

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1811

H. P. 1606

House of Representatives, May 27, 1977

Reported by Mr. Burns from the Committee on Legal Affairs and printed under Joint Rules No. 2.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Relating to the Regulation of Beano.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 17 MRSA c. 13-A, as enacted by PL 1975, c. 307, § 2, is repealed.

Sec. 2. 17 MRSA c. 13-B is enacted to read:

CHAPTER 13-B

BEANO OR BINGO

§ 311-A. Definitions

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings.

1. Beano. "Beano" shall mean a specific kind of game or scheme in which a person stakes or risks something of value for an opportunity to win something of value. In "Beano," each participant is given or sold one or more tally cards, so called, each of which has 25 squares which are divided into 5 rows, making 5 squares to a row both horizontally and vertically. Each square is numbered, making 5 numbers in a row, the exception being the center, or 3rd vertical row, which has 4 numbers and a center space. The participant covers numbers as objects similarly numbered are drawn from a receptacle, and the game is won by the person who first covers a previously designated arrangement of numbers on the tally card. Whenever the term "Beano" is used, the word "Bingo" may be interchanged.

2. Equipment. "Equipment" shall mean the receptacle and numbered objects to be drawn from it; the master board upon which such objects are

placed as drawn; the tally cards or sheets bearing such numbers to be covered and the objects used to cover them; the boards or signs, however operated, used to display the numbers as they are drawn; public address systems; and any other articles essential to the operation, conduct and playing of "Beano."

3. License. "License" shall mean that written authority from the Chief of the State Police to hold, conduct or operate Beano within the State of Maine.

4. Licensee. "Licensee" shall mean any organization which has been granted a license by the Chief of the State Police to hold, conduct or operate "Beano."

5. Location permit. "Location permit" shall mean that card issued by the Chief of the State Police describing the premises or area in which "Beano" may be conducted by a licensee.

6. Organization. "Organization" shall mean any nonprofit firm, association or corporation authorized to conduct "Beano" in accordance with this chapter.

7. Period. "Period" shall mean the calendar week or calendar month for which a single license authorizes the licensee to hold, conduct or operate "Beano."

§ 312-A. License and location permit required

No person, firm, association or corporation shall hold, conduct or operate "Beano" within the State unless a license therefor is obtained from the Chief of the State Police or the "Beano" game constitutes "social gambling" as that term is defined by Title 17-A, section 952, subsection 8. No "Beano" game shall be conducted or operated at locations which do not have a valid location permit prominently displayed. This chapter shall not be construed to apply to any other amusement or game.

"Beano" shall not be conducted on Sunday, Memorial Day, Christmas or any other national holiday with religious significance, except that "Beano" may be played on Sunday after the hour of 2 p.m. on the premises of and in conjunction with agricultural fair associations. No "Beano" games shall be conducted between the hours of 12 midnight and 7 a.m. The prevailing time for the State of Maine shall be used to determine these hours.

§ 313-A. Application

1. Location permit. No organization shall conduct "Beano" unless it shall first have applied for and received a location permit from the Chief of the State Police. The application shall be on forms provided by the Chief of the State Police, shall be signed by a duly authorized officer of the organization to be licensed, shall contain the full name and address of the organization and the location where it is desired to conduct "Beano." The Chief of the State Police may issue location permits in accordance with the provisions set forth in this chapter and such rules and regulations adopted pursuant to section 317-A. Only such locations expressly described in the location permit shall

be used for the conduct of "Beano." No organization may conduct "Beano" in more than one location during any one day. Nothing in this subsection shall prohibit an organization from applying for a location permit and a license simultaneously.

2. License. Any organization desiring to conduct "Beano" shall apply to the Chief of the State Police for a license pursuant to the provisions set forth in this section. The application shall be on forms provided by the Chief of the State Police, shall be signed by a duly authorized officer of the organization to be licensed, shall contain the full name and address of the organization and the location where it is desired to conduct "Beano" and shall bear the consent of the municipal officers of the town or city in which it is proposed to operate the "Beano" games.

Each application shall specify the calendar week or the calendar month for which the license is sought and the number of days on which "Beano" is to be conducted during that period. The application shall specify which day or days during that period "Beano" is to be conducted and the location for each day "Beano" is to be conducted. This paragraph shall not apply to seasonal licenses issued pursuant to section 315-A. Applicants for seasonal licenses must specify the season for which the license is sought.

In accordance with the rules and regulations established pursuant to section 317-A, the Chief of the State Police may approve changes in the day or days specified on the application for a license.

§ 314-A. Issuance of license; fees

1. Organizations eligible. The Chief of the State Police may issue a license to operate "Beano" to any volunteer fire department or any agricultural fair association or to any bona fide nonprofit charitable, educational, political, civic, recreational, fraternal, patriotic, religious or veterans' organization which was founded, chartered or organized in the State of Maine at least 2 years prior to its application for a license. This 2-year requirement shall not apply to any chartered post of a nationally established veterans' organization.

2. Issuance. Licenses shall be issued for periods of one calendar week or a calendar month. An organization may be issued only one license for any one period. No license shall be issued more than 6 months prior to its use.

3. Fees. The fee for a "Beano" license shall be \$2 for each day, or portion thereof, that "Beano" is to be operated. All license fees shall be paid to the Treasurer of State to be credited to the General Fund. No "Beano" license shall be assignable or transferable. All fees required by this chapter shall accompany the application for a license. Fees submitted as license fees shall be refunded if the license is not issued. Fees shall not be refunded for unused licenses or for any license which is suspended or revoked as provided by this chapter.

4. "Beano" conducted for exclusive benefit of licensee only. A "Beano" game licensed pursuant to this section shall be operated and conducted for

the exclusive benefit of the licensee. The requirements of this subsection shall not apply to any agricultural fair association licensed to operate "Beano."

5. Minors shall not operate "Beano." No "Beano" game licensed under this chapter shall be conducted unless some person at least 18 years of age exercises exclusive control of each game played. No license for the conduct of "Beano" shall be issued to any firm, association, corporation or group composed wholly or primarily of minors.

§ 315-A. Seasonal licenses

Notwithstanding the provisions of section 314-A, the Chief of the State Police may issue seasonal licenses to operate "Beano" games in bona fide resort hotels, provided they are operated and conducted therein by the management without profit and solely for the entertainment of guests of the hotel registered therein, and provided that charges, if any, to the guests for participation in such entertainment shall be limited to a maximum of \$2 in any 24-hour period. The fee for such license shall be \$10 and shall be paid to the Treasurer of State to be credited to the General Fund. Hotel and liquor licenses of any such resort hotel licensees shall not be withheld because of the conducting of "Beano" by such resort hotels.

§ 316-A. Evidence

The Chief of the State Police may require such evidence as he may deem necessary to satisfy him that an applicant organization conforms to the restrictions and other provisions of this chapter. Charters, organizational papers, bylaws or other such written orders of founding which outline or otherwise explain the purpose for which organizations were founded shall, upon request, be forwarded to the Chief of the State Police.

§ 317-A. Rules and regulations

The Chief of the State Police shall have the power to make and adopt rules and regulations, not inconsistent with law, which he may deem necessary for the administration and enforcement of this chapter and for the licensing, conduct and operation of "Beano." He shall have the power and authority to regulate, supervise and exercise general control over the operation of such amusement including, but not limited to, the payment of prizes and the use of equipment. No rule or regulation shall prohibit the use of equipment which is not owned absolutely or for which rental is paid. He shall have the power and authority to investigate as to the direct or indirect ownership or control of any licenses and to revoke or suspend any license for just cause after hearing. In establishing such rules and regulations, he shall, in addition to the standards set forth in other provisions of this chapter, be guided by the following standards setting forth conduct, conditions and activity deemed undesirable:

1. Fraud. The practice of any fraud or deception upon a participant in a game of "Beano."
2. Unsafe premises. The conduct of "Beano" in, at or upon premises which may be unsafe due to fire hazard or other such conditions.

3. Advertising; solicitation and enticement. Advertising which is obscene, solicitation on a public way of persons to participate in "Beano," charging admission or awarding prizes for attendance.

§ 318-A. Expense of administration

The necessary expenses of administering this chapter shall be paid out of the fees received under this chapter.

§ 319-A. Persons under 16

Persons under the age of 16 years shall not be permitted to take part in the conduct of, nor participate in, "Beano" nor shall such minor be admitted to the playing area unless accompanied by parent, guardian or other responsible person.

§ 320-A. Conduct

Licensed "Beano" shall not be conducted at any location where alcoholic beverages are sold, dispensed or consumed during the period of one hour before the conduct of these games or during the conduct of these games. The licensee shall not permit any disorderly persons to enter or remain within the room or area where "Beano" games are being conducted.

§ 321-A. Effect on other laws

All acts and parts of acts inconsistent herewith shall be inoperative as to this chapter, and the share of the State stipend for aid and encouragement to agricultural societies shall not be withheld from any such society because of the conducting on the fair grounds of the game of "Beano."

§ 322-A. Reports

The Chief of the State Police shall require from any organization licensed to operate "Beano" whatever reports he deems necessary for the purpose of the administration and enforcement of this chapter.

§ 323-A. Access to premises

Any organization making application to the Chief of the State Police to conduct or operate "Beano" or any organization licensed under this chapter to operate "Beano" shall permit inspection of any equipment, prizes, records or items and materials used or to be used in the conduct or operation of "Beano" by the Chief of the State Police or his authorized representative.

The licensee shall permit at any and all times any inspector from the State Fire Marshal's office, or the city or town fire inspectors of the municipality in which "Beano" is being conducted, to enter and inspect the licensed premises.

§ 324-A. Games of chance prohibited at "Beano" location

No "Beano" game shall be conducted at any location where any lottery or other game of chance is conducted, nor shall any lottery or other game of chance be conducted during the period of one hour before the conduct of any "Beano" game at the specific location of that "Beano" game, except that the

following lotteries may be conducted during the period of one hour before the conduct of "Beano" games.

1. **Maine State Lottery.** Lottery tickets issued by the Maine State Lottery Commission may be sold when a valid license certificate issued by the commission is properly displayed;

2. **Raffles.** Raffle tickets may be sold in accordance with chapter 14;

3. **Lucky 7.** Lucky 7 or similar sealed tickets may be sold when that game of chance is licensed by the Chief of the State Police and when a valid license certificate is properly displayed.

For purposes of this section, "location" shall mean that location specified in the location permit.

§ 325-A. Penalties

Any person, firm, association or corporation holding or conducting or aiding or abetting in the holding or conducting of that amusement within the State without a license therefor duly issued by the Chief of the State Police, or any person, firm, association or corporation who violates any provision of this chapter or any of the rules or regulations of the Chief of the State Police prescribed by authority of this chapter, shall be punished by a fine of not more than \$1,000.

STATEMENT OF FACT

This new draft will :

1. Clarify certain definitions in the law, remove substantive law from the definition section of the chapter, and clarify inconsistent language throughout the chapter;
2. Clarify the necessity for and application procedures for location permits and "Beano" licenses;
3. Clarify the period of time a license application may include and change the fee structure for licensing "Beano" games from \$2 to \$5 per week to \$2 for each day "Beano" is conducted;
4. Prohibit consumption of alcoholic beverages during the operation of "Beano" games. The consumption of alcohol at "Beano" games has traditionally been prohibited, but the prohibition has existed in the form of administrative regulations.