

MAINE STATE LEGISLATURE

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Letter to Chief, Game operation
Beano

Revised State Lottery Control

17 M.R.S.A. § 312

8 M.R.S.A. §§ 351-367

April 19, 1977

Honorable Peter W. Danton
Legislative Post Office
State House
Augusta, Maine 04333

Dear Senator Danton:

This letter responds to your question as to whether, under existing law, the State Lottery Commission may regulate the operation of Beano within the State of Maine.

The operation of Beano is presently controlled by Title 17, Chapter 13-A, §312 of which provides in pertinent part:

"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 therefore is obtained from the Chief of the State Police. . . ."

Additional provisions of Chapter 13-A authorize the Chief of the State Police to issue Beano licenses (§314), to promulgate rules and regulations for the administration and enforcement of the Beano laws (§317), to require reports from licenses (§322) and to inspect premises where Beano is being conducted (§323). It is evident, therefore, that the legislature has designated the Chief of the State Police as the regulatory agency charged with the administration and control of Beano throughout the State. Nothing in the language, express or implied, of 17 M.R.S.A. §§311-325, suggests that the regulatory power of the Chief of the State Police was intended to be non-exclusive. Moreover, nothing in 8 M.R.S.A. §§351-367, the statutory provisions creating the State Lottery Commission and establishing its powers and duties, manifests a legislative intent that the Commission, either exclusively or in conjunction with the Chief of the State Police, engage in the regulation of Beano.

Honorable Peter Drnton

April 19, 1977

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Consequently, it is the opinion of this office that under existing law the State Lottery Commission is without authority to regulate the operation of Beano.

Sincerely,

JOSEPH E. BRENNAN
Attorney General

JEB/lm