

# MAINE STATE LEGISLATURE

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July 2, 1943

Dept. Laurence G. Upton, Acting Chief

State Police

Frank I. Cowan

Attorney General

Re: memo

I have considered the inquiry as to whether or not a radio program, as outlined in a letter dated June 30, 1943, addressed to Chief Henry P. Sawyer, signed by John B. Roberts for the Maine Broadcasting Company, Inc., operating WBSB in Bangor, can be conducted under the provisions of the law of the State of Maine.

Public Law 1943, Chapter 355, section 1, provides as follows: "No person, firm, association or corporation shall hold, conduct or operate the amusement commonly known as 'beams' for the entertainment of the public within the state unless a license therefor is obtained from the chief of the state police." Section 2 provides as follows: "No such license shall be issued to any person, firm, or corporation other than a fair association, or bona fide charitable, educational, fraternal, patriotic, religious or veterans organization."

It is apparent from the above that the proposed program would not conform to our statute. Obviously, the game as proposed is "for the entertainment of the public within the state". It must be distinguished from a private game conducted within the confines of one's own home, and therefore cannot be lawfully conducted without a license from the Chief of the State Police. There is no evidence in this office that Maine Broadcasting Company, Inc. is either a fair association or a bona fide charitable, educational, fraternal, patriotic, religious or veterans organization."

Under the circumstances, Maine Broadcasting Company, Inc. is not such an organization that the Chief of the State Police can issue to it a license for the conduct of public beam games.

Frank I. Cowan  
Attorney General

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