

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)

1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1339

6
7 H.P. 1014

House of Representatives, March 25, 1983

8 Submitted by the Department of Public Safety pursuant to Joint Rule 24.
9 Referred to the Committee on Legal Affairs. Sent up for concurrence and
ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Swazey of Bucksport.

11 Cosponsors: Senator Charette of Androscoggin, Representative Perry of
Mexico and Representative Stover of West Bath.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT To Amend the Law Relating to
18 Games of Chance.
19

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

22 Sec. 1. 17 MRSA §330, sub-§2-A is enacted to
23 read:

24 2-A. Game of skill. "Game of skill" means a
25 game or contest in which a person stakes something of
26 value for an opportunity to win something of value
27 and in which the average player, either with or with-
28 out a reasonable amount of practice, can determine
29 the outcome of the game through the exercise of skill
30 without the presence of a material degree of chance.

31 Sec. 2. 17 MRSA §332, sub-§3-A is enacted to
32 read:

33 3-A. Prohibited games. The following games are
34 prohibited.

1 A. No game may be allowed which utilizes objects
2 which are constructed, designed or altered to be
3 other than what they appear to be and to respond
4 in a way other than that in which the average
5 player would assume that they would respond,
6 unless that construction, design or alteration is
7 permitted in the rules governing that game and
8 the construction, design or alteration meets the
9 requirements of those rules.

10 B. No game may be allowed in which the operator
11 either partially or entirely controls the outcome
12 of the game by his manner of operating or con-
13 ducting the games.

14 C. No game may be allowed in which the outcome
15 depends upon the word of the operator against the
16 word of the player.

17 D. No game of skill may be allowed which
18 includes any mechanical or physical device which
19 directly or indirectly impedes, impairs or
20 thwarts the skill of the player.

21 Sec. 3. 17 MRSA §340, as repealed and replaced
22 by PL 1977, c. 350, §12, is amended to read:

23 No licensee, game owner or operator shall may
24 permit persons under the age of 16 years to take part
25 in a game of chance. No person under the age of 16
26 years shall may sell chances, except in relation to
27 charitable, religious or recognized youth associa-
28 tions.

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

31 STATEMENT OF FACT

32 Title 17, section 330, subsection 2-A. This
33 definition is the converse of Title 17, section 330,
34 subsection 2, and thus all games will fall under one
35 of the 2 definitions allowing the Chief of the State
36 Police to more readily determine those games that

1 constitute games of chance for regulation under this
2 chapter. This section will also provide a workable
3 standard under which games of skill can be regulated.
4 Presently, a game must first be categorized as a game
5 of chance before action can be taken under Title 17,
6 chapter 14. The only means of regulating a game of
7 skill is by awkwardly attacking it under fraud or
8 theft by deception statutes, or by awkwardly labeling
9 it a game of chance for containing elements of fraud
10 or theft by deception.

11 Title 17, section 332, subsection 3-A. This
12 section provides specific standards for the design
13 and operation of games of chance and skill which, if
14 violated, would warrant criminal or civil action. At
15 present, the State Police must bring action against
16 operators of games of chance and skill under fraud
17 statutes which are not directly applicable to the
18 regulation of games of chance or skill.

19 Title 17, section 340. This section allows the
20 State Police to prosecute persons actually responsi-
21 ble for allowing children to play games of chance.

22

2655031583