

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1755

H. P. 1277

House of Representatives, April 2, 1975

On Motion of Mr. Cote of Lewiston, referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Berry of Madison.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Relating to the Games of "Beano" and "Bingo."

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

Sec. 1. 17 MRSA c. 13, as amended, is repealed.

Sec. 2. 17 MRSA c. 13-A is enacted to read:

CHAPTER 13-A

BEANO OR BINGO

§ 311. Definitions

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

1. Beano. "Beano" shall mean a specific kind of group game of chance. Wherever the term "Beano" is used the word "Bingo" may be interchanged. In "Beano," each participant is given or sold one or more tally cards, so called, each of which has 25 squares which are divided into 5 rows, making 5 squares to a row both horizontally and vertically. Each square is numbered, making 5 numbers in a row, the exception being the center, or 3rd vertical row, which has 4 numbers and a center space. The participant covers numbers as objects similarly numbered are drawn from a receptacle, and the game is won by the person who first covers a previously designated arrangement of numbers on the tally card.

2. Equipment. "Equipment" shall mean the receptacle and numbered objects to be drawn from it; the master board upon which such objects are placed as drawn; the tally cards or sheets bearing such numbers to be covered

and the objects used to cover them; the boards or signs, however operated, used to display the numbers as they are drawn; public address systems; and any other articles essential to the operation, conduct and playing of "Beano."

3. License. "License" shall mean that written authority from the Chief of the State Police to hold, conduct or operate the amusement commonly known as "Beano" for the entertainment of the public within the State of Maine. A location permit must accompany the license to be valid.

4. Licensee. "Licensee" shall mean any organization which has been granted a license by the Chief of the State Police to hold, conduct or operate "Beano" or "Bingo."

5. Location permit. "Location permit" shall mean that card issued by the Chief of the State Police, describing the premises or area in which "Beano" may be conducted. Such location permit must be accompanied by a license. Only such locations expressly described in the location permit shall be used for the conduct of any game.

6. Organization. "Organization" shall mean any firm, association or corporation authorized to conduct "Beano" in accordance with this chapter.

7. Period. "Period" shall mean the number of calendar weeks authorized by a single license for the operation of "Beano" or "Bingo."

§ 312. License required

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.

"Beano" or "Bingo" shall not be conducted on Sunday, Memorial Day, Christmas or any other national holiday with religious significance, except that "Beano" or "Bingo" may be played on Sunday after the hour of 2 p.m. on the premises of and in conjunction with agricultural fair associations. No "Beano" or "Bingo" games shall be conducted between the hours of 12 midnight and 7 a.m. The prevailing time for the State of Maine shall be used to determine these hours.

§ 313. Application

Any organization desiring to conduct such an amusement shall apply to the Chief of the State Police for a license pursuant to the provisions set forth in this section. The application shall be on forms provided by the Chief of the State Police, shall be signed by a duly authorized officer of the organization to be licensed, shall contain the full name and address of the organization and the location where it is desired to conduct the amusement and shall bear the consent of the municipal officers of the town or city in which it is proposed to operate such amusement.

§ 314. Issuance of license; fees

The Chief of the State Police may issue licenses to operate "Beano" or "Bingo" games on a monthly basis to any volunteer fire department or any agricultural fair association or bona fide charitable, educational, fraternal, patriotic, religious or veteran's organization which was in existence at least 2 years prior to its application for a license, when sponsored, operated and conducted for the exclusive benefit of such organization by duly authorized members thereof. Said 2 years' limitation shall not apply to any chartered posts of veterans organizations, nationally established, even though such posts have not been in existence for 2 years prior to their application for a license; and provided that a license may be issued to an agricultural fair association when sponsored, operated and conducted for the benefit of such agricultural fair association.

The fee for such license shall be \$5 for each calendar week, or portion thereof, that such amusement is to be operated, or such license may be issued for a calendar month for a fee of \$20. All license fees shall be paid to the Treasurer of State to be credited to the General Fund. No such licenses shall be assignable or transferable. Nothing contained herein is to be construed to prohibit any volunteer fire department or any agricultural fair association or bona fide charitable, educational, fraternal, patriotic, religious or veterans organization from obtaining licenses for a period not to exceed 6 months on one application. Not more than one license shall be issued to any one organization for any one period.

All fees required by this chapter shall accompany the application for a license. Fees submitted as license fees shall be refunded if the license is not issued. Fees shall not be refunded for unused licenses or for any license which is suspended or revoked as provided by this chapter.

§ 315. Seasonal licenses

Notwithstanding section 314, the Chief of the State Police may issue seasonal licenses to operate "Beano" or "Bingo" games in bona fide resort hotels, provided they are operated and conducted therein by the management without profit and solely for the entertainment of guests of the hotel registered therein, and provided that charges, if any, to the guests for participation in such entertainment shall be limited to a maximum of \$2 in any 24-hour period. The fee for such license shall be \$10 and shall be paid to the Treasurer of State to be credited to the General Fund. Hotel and liquor licenses of any such resort hotel licensees shall not be withheld because of the conducting of such resort hotel of the game of "Beano" or "Bingo."

§ 316. Evidence

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

§ 317. Rules and regulations

The Chief of the State Police shall have the power to make and adopt rules and regulations, not inconsistent with law, which he may deem necessary for the administration and enforcement of this chapter and for the licensing, conduct and operation of the amusement commonly known as "Beano" or "Bingo." He shall have the power and authority to regulate, supervise and exercise general control over the operation of such amusement including, but not limited to, the payment of prizes and the use of equipment. He shall have the power and authority to investigate as to the direct or indirect ownership or control of any licenses and to revoke or suspend any license for just cause after hearing. In establishing such rules and regulations, he shall, in addition to the standards set forth in other provisions of this chapter, be guided by the following standards setting forth conduct, conditions and activity deemed undesirable:

1. Fraud. The practice of any fraud or deception upon a participant in a game of "Beano" or "Bingo."

2. Unsafe premises. The conduct of "Beano" in, at or upon premises which may be unsafe due to fire hazard or other such conditions.

3. Advertising; solicitation and enticement; transportation. Advertising which is obscene, solicitation on a public way of persons to participate in "Beano," charging admission or awarding prizes for attendance, providing or arranging, by a licensee, of transportation of persons to or from a place where any game of "Beano" or "Bingo" is played.

§ 318. Expense of administration

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

§ 319. Persons under 16

Persons under the age of 16 years shall not be permitted to take part in the conduct of, nor participate in, the game of "Beano" or "Bingo," nor shall such minor be admitted to the playing area unless accompanied by parent, guardian or other responsible person.

No "Beano" or "Bingo" games licensed under this chapter shall be conducted unless some person at least 18 years of age, who has been a member in good standing of the licensee for at least 2 years, exercises exclusive control of each game played.

No license for the conduct of "Beano" or "Bingo" shall be issued to any firm, association, corporation or group composed wholly or primarily of minors.

§ 320. Conduct

Licensed "Beano" or "Bingo" shall not be conducted at any location where alcoholic beverages are sold, dispensed, or consumed during the period of one hour before the conduct of said games. The licensee shall not permit any dis-

orderly persons to enter or remain within the room or area where "Beano" or "Bingo" games are being conducted.

§ 321. 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."

§ 322. Reports

The Chief of the State Police shall require from any organization licensed to operate "Beano" or "Bingo" whatever reports he deems necessary for the purpose of the administration and enforcement of this chapter.

§ 323. Access to premises

Any organization making application to the Chief of the State Police to conduct or operate "Beano" or "Bingo," or any organization licensed under this chapter to operate "Beano" or "Bingo" shall permit inspection of any equipment, prizes, records or items and materials used or to be used in the conduct or operation of "Beano" or "Bingo" by the Chief of the State Police or his authorized representative.

The licensee shall permit at any and all times any inspector from the State Fire Marshal's office, or the city or town fire inspectors of the municipality in which "Beano" is being conducted, to enter and inspect the licensed premises.

§ 324. Games of chance prohibited at beano locations

No "Beano" game shall be conducted at any location where any lottery or other game of chance is conducted. Nor shall any lottery or other game of chance be conducted during the period of one hour before the conduct of any "Beano" game at the specific location of said "Beano" game, except that the following lotteries may be conducted during the period of one hour before the conduct of "Beano" games:

1. Maine State Lottery. Lottery tickets issued by the Maine State Lottery Commission may be sold when a valid license certificate issued by said commission is properly displayed.
2. Raffles. Raffle tickets may be sold when said raffle is licensed by the Chief of the State Police and when a valid license certificate is properly displayed.
3. Lucky seven. Lucky seven or similar sealed tickets may be sold when said game of chance is licensed by the Chief of the State Police and when a valid license certificate is properly displayed.

For purposes of this section, "location" shall mean that location specified in the location permit.

§ 325. Penalties

Any person, firm, association or corporation holding or conducting or aiding or abetting in the holding or conducting of such amusement within the State without a license therefor duly issued by the Chief of the State Police, or any person, firm, association or corporation who violates any of the provisions of this chapter or any of the rules or regulations of the Chief of the State Police prescribed by authority of said chapter shall be punished by a fine of not more than \$1,000.

STATEMENT OF FACT

The purpose of this bill is to clarify and place into law those rules and regulations governing the operation of the amusement known as "Beano" or "Bingo," as well as clarify prior enactments relating to such operations.