

MAINE STATE LEGISLATURE

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(New Draft of H.P. 80, L.D. 83)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1642

H.P. 1204 House of Representatives, May 20, 1987
Reported by Representative TUPPER from the Committee on
Legal Affairs and printed under Joint Rule 2.

EDWIN H. PERT, Clerk
Original bill sponsored by Representative RACINE of
Biddeford. Cosponsored by Representatives MURPHY of
Kennebunk, GREENLAW of Standish and POULTOT of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT Concerning "Beano" or "Bingo" on
2 Indian Reservations.
3

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

6 Sec. 1. 17 MRSA §311, sub-§8 is enacted to read:

7 8. Winner-take-all round. "Winner-take-all
8 round" means a beano game or series of beano games in
9 which all the proceeds from the sale of the cards for
10 that round are paid to participants as prizes during
11 that round.

12 Sec. 2. 17 MRSA §314, 2nd ¶, as amended by PL
13 1983, c. 610, is further amended to read:

1 The fee for such a license to any nonprofit organiza-
2 tion is ~~\$3~~ \$5 for each calendar week, or portion
3 thereof, that the amusement is to be operated, or the
4 license may be issued for a calendar month for a fee
5 of ~~\$12-50~~ \$15. All license fees shall be paid to the
6 Treasurer of State to be credited to the General
7 Fund. No licenses may be assignable or transferable.
8 Nothing contained in this section is to be construed
9 to prohibit any volunteer fire department or any ag-
10 gricultural fair association or bona fide nonprofit
11 charitable, educational, political, civic, recrea-
12 tional, fraternal, patriotic, religious or veterans'
13 organization from obtaining licenses for a period not
14 to exceed 6 months on one application. No more than
15 one license may be issued to any organization for any
16 one period. No more than one licensee may operate or
17 conduct a game of "beano" or "bingo" on the same
18 premises on the same date.

19 Sec. 3. 17 MRSa §314-A is enacted to read:

20 §314-A. High-stakes beano

21 1. Eligible organizations. The Chief of the
22 State Police may issue licenses to operate
23 high-stakes beano or high-stakes bingo to any feder-
24 ally recognized Indian tribe.

25 2. Limit on prizes. Notwithstanding section
26 317, there is no limit on the value of a single prize
27 or total prizes awarded on any one occasion for
28 high-stakes beano games operated under this section.

29 3. Eighteen weekends per year. An organization
30 licensed under this section may operate high-stakes
31 beano games on only 18 nonconsecutive weekends per
32 year. High-stakes beano games may not be held on
33 more than 9 weekends during the 6-month license peri-
34 od. For the purposes of this section, a weekend con-
35 sists of Saturday and the immediately following Sun-
36 day. The license shall specify which weekends the
37 high-stakes beano games will be operated.

38 4. Term of license; fees. A license issued un-
39 der this section is valid for a period of 6 months.
40 The annual license fee for a high-stakes beano li-
41 cence is 5% of gross revenues. The fee is payable in

1 monthly installments based on 5% of the gross reve-
2 nuces of the previous month. All license fees shall
3 be paid to the Treasurer of State to be credited to
4 the General Fund.

5 5. Restrictions. No license may be transferred
6 or assigned. No more than one license may be issued
7 under this section to any federally recognized Indian
8 tribe for any one period. No more than one licensee
9 may operate or conduct a beano game or high-stakes
10 beano game on the same premises on the same date.
11 All games shall be conducted on the reservation of
12 the licensed organization.

13 6. Applicability of chapter. Except when in di-
14 rect conflict with this section or as specifically
15 provided, all other provisions of this chapter and
16 rules adopted under this chapter apply to licenses
17 for high-stakes beano issued under this section.

18 7. Payment for services. Except as provided in
19 paragraph A, an organization licensed under this sec-
20 tion may pay the persons operating the high-stakes
21 beano games for the organization no more than the
22 minimum wage as established by Title 26, chapter 7,
23 subchapter III.

24 A. An organization licensed under this section
25 may contract for provision of professional legal,
26 advertising, accounting and auditing services.
27 The persons employed under a contract entered in-
28 to under this paragraph may receive reasonable
29 professional fees at a rate higher than minimum
30 wage.

31 **Sec. 4. 17 MRSA §314-B is enacted to read:**

32 §314-B. Winner-take-all beano rounds

33 1. Eligible organizations. An organization li-
34 censed under section 314 may operate one
35 winner-take-all round per occasion.

36 2. Prizes. Notwithstanding the prize limits in
37 section 317, an organization operating a
38 winner-take-all round under this section shall pay
39 all proceeds from each winner-take-all round as

1 prizes, provided no winner receives more than \$500.

2 **Sec. 5.** 17 MRSA §320, as enacted by PL 1975, c.
3 307, §2, is amended to read:

4 §320. Conduct of beano

5 ~~Licensed "Beano" or "Bingo" shall not be con-~~
6 ~~ducted at any location where alcoholic beverages are~~
7 ~~sold, dispensed or consumed~~ No licensee may conduct
8 "beano" or "bingo" in the same room where liquor is
9 sold, served or consumed during the period of one
10 hour before the conduct of said the games. The li-
11 censee shall not permit any disorderly persons to en-
12 ter or remain within the room or area where "Beano"
13 "beano" or "Bingo" "bingo" games are being conducted.

14 **Sec. 6. Allocation.** The following funds are al-
15 located from Other Special Revenue to carry out the
16 purposes of this Act.

	<u>1987-88</u>	<u>1988-89</u>
17		
18	<u>PUBLIC SAFETY, DE-</u>	
19	<u>PARTMENT OF</u>	
20	Positions	(1) (1)
21	Personal Services	\$23,116 \$24,161
22	All Other	5,000 5,000
23	Capital Expenditures	10,768
24		
25	Total	<u>\$38,884</u> <u>\$29,161</u>

26 This allocation pro-
27 vides funds for one
28 Field Examiner II,
29 general operating
30 expenses and a vehi-
31 cle to monitor
32 games.

33 **Sec. 7. Sunset.** Section 3 of this Act is re-
34 pealed on September 30, 1992, before which time any
35 organization licensed under the Maine Revised Stat-
36 utes, Title 17, section 314-A, and the Bureau of
37 State Police shall each submit written reports to the

1 joint standing committee of the Legislature having
2 jurisdiction over legal affairs concerning the effect
3 of section 3.

4

FISCAL NOTE

5 This new draft will result in an increase in ded-
6 icated revenue of \$38,884 for fiscal year 1988,
7 \$29,161 for fiscal year 1989 and an increase in Gen-
8 eral Fund revenues of \$61,916 for fiscal year 1988
9 and \$71,639 for fiscal year 1989. Also, this new
10 draft allocates the anticipated dedicated revenue for
11 the upcoming biennium.

12

STATEMENT OF FACT

13 This new draft provides limited opportunity for
14 high-stakes beano while making other beano games more
15 attractive.

16 The license fee for regular beano games is raised
17 from \$3 per week to \$5 per week, and from \$12.50 per
18 month to \$15 per month.

19 Organizations holding beano games may also oper-
20 ate "winner-take-all" beano rounds, the prize values
21 of which are not included in the \$1,400 prize limit.
22 A "winner-take-all" beano round may consist of one
23 game or a series of games. All the money taken in
24 from the sale of cards for the winner-take-all round
25 must be returned to the participants as prizes in the
26 round. No prize, however, may exceed \$500. This is
27 to avoid competition among beano organizations hold-
28 ing winner-take-all rounds. The round continues un-
29 til all the proceeds from the sale of the cards is
30 awarded.

31 Under section 3, any federally recognized Indian
32 tribe may be licensed to hold high-stakes beano games
33 on their reservations. Games may be conducted on 18
34 nonconsecutive weekends during the year; the games
35 may be conducted on no more than 9 weekends during

1 the 6-month license period. A weekend consists of
2 Saturday and Sunday. The licensee fee is based on 5%
3 of the annual gross revenues from the games. There
4 is no limit on the amount of prizes to be awarded un-
5 der this license. Persons employed to operate the
6 games may be paid no more than minimum wage, except
7 in cases when the licensed organization contracts for
8 professional legal, advertising, accounting or audit-
9 ing services. These people may be paid reasonable
10 professional fees.

11 This new draft ensures that beano games are not
12 conducted in the same room where liquor is sold,
13 served or consumed.

14 The increase in General Fund revenue is based on
15 an estimate of \$90,000 being paid annually as the li-
16 cense fee for the high-stakes beano. The \$90,000
17 will come from the 5% license fee on an estimated
18 \$50,000 of gross proceeds per game date or \$100,000
19 gross proceeds per game weekend, for a total of 18
20 weekends per year. There is an additional \$10,800
21 estimated increase in General Fund revenue from the
22 increase in the license fee for all other beano
23 games. This results in a total increase of \$100,800.
24 Before reaching the General Fund, however, the in-
25 crease must be adjusted by subtracting the amount of
26 the allocation.

27

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