

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**R E P O R T**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1949 - 1950**

the races were run before 7 P. M. I advised the Civic League that apparently these automobile races were amateur races and were permitted by the local government of Scarborough by vote at town meeting, and therefore the races were being operated legally.

I do not believe that the act is broad enough to permit games to be played on the midways at the fairs on Sundays. It certainly does not allow horse racing, nor does it permit ball games unless the inhabitants of the town in which the fair is held have voted to permit amateur sports.

The operation of agricultural fairs, which are scientific, putting on exhibitions of cattle, fruits, vegetables, etc., would undoubtedly be permitted on Sunday under the amendment of 1949, as well as musical concerts and theatrical productions, regardless of whether or not there was any admission charged. There is nothing in the statute to legalize these activities if the money collected is turned over to charitable organizations. That is one of the provisions of the Beano law, but I do not believe that it will be found in any of the Sunday laws.

RALPH W. FARRIS  
Attorney General

September 7, 1949

To Col. Francis J. McCabe, Chief, Maine State Police  
Re: Game of Flush

I have your memo of September 1st, enclosing a description of a game known as "Flush" which you state seems to you very similar to the game known as Beano. You also enclose a card used in the game of Flush so that I may compare it with the card used in the game of Beano. You state that names and cards are used in the game of Flush, which in the game of Beano are only numbers, and you ask whether this game of Flush would circumvent the law on Beano, so that it might be played without coming under the regulations for Beano. You also ask whether this game of Flush would be considered Beano, and say that after I have considered your questions you would like my opinion as to the legality of this game, in order that, if it is allowed to be played in this State, you may inform all State Police officers accordingly.

In my opinion this game would not come under the regulations of Beano and would not be considered as such, as in Beano an altogether different method is used: a man with a microphone calls the numbers and the beans are placed by the player on the numbers called by the man at the microphone, whereas according to the description of the game of Flush, each player selects his own card by tossing a small rubber ball which goes into a pocket and remains in the pocket into which it has been tossed, until the completion of the game. That is, there is some element of skill in tossing the ball, which may fall on any given card on the board. This game appears to me no different than some of the games which are being played at Old

Orchard, where the balls are tossed into a frame that designates certain cards, and which they call Poker. Of course there is a certain amount of skill, involved in games where balls are tossed to secure the card or number, rather than having a number called by the one conducting the game, as in Beano. I noted that at the various fairs they are placing money on certain games and tossing a ball on a plate with indentations for each color, and when the ball settles on a certain color, the player who has his money on that particular color wins all on the board.

Flush appears to be no different than many other games that are now in use in Maine at various carnivals and fairs, where the throwing of balls, darts, or rings on a certain number or a certain color wins a prize. Therefore I do not care to rule upon the legality of this proposed game at this time. The only thing that I can say is that I do not believe that the operators of this game would be obliged to obtain a beano license under the law. However, I might say in passing that if these other games which I have mentioned as being played at Old Orchard and at agricultural fairs are permitted, Flush should be handled in the same manner.

RALPH W. FARRIS  
Attorney General

September 8, 1949

To William Tudor Gardiner, Chairman, Aeronautics Commission  
Re: Sunday Air Show at the State Airport

In reply to your memorandum of September 6, 1949, you are advised that the matter has been cleared with the Governor's office and that the Governor has informed me that he sees no objection to the Maine Aeronautics Commission making such arrangements as they deem wise administratively for the use of the Augusta Airport for the promotion of aviation, especially in connection with a VFW demonstration to raise funds for charitable purposes.

It is our understanding that the proposed plan is to be in no sense an "air circus," nor will it be featured, promoted, or advertised as an "air circus."

JOHN S. S. FESSENDEN  
Deputy Attorney General

September 8, 1949

To George J. Stobie, Commissioner, Inland Fisheries and Game  
Re: Chain-of-Ponds Dam and Screen

I have your letter of August 24th, enclosing one from C. Stanton Carville of Stratton, dated August 22nd, relating to dam and screen at Chain-of-Ponds, T. 2, R. 6, in the County of Franklin, Resolve for which will be found in Chapter 175, Resolves of 1949. Mr. Carville states that the Stratton Light Company has now entered into this matter, advancing \$2000 of the \$6000 to be raised to match the State appropriation, in return for which they expect 15 or 18 inches of water when required to operate their plant at Eustis. On the basis of this you ask if you have a right to enter into an agreement of this nature, which was not mentioned at any hearing or at any time during the passage of this bill.