

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1959 - 1960**

MAINE STATE  
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be used in lieu of registration plates issued under sections 13-20. Section 29 limits and defines the use of dealer or transit registration plates. Section 26-A provides that the Board has authority to prescribe reasonable limitations to the use of transit plates. It would appear that this authority must be within the framework of the law in that the Board has no authority to grant greater rights than those set forth under the statute, but may limit them in particular circumstances.

(2) The last query is whether or not the Board can limit the use of transit plates to passenger vehicles and trucks used in connection with the transit holder's business.

Answer: The answer to this question appears to be stated in Section 26-A as follows:

“. . . provided that the movement of motor vehicles is an ordinary and usual incident to the operation of such business.”

This section further states that the transit plates cannot be used in lieu of regular registration which has been previously set forth. It is my opinion that the authority to issue transit plates is limited in nature—not to a particular enumerated business, but for the free movement of motor vehicles as set forth in the answers.

GEORGE A. WATHEN  
Assistant Attorney General

July 22, 1960

To: Colonel Robert Marx, Chief of Maine State Police

Re: “Penny Pitch”

We have been asked to give you an opinion as to whether or not the game “Penny Pitch” as carried on at the fairs sponsored by local P.T.A. organizations, is lawful.

Penny Pitch can be described as a game whereby children pitch or toss pennies onto a board covered with squares the approximate size of a penny. If the penny finally comes to rest completely in the square, then the thrower receives a prize; otherwise, he loses his penny.

If the prizes given at such game can be won with what is described as by the skill of the pitcher rather than by chance, the game is probably not gambling. The rule appears to be that if a game predominantly is one of chance, then it is gambling, and if it is predominantly one of skill, then it is not gambling. Whether or not a game consists predominantly of skill or predominantly of chance is a question of fact which would have to be decided by the officer observing the game. If he believes, giving due regard to all facets of the problem, the size of the square, the distance which the penny is pitched, etc., that chance predominates, then he would be justified in having the court finally determine if such game is gambling.

JAMES GLYNN FROST  
Deputy Attorney General