

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1222

H.P. 856

House of Representatives, March 21, 1991

Reference to the Committee on Legal Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative BAILEY of Township 27.

Cosponsored by Senator LUDWIG of Aroostook, Senator VOSE of Washington and Representative TOWNSEND of Eastport.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act Concerning Gaming Conducted by the Passamaquoddy Tribe.



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

2
4 **Sec. 1. 17 MRSA §311, sub-§1**, as repealed and replaced by PL 1979, c. 272, is amended to read:

6 **1. Beano.** "Beano" shall ~~mean~~ means a specific kind of group
8 game of chance, regardless of whether such a game is
10 characterized by another name. Wherever the term "beano" is
12 used, the word "bingo" or any other word used to characterize
14 such a game may be interchanged. In "beano," each participant is
16 given or sold one or more tally cards, so-called, each of which
18 contains numbers or letters and may or may not be arranged in
vertical or horizontal rows. The participant covers the numbers
or letters as objects similarly numbered or lettered are drawn
from a receptacle, and ~~the game is won by the person who first~~
~~severs a~~ winner or winners are determined by the sequence in
which those objects are drawn, in a manner previously designated
arrangement of numbers or letters on the tally card.

20 **Sec. 2. 17 MRSA §312, 2nd ¶**, as repealed and replaced by PL
22 1985, c. 449, §1, is amended to read:

24 "Beano" or "Bingo" shall may not be conducted on Christmas.
26 "Beano" or "Bingo" may be played on Sunday after the hour of 12
noon 11:00 a.m. No "Beano" or "Bingo" games may be conducted
28 between the hours of 12 midnight and 7 a.m. The prevailing time
for the State of Maine shall be is used to determine these hours.

30 **Sec. 3. 17 MRSA §314-A, sub-§§3 and 4**, as enacted by PL 1987,
32 c. 197, §§3 and 7, are repealed and the following enacted in
their place:

34 **3. Eighteen weekends per year.** An organization, other than
the Passamaquoddy Tribe, licensed under this section may operate
high-stakes beano games on only 18 nonconsecutive weekends per
year. The Passamaquoddy Tribe may operate high-stakes beano
games on up to 36 weekends per year, whether or not consecutive.
For purposes of this section, a weekend consists of Saturday and
the immediately following Sunday. A high-stakes beano game
licensed under this section and cancelled for any reason may be
rescheduled at any time, provided 7 days prior notice of the new
date is given to the Chief of the State Police.

44 **4. Term of license; fees.** A license issued under this
section is valid for a period of one year. The annual license
fee for a high-stakes beano license is \$50,000, payable in
advance in quarterly installments. All license fees must be paid
to the Treasurer of State to be credited to the General Fund.

50 **Sec. 4. 17 MRSA §314-A, sub-§5**, as enacted by PL 1987, c. 197,
§§3 and 7, is amended to read:

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

10 **Sec. 5. 17 MRSA §317, sub-§3,** as enacted by PL 1975, c. 307,
11 §2, is amended to read:

12 **3. Advertising; solicitation and enticement.** Advertising
13 which that is obscene, solicitation on a public way of persons to
14 participate in "beano," charging admission or, except with
15 respect to high-stakes games licensed under section 314-A,
16 advertising and awarding prizes for attendance.

18 **Sec. 6. 17 MRSA §324, sub-§3,** as amended by PL 1987, c. 679,
19 §2, is further amended to read:

21 **3. Lucky seven.** Lucky seven or similar sealed tickets may
22 be sold when that game of chance is licensed by the Chief of the
23 State Police and when a valid license certificate is properly
24 displayed. Notwithstanding this section and section 312, Lucky
25 seven games may be conducted during the period of 2 hours before
26 and 2 hours after any "Beano" game and also may be conducted
27 during the intermission of any "Beano" game. Lucky seven or
28 other similar sealed tickets having a sale value of \$1 or less
29 may be sold by any organization licensed under section 314-A at
30 the foregoing times and also during any "Beano" game conducted by
31 that organization.

32 **Sec. 7. PL 1987, c. 197, §7,** is repealed.

34 **Sec. 8. Reports.** On or before September 30, 1992 any
35 organization licensed under the Maine Revised Statutes, Title 17,
36 section 314-A and the Bureau of State Police shall each submit a
37 written report to the joint standing committee of the Legislature
38 having jurisdiction over legal affairs concerning the operation
39 of that statute.

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44 **STATEMENT OF FACT**

45 This bill furthers the original purposes of Public Law 1987,
46 chapter 197, authorizing Maine's federally recognized Indian
47 tribes to conduct high-stakes beano games as a means of raising
48 funds for tribal operations, by making various changes. Certain
49 restrictions imposed in the original legislation, or by state
50

rule are modified so the Passamaquoddy Tribe and other operators
2 of beano games may make their games more attractive. For
example, the bill allows innovations in defining a winner while
4 maintaining the familiar beano game format and expands the
opportunity for the Passamaquoddy Tribe to conduct high-stakes
6 games from 18 weekends to 36 weekends per year.