

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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Legislative Document

No. 71

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H. P. 50

House of Representatives, January 12, 1977

Referred to the Committee on Legal Affairs. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Connors of Franklin.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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AN ACT Relating to the Regulation of Beano.

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

Sec. 1. 17 MRSA § 314, as enacted by PL 1975, c. 307, § 2, is repealed and the following enacted in its place:

§ 314. Issuance of license; fees

1. Organizations eligible. The Chief of the State Police may issue a license to operate "Beano" on a weekly or monthly basis to any volunteer fire department or any agricultural fair association or to any bona fide nonprofit charitable, educational, political, civil, recreational, fraternal, patriotic, religious or veterans' organization which was founded, chartered or organized in the State of Maine at least 2 years prior to its application for a license. This 2-year requirement shall not apply to any chartered post of a nationally established veterans' organization.

Nothing contained herein is to be construed to prohibit any volunteer fire department or any agricultural fair association or bona fide nonprofit, charitable, educational, political, civil, recreational, 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.

2. Beano conducted by licensee members only. A "Beano" game licensed pursuant to this section shall be operated and conducted for the exclusive benefit of the licensee and shall be operated and conducted only by duly authorized members of the licensee who shall have established permanent residency in this State prior to the licensee's application for a license. The requirements of this subsection shall not apply to any agricultural fair association licensed to operate "Beano."

3. Fees. The fee for a "Beano" license shall be \$5 for each calendar week, or portion thereof, that the amusement is to be operated, or a 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 "Beano" license shall be assignable or transferable.

Sec. 2. 17 MRSA § 316, as enacted by PL 1975, c. 307, § 2, is amended by adding at the end the following new paragraph:

The Chief of the State Police may require of any licensee or of any person operating, conducting or assisting in the operation of "Beano" any evidence he may deem necessary to satisfy him that the person is a duly authorized member of the licensee and has established permanent residency in this State as required by section 314, subsection 2. Upon request, this evidence shall be forwarded to the Chief of the State Police.

Sec. 3. 17 MRSA § 317, sub-§ 4, is enacted to read:

4. Leasing of equipment. Use of equipment which is not owned absolutely or for which rental is made for the use in the operation of "Beano."

Sec. 4. 17 MRSA § 320, first sentence, as enacted by PL 1975, c. 307, § 2, is amended to read:

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~~ these games or during the conduct of these games.

Sec. 5. 17 MRSA § 325, as enacted by PL 1975, c. 307, § 2, is amended to read:

### § 325. Penalties

Any person, firm, association or corporation holding or conducting or aiding or abetting in the holding or conducting of ~~such that~~ 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~~ this chapter, shall be punished by ~~a fine of not more than \$1,000~~ guilty of a Class D crime.

### FISCAL NOTE

Enactment of this bill would generate an additional state revenue of approximately \$40,000 annually.

## STATEMENT OF FACT

This bill is designed to prohibit nonresidents of the State from operating Beano games in Maine (sections 1 and 2), to prohibit the consumption of alcoholic beverages during the operation of Beano games (section 4), to prohibit the leasing of equipment for use in Beano games (section 3), and to bring the penalty provision of the Beano chapter into conformity with the sentencing classification of the Maine Criminal Code (section 5). The consumption of alcohol at Beano games and the leasing of equipment have traditionally been prohibited, but the prohibition has existed in the form of administrative regulation.

This bill also raises the fee for a Beano license for all licenses from \$2 to \$5. When the Beano statutes were first enacted in 1943, the fee for a license was \$2. (PL 1943, c. 355) Rising costs of administration and enforcement since 1943 necessitate the increase in the fee.