

# MAINE STATE LEGISLATURE

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July 10, 1968

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All Star Bingo

SYLLABUS:

"All Star Bingo", a game utilized by various retail food stores and advertised by various medias is not a violation of the criminal statutes of the State of Maine because such games are specifically exempted from criminal conduct by virtue of 17 M.R.S.A. § 1814.

FACTS:

The request for this opinion is based upon "All Star Bingo" which is essentially utilized by retail food stores as promotional advertising to induce customers to come in to purchase products. "All Star Bingo" cards would be available at various retail stores, and participants would be given the card on request, without the necessity of making any purchase or giving any other consideration for the card. "Bingo numbers", so-called, will be announced over television or radio, and a participant who thereby marks five numbers on his or her card, in a straight line, may win cash or other prizes. One of the distinctions, from the usual bingo game, is that no payment or consideration of any kind is required from the participants.

QUESTIONS:

1. Whether or not the above advertising promotion would be a violation of 17 M.R.S.A. § 2301.
2. Whether or not the above "game" would be subject to the licensure requirements of 17 M.R.S.A. § 301.

ANSWERS:

1. No.
2. No.

STATUTES:

"Every lottery . . . scheme or device of chance of whatever name or description . . . is prohibited . . . shall be punished by a fine of not less than \$10.00 nor more than \$1,000.00 . . ." 17 M.R.S.A. § 2301.

"Nothing contained in this Chapter and Chapters 13, 27, and 81 shall apply to or prohibit the conducting or operating over television or radio or by newspaper publication with audience or reader participation as directed by the sponsor of any amusement, game or program, whether or not the same involves the awarding of prizes or the element of chance, provided the participants pay no consideration in cash or other property directly or indirectly for the privilege of participating therein". 17 M.R.S.A. § 1814.

"No person, firm, association or corporation shall hold, conduct or operate the amusement commonly known as "Beano" or "Bingo" for the entertainment of the public within the State unless a license therefor is obtained from the Chief of the State Police. This Chapter shall not be construed to apply to any other amusement or game nor to "Beano" or "Bingo" conducted during a resort season in bona fide resort hotels for the entertainment of guests registered therein". 17 M.R.S.A. § 301.

REASONS:

"All Star Bingo" would not be a violation of the above referred to 17 M.R.S.A. § 2301. A violation of this statute requires three elements to be present - a price, a chance, and a consideration of a pecuniary value. It is clear that from the above facts one of these elements is lacking, i.e., the consideration by the person or persons participating in the game. State v. Bussiere, 155 Me. 331 (1959).

Also, it is clear that no license would be required under the above quoted 17 M.R.S.A. § 301 since this is not the amusement commonly known as "Beano" or "Bingo" which are, in fact, games licensed throughout the State by the

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Chief of the State Police, wherein persons participating pay a definite pecuniary consideration in order to participate in the expected rewards.

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