

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

(EMERGENCY)  
New Draft of S. P. 718, L. D. 2130  
FIRST SPECIAL SESSION

---

---

ONE HUNDRED AND SIXTH LEGISLATURE

---

---

**Legislative Document**

**No. 2521**

S. P. 911

In Senate, February 20, 1974

Reported by Senator Henley of Oxford from Committee on Legal Affairs  
and printed under Joint Rules No. 18.

HARRY N. STARBRANCH, Secretary

---

---

STATE OF MAINE

---

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FOUR

---

**AN ACT Repealing Certain Laws Relating to Games of Chance.**

---

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, there are certain weaknesses in the gambling laws; and

Whereas, confusing and conflicting statutes prevent effective enforcement of these laws; and

Whereas, certain organizations deserve to raise money for worthwhile causes; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine, as follows:

**Sec. 1. R. S., T. 17, § 301-A, repealed.** Section 301-A of Title 17 of the Revised Statutes, as enacted by section 1 of chapter 565 of the public laws of 1973, is repealed.

**Sec. 2. R. S., T. 17, § 306, amended.** Section 306 of Title 17 of the Revised Statutes, as amended by section 4 of chapter 565 of the public laws of 1973, is further amended to read as follows:

### § 306. Effect of other laws

All Acts and parts of Acts inconsistent herewith shall be inoperative as to this chapter and the share of the state stipend for aid and encouragement to agricultural societies shall not be withheld from any such society because of the conducting on the fair grounds of the game of "Beano" or "Bingo" ~~or games of chance as authorized by section 1803.~~

**Sec. 3. R. S., T. 17, c. 14, additional.** Title 17 of the Revised Statutes is amended by adding a new chapter 14 to read as follows:

## CHAPTER 14 GAMES OF CHANCE

### § 330. Definitions

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings.

1. Game of chance. "Game of chance" shall mean a game in which a player or participant risks something of value for a chance to win something of value and in which an element of chance or luck, rather than skill, is the dominating element which determines the risk of the game.

2. Lottery. "Lottery" shall mean a game of chance in which the prize or prizes are cash and are won by one or more persons as a result of a drawing from a container holding numbers, or other identifiable tokens being representative of all chances sold.

For the purposes of this chapter, policy and numbers games so called, are to be included in this definition.

3. Raffle. "Raffle" shall mean a lottery in which the prize or prizes, other than cash, are won by one or more of numerous persons buying chances as a result of drawing a number or numbers from a container holding numbers representative of all chances sold. The date of the drawing, the prize or prizes to be awarded, the name of the licensed organization and the price of the chance shall be clearly printed on the raffle tickets which shall be numbered consecutively.

4. Printer. "Printer" shall mean a person, firm, corporation, association or organization that engages in the business of reproducing in printed form materials to be used in the conduct or operation of a raffle or other licensed game of chance.

5. Distributor. "Distributor" shall mean a person, firm, corporation, association or organization that sells, markets or otherwise distributes raffle tickets, sealed tickets, gambling apparatus or any other implements of gambling that may be used in the lawful conduct of a licensed game of chance to an organization licensed to operate a raffle or other game of chance.

6. Slot machine. "Slot machine" shall mean any machine which operates by inserting a coin, token or similar object, setting internal mechanism of the

machine in motion, and by the application of the element of chance, may deliver or entitle the person playing or operating the machine to receive cash, premiums, merchandise or tickets.

7. Roulette. "Roulette" shall mean a game of chance in which players bet on the compartment of a revolving wheel in which a small ball will come to rest.

#### § 331. Game of chance

No person, firm, corporation, association or organization shall hold, conduct or operate a game of chance within the State unless a license therefor is obtained from the Chief of the State Police.

Distribution of tickets to any event upon which appear details concerning any prize to be given away as a result of a drawing is to be considered a game of chance within the meaning of this chapter, except that such distribution of tickets containing only the words "Door Prize," without further description, shall be excluded from the provisions of this chapter, provided that no promotional materials or presentations, written or oral, shall further describe the door prize.

The word "Donation" printed on a ticket shall in no way exclude the sponsoring organization from complying with this chapter.

#### § 332. License

Notwithstanding other provisions of this Title, the Chief of the State Police may issue a license to operate a game of chance on the grounds of and during the annual fair of any nonprofit agricultural society eligible for the state stipend under Title 7, section 62, or to any bona fide nonprofit charitable, educational, political, civic, recreational, fraternal, patriotic, religious organization, or to a volunteer fire department, any of which must have been founded, chartered or organized in Maine prior to its application for a license, when such game of chance is sponsored, operated and conducted for the exclusive benefit of such organization by duly authorized members thereof.

No license shall be issued for the conduct or operation of any slot machine or roulette, nor shall any license be issued for the conduct or operation of any lottery, except that a license may be issued for the conduct or operation of a raffle as defined in section 330.

With the exception of a raffle, any license to operate a game of chance shall specify the premises or precise location where such game will be operated, and the conduct of that particular game shall be limited to the described premises or location.

Any organization entitled to obtain a license to operate a game of chance may be issued licenses to operate more than one game of chance. Each license issued shall be valid for the operation of one game of chance which shall be specified on the license.

Organizations, the majority of whose members are persons under the age of 18 years, shall not be licensed under this section.

### § 333. Application

An application to operate or conduct a game of chance shall be on forms provided by the Chief of the State Police. Such application shall be signed by a duly authorized officer of the organization. It shall contain the full name and address of the organization, a full description of the game of chance, the location where the game is to be conducted and any other information deemed necessary by the Chief of the State Police for the issuance of a license to operate a game of chance. An application to operate or conduct a game of chance shall bear the consent of the municipal officers of the town or city in which such game of chance is to be operated or conducted.

### § 334. Evidence

The Chief of the State Police may require such evidence as he may deem necessary to satisfy him that such organization conforms to the restrictions and other provisions of this Title. Charters, organizational papers, bylaws or other such written orders of founding which outline or otherwise explain the purpose for which such organization was founded, shall, upon request, be forwarded to the Chief of the State Police.

### § 335. Proceeds

Proceeds of such games of chance shall not be used to provide salaries, wages or other remuneration to members, officers or employees of any organization licensed to conduct games of chance under the provisions of this Title.

### § 336. Records

The treasurer of such organization, or other officer designated by him, shall keep a record of all financial transactions involving such games of chance licensed under this Title. Such record shall include an exact account of all income from such games of chance, a list of all expenses including, but not limited to, the cost of prizes, printing, licenses and administration and shall include an exact account of the disposition of all other proceeds from such games of chance including, but not limited to, all gifts, grants and payments to any person, firm, corporation, association or organization for any purpose whatsoever.

All records of financial transactions involving such games of chance shall be separate and distinguishable from all other financial records of such organization licensed under the provisions of this Title. All income from such games of chance shall be separate and distinguishable from all other income, assets and revenues of such organization. Income from more than one game of chance licensed to the same organization under the provisions of this Title may be entered into one account.

### § 337. Distributor

Every distributor shall be licensed by the Chief of the State Police.

Every nonresident manufacturer or distributor of raffle tickets, or other gambling apparatus or implements doing business in the State of Maine, shall have a Maine agent who shall be licensed as a distributor.

No distributor shall sell, market or otherwise distribute raffle tickets, gambling apparatus or implements to any person or organization, except to such persons or organizations licensed to operate or conduct games of chance under the provisions of section 332.

Every organization holding a license to conduct games of chance in compliance with the provisions of this Title shall acquire all raffle tickets or gambling apparatus and implements from a distributor licensed under section 333, unless said raffle tickets or other gambling apparatus or implements are printed, manufactured or constructed by the licensed organization. At no time shall any organization licensed under the provisions of this Title print, manufacture or construct any raffle tickets or other gambling implements or apparatus for distribution to any other organization licensed under said section 332.

No person convicted of a felony within the prior 10 years shall be licensed under this section.

#### § 338. Printer

Except as provided in section 337, no Maine printer shall print raffle tickets or other materials to be used in the conduct of a licensed game of chance unless licensed by the Chief of the State Police. A printer licensed under this section may act as his own distributor without having to be licensed as a distributor providing neither he nor anyone in his behalf acts as a salesman for his services connected with a game of chance outside of the confines of his premises described in his printer's license. If such printer or someone else acts as a salesman for his services in connection with a game of chance outside of the premises described in his printer's license, either such printer or any person or persons acting in his behalf shall be licensed as a distributor.

No person convicted of a felony within the prior 10 years shall be licensed under this section.

#### § 339. Fees

The original application to operate a game of chance shall be accompanied by a fee of \$5 which shall not be refundable.

The fee for a license to operate a game of chance, except a raffle, shall be \$25 for each week computed on a Monday to Sunday basis, or portion thereof, or such license may be issued for a calendar month for a fee of \$100. Any combination of monthly or weekly licenses may be issued.

The fee for a license to conduct a raffle shall be \$5. Only one license will be required in the event the licensed organization conducts more than one raffle on the date and at the place specified in the application.

All other provisions of this chapter shall apply to each individual raffle so conducted.

Licenses to conduct any authorized game of chance may be issued for a period not to exceed 6 months on one application.

The fee for a license issued to a distributor shall be \$500 for each calendar year or portion thereof.

The fee for a license required by a printer shall be \$10 for each calendar year or portion thereof.

All fees required by this chapter shall accompany the application for any license which may be issued by authority of this chapter. Fees submitted as license fees shall be refunded if the license is not issued.

In the event any license is suspended or revoked as provided by this chapter, fees paid for such licenses shall not be refunded.

#### § 340. Persons under 16

Persons under the age of 16 years shall not be permitted to take part in a game of chance. No such person shall sell chances, except in relation to charitable, religious, or recognized youth associations.

No person under the age of 18 years shall be licensed under this chapter.

#### § 341. Limits on games of chance

A licensed game of chance shall be limited as to the amount to be gambled for any one chance to 25¢ except that a raffle chance may not exceed the amount of \$1.

#### § 342. Reports

The Chief of the State Police shall require whatever reports he deems necessary for the purpose of the administration and enforcement of this chapter from any licensed printer or distributor.

#### § 343. Rules and regulations

The Chief of the State Police shall make such rules and regulations as he deems necessary for the administration and enforcement of this chapter and for the licensing, conduct and operation of games of chance and shall have the power and authority to regulate, supervise and exercise general control over the operation of such games, to investigate as to the direct or indirect ownership or control of any licensee and to revoke or suspend any license for just cause after hearing.

Any rules and regulations made under authority of this chapter shall have the force and effect of law.

#### § 344. Disposition of funds

All funds collected under authority of this chapter shall be paid to the Treasurer of State to be credited to the General Fund.

#### § 345. Expenses

The necessary expenses of administering this chapter shall be paid out of the fees received under said chapter.

**§ 346. Access to premises**

Any person, firm, corporation, association or organization making application to the Chief of the State Police to conduct or operate a game of chance or any such person, firm, corporation, association or organization licensed under this chapter to operate or conduct a game of chance, shall permit inspection of any equipment, prizes, records, or items and materials used or to be used in the conduct or operation of a game of chance.

**§ 347. Violations**

Any violation of the provisions of this chapter or of the rules and regulations promulgated hereunder shall be punished by a fine of not more than \$1,000.

Sec. 4. R. S., T. 17, § 1803, repealed and replaced. Section 1803 of Title 17 of the Revised Statutes, as amended by chapter 265 and by section 5 of chapter 565, both of the public laws of 1973, is repealed and the following enacted in place thereof:

**§ 1803. Betting**

Whoever gambles, or bets on any person gambling, shall be punished by a fine of not less than \$10 nor more than \$100.

Sec. 5. R. S., T. 17, § 1815, additional. Title 17 of the Revised Statutes is amended by adding a new section 1815 to read as follows:

**§ 1815. Exemptions; gambling**

Any person, firm, corporation, association or organization licensed by the Chief of the State Police as provided in chapter 14 shall be exempt from the application of the provisions of this chapter insofar as the possession of raffle tickets, gambling apparatus and implements of gambling which are permitted within the scope of said license or licenses issued, and all persons shall be exempt from the provisions of this chapter insofar as gambling or possession of raffle tickets is concerned, if the gambling and possession is in connection with a game of chance licensed as provided in chapter 14.

Sec. 5. R. S., T. 17, § 2306, additional. Title 17 of the Revised Statutes is amended by adding a new section 2306 to read as follows:

**§ 2306. Exemptions; lotteries**

Any person, firm, corporation, association or organization licensed by the Chief of the State Police as provided in chapter 14 shall be exempt from the application of the provisions of this chapter insofar as the possession of raffle tickets, gambling apparatus and implements of gambling which are permitted within the scope of said license or licenses issued, and all persons shall be exempt from the provisions of this chapter insofar as gambling or possession of raffle tickets is concerned, if the gambling and possession is in connection with a game of chance licensed as provided in chapter 14.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.