

MAINE STATE LEGISLATURE

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1 (New Draft of H.P. 44, L.D. 50)
2 FIRST REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 1134

8 H.P. 813

House of Representatives, March 27, 1985

9 Reported by Representative Perry from the Committee on Legal Affairs
10 and printed under Joint Rule 2. Original bill presented by Representative
11 Perry. Cosponsored by Senator Stover of Sagadahoc, Representative Cote of
Auburn and Representative McSweeney of Old Orchard Beach.

EDWIN H. PERT, Clerk

12
13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-FIVE
17

18 AN ACT to Amend the Laws Relating to Games of
19 Chance.
20

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

23 Sec. 1. 17 MRSA §337, as repealed and replaced
24 by PL 1977, c. 350, §8, is amended to read:

25 §337. Distributor

26 Every distributor shall be licensed by the Chief
27 of the State Police; No distributor may sell, market
28 or otherwise distribute gambling apparatus or imple-
29 ments unless licensed by the Chief of the State Po-
30 lice, except that no license shall be is required for
31 the sale, marketing or distribution of raffle tick-
32 ets.

33 Every nonresident manufacturer or distributor of
34 gambling apparatus or implements doing business in

1 the State of Maine shall have a Maine agent who shall
2 must be licensed as a distributor.

3 No distributor shall may sell, market or other-
4 wise distribute gambling apparatus or implements to
5 any person or organization, except to persons or or-
6 ganizations licensed to operate or conduct games of
7 chance under section 332, or eligible to conduct a
8 raffle pursuant to section 331, subsection 2. No dis-
9 tributor shall may lease or loan or otherwise dis-
10 tribute free of charge any gambling apparatus or im-
11 plements to any organization eligible to operate a
12 game of chance.

13 Every licensee shall acquire all gambling apparat-
14 us and implements from a distributor licensed under
15 this section, unless that gambling apparatus or im-
16 plements are printed, manufactured or constructed by
17 the licensed organization. At no time shall any li-
18 censee print, manufacture or construct any gambling
19 implements or apparatus for distribution to any other
20 licensee. The applicant for a distributor's license,
21 or if the applicant is a firm, corporation, associa-
22 tion or other organization, its resident manager, su-
23 perintendent or official representative shall file an
24 application with the Chief of the State Police on
25 forms furnished by him. No license shall be granted
26 if the applicant, or if the applicant is a firm, cor-
27 poration, association or other organization, its res-
28 ident manager, superintendent or official representa-
29 tive submitting the application has been convicted
30 within the prior 10 years of a crime punishable by
31 imprisonment for one year or more. The Chief of the
32 State Police shall furnish each applicant with a cur-
33 rent copy of this chapter and the rules adopted under
34 section 343. The Chief of the State Police shall fur-
35 nish each licensee with a copy of any changes or ad-
36 ditions to this chapter and the rules adopted under
37 section 343.

38 Sec. 2. 17 MRSA §338, as amended by PL 1977, c.
39 350, §§9 and 10, is further amended to read:

40 §338. Printer

1 Except as provided in section 337, no Maine
2 printer ~~shall~~ may print materials to be used in the
3 conduct of a licensed game of chance unless licensed
4 by the Chief of the State Police. A printer licensed
5 under this section may act as his own distributor
6 without having to be licensed as a distributor pro-
7 viding neither he nor anyone in his behalf acts as a
8 salesman for his services connected with a game of
9 chance outside of the confines of his premises de-
10 scribed in his printer's license. If such printer or
11 someone else acts as a salesman for his services in
12 connection with a game of chance outside of the
13 premises described in his printer's license, either
14 such printer or any person or persons acting in his
15 behalf ~~shall~~ must be licensed as a distributor.

16 The applicant for a printer's license, or if the
17 applicant is a firm, corporation, association or oth-
18 er organization, its resident manager, superintendent
19 or official representative shall file an application
20 with the Chief of the State Police on forms furnished
21 by him. No license shall be granted if the applicant,
22 or if the applicant is a firm, corporation, associa-
23 tion or other organization, its resident manager, su-
24 perintendent or official representative submitting
25 the application has been convicted within the prior
26 10 years of a crime punishable by imprisonment for
27 one year or more. The Chief of the State Police shall
28 furnish each applicant with a current copy of this
29 chapter and the rules adopted under section 343. The
30 Chief of the State Police shall furnish each licensee
31 with a copy of any changes or additions to this chap-
32 ter and the rules adopted under section 343.

33 Sec. 3. 17 MRSA §338-A is enacted to read:

34 §338-A. Investigations and actions on licenses

35 1. Investigation. The Chief of the State Police
36 shall investigate or cause to be investigated all
37 complaints made to him and all violations of this
38 chapter or the rules adopted pursuant to section 343.

39 2. Refusal to issue, modify or renew; modifica-
40 tion; suspension; revocation. Grounds for an action
41 to refuse to issue, modify or renew, modify, suspend
42 or revoke the license of a distributor or printer li-
43 censed under this chapter are as follows.

1 A. The distributor or printer or its resident
2 manager, superintendent or official representa-
3 tive made or caused to be made a false statement
4 of material fact in obtaining a license under
5 this chapter or in connection with service ren-
6 dered within the scope of the license issued.

7 B. The distributor or printer or its resident
8 manager, superintendent or official representa-
9 tive violated any provision of this chapter or
10 any rule adopted by the Chief of the State Police
11 under section 343.

12 (1) Except as provided in subparagraph (2),
13 the Chief of the State Police shall give
14 written notice of any violation to the dis-
15 tributor or printer who then has 14 days to
16 comply. Failure to comply within the 14-day
17 period is grounds for an action under this
18 section.

19 (2) If a distributor or printer violates
20 section 337 or 338 the Chief of the State
21 Police is not required to give the notice or
22 allow the compliance period provided in sub-
23 paragraph (1).

24 C. The distributor or printer or its resident
25 manager, superintendent or official representa-
26 tive has been:

27 (1) Convicted of a crime which is included
28 in this chapter or Title 17-A, chapter 39;
29 or

30 (2) Convicted within the prior 10 years of
31 any crime for which imprisonment for more
32 than one year may be imposed.

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STATEMENT OF FACT

2 With the increasing popularity of games of chance
3 in this State, it is important that the public be
4 protected from unscrupulous and dishonest distribu-
5 tors and printers. This new draft sets forth the spe-
6 cific grounds upon which an application for a dis-
7 tributor's or printer's license may be denied and a
8 license issued to a distributor or printer may be
9 modified, suspended, revoked or not renewed. These
10 grounds are:

11 1. Making a false statement of material fact on
12 the application or in otherwise obtaining a license;

13 2. Making a false statement of material fact in
14 connection with operation under the license;

15 3. Violating any provision of the chapter on
16 games of chance, the Maine Revised Statutes, Title
17 17, sections 330 to 347, or any rules that the Chief
18 of the State Police adopts pursuant to his power au-
19 thorized in the Maine Revised Statutes, Title 17,
20 section 343. The chief shall notify the distributor
21 or printer that it is in violation of the rules or
22 laws pertaining to games of chance. The distributor
23 or printer then has 14 days in which to comply with
24 the rules and the laws. Failure to comply within the
25 14 days is grounds for an action under the Maine Re-
26 vised Statutes, Title 17, section 338-A. If a dis-
27 tributor or printer violates the Maine Revised Stat-
28 utes, Title 17, section 337, licensing distributors,
29 or section 338, licensing printers, the Chief of the
30 State Police is not required to give notice of the
31 violation or allow 14 days to comply;

32 4. Conviction for a crime included in the Maine
33 Revised Statutes, Title 17, sections 330 to 347, or
34 in the chapter on illegal gambling, the Maine Revised
35 Statutes, Title 17-A, sections 951 to 958; or

1 5. Conviction within the past 10 years for a
2 crime for which imprisonment for a period of more
3 than one year may be imposed.

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