

MAINE STATE LEGISLATURE

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*See Sagadahoc County Attorney
"Tavatorne" Garrison of Skill*

COPY



STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA

September 25, 1935

Ralph O. Dale, Esquire
County Attorney
Bath, Maine

Dear Sir:

In line with your request of September 13, for the opinion of this office relative to the so called slot machines now being operated in the State of Maine, and also other gambling devices which are generally in use, I am pleased to advise as follows:

As far as my observation has extended, practically all of the machines which have come to my personal attention are illegal.

The so called slot machine which pays in varying sums of money is generally acknowledged to be, and is, illegal. The machines which pay in merchandise are likewise illegal. This is true of those machines which pay with slugs having no cash value but which may be fed back into the machine. The rule applies likewise to the so called Erie diggers and games of beano which are having a run just at present.

The gambling laws of our State, in my opinion, likewise forbid what is known as "Bank Night" now being used by many moving picture theatre operators.

In the State at present there are many so called pin games which are gotten up in a way so that one will receive more material benefit than another. These are illegal.

Much confusion has resulted from Chapter 62 of the Public Laws of 1935, licensing Games of Skill but the law itself specifically states that the mere fact that a license for the operation of a machine has been paid to the State of Maine shall be no defense to a prosecution for gambling under Chapter 136 of the Revised Statutes of Maine, which is our general gambling statute.

It is the plain duty of the enforcement officials of our several counties, that is, the sheriffs' departments and the local enforcement departments, to arrest all violators of the law when violations come to their knowledge, and it seems doubly important at this time that all gambling devices be suppressed by vigorous action on the part of enforcement officials, and that all prosecutions commenced be carried forward by the several county attorneys.

Most of our municipalities at present, so I am informed, are tolerating different forms of gambling in the shape of Bank Night at the theatres; stores where Beano games are operated; slot machines paying in money, slugs or merchandise; Pin Games paying in merchandise or money; Punch Boards paying largely in merchandise; and various other games of chance. In my opinion

...in these cases...
...all of these are illegal and should be suppressed in order that the conditions of the law may be met...

Most cordially yours,

...prosecutions commenced...
...acted by...
...it seems...
...attorney general...