyer with the McCormack Firm, has been working on a pro bono basis this summer with several P-Town buskers who have been fighting a local crackdown on troubadours.

LaCasse first became aware of the issue when a friend was playing on the town’s ever-crowded Commercial Street. The musician was approached by three police officers who said he was violating a local ordinance because he was audible 50 feet away. The busker unplugged his guitar from his amplifier, but the softer sounds resulted in smaller crowds for the music and fewer tips for the musician.

When LaCasse learned that P-Town mainstay Marcia Mello, a Delta blues singer/guitarist, had also been targeted and had been issued $150 worth of citations, the lawyer decided to take on her case along with his friend’s.

“It turned out that a citizen initiative had been enacted this year that amended the town bylaws,” says LaCasse. “The gist is that unnecessarily loud, excessive or unusual noise should not be audible at a distance of more than 50 feet. But the bylaw does not define the terms ‘unnecessarily loud, excessive or unusual.’”

LaCasse threatened a lawsuit that would challenge the ordinance — a tactic used successfully by Boston buskers in 2004.

“Street performers are perceived as gypsies and get chased off the street,” says LaCasse. “I did a public document request related to written police policies and procedures and was told there were none, which means it is unlettered police discretion.”

But, he adds with a note of triumph in his voice, “courts have found that busking is a form of artistic expression that enjoys First Amendment protection.”

It appears that the P-Town performers might not have to go to court after all. LaCasse has been promised by town officials that the bylaw will be amended this fall.

As for Mello, her citations have been dismissed and she is back on the streets singing the blues.