

MAINE STATE LEGISLATURE

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DATE: March 25, 1996 (Filing No. S-517)

LEGAL AND VETERANS AFFAIRS

Reported by: The Majority of the Committee.

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**STATE OF MAINE
SENATE
117TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A " to S.P. 479, L.D. 1303, Bill, "An Act to Clarify Definitions Under the Laws Concerning Games of Chance"

Amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

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

Sec. 1. 17 MRSA §330, sub-§2, as repealed and replaced by PL 1977, c. 350, §1, is repealed and the following enacted in its place:

2. Game of chance. "Game of chance" means any game, contest, scheme or device in which a person stakes or risks something of value for the opportunity to win something of value and that, based upon the rules of operation or play of the game, contest, scheme or device, requires an event the result of which is determined by chance, outside the control of the contestant or participant, so that chance enters as an element that influences the outcome in a manner that can not be eliminated through the application of skill. For the purposes of this subsection, "an event the result of which is determined by chance" includes but is not limited to a shuffle of a deck or decks of cards, a roll of a die or dice or a random drawing or generation of an object or objects that may include, but are not limited to, a card or cards, a die or dice, a number or numbers or simulations of any of these. A shuffle of a deck or decks of cards, a roll of a die or dice, a random drawing or generation of an object or objects or some other event the result of which is determined by chance that is employed to determine impartially the initial order of

play in a game, contest, scheme or device does not alone make a game, contest, scheme or device a game of chance. For purposes of this chapter, beano and bingo are not games of chance.

Sec. 2. 17 MRSA §330, sub-§2-A, as enacted by PL 1983, c. 225, §1, is repealed and the following enacted in its place:

2-A. Game of skill. "Game of skill" means any game, contest, scheme or device in which a person stakes or risks something of value for the opportunity to win something of value and that is not a game of chance.

Sec. 3. 17-A MRSA §952, sub-§3, as enacted by PL 1975, c. 499, §1, is repealed and the following enacted in its place:

3. Contest of chance. "Contest of chance" means any game, contest, scheme or device in which a person stakes or risks something of value for the opportunity to win something of value and that, based upon the rules of operation or play of the game, contest, scheme or device, requires an event the result of which is determined by chance, outside the control of the contestant or participant, so that chance enters as an element that influences the outcome in a manner that can not be eliminated through the application of skill. For the purposes of this subsection, "an event the result of which is determined by chance" includes but is not limited to a shuffle of a deck or decks of cards, a roll of a die or dice or a random drawing or generation of an object or objects that may include, but are not limited to, a card or cards, a die or dice, a number or numbers or simulations of any of these. A shuffle of a deck or decks of cards, a roll of a die or dice, a random drawing or generation of an object or objects or some other event the result of which is determined by chance that is employed to determine impartially the initial order of play in a game, contest, scheme or device does not alone make a game, contest, scheme or device a game of chance.'

Further amend the bill by inserting at the end before the statement of fact the following:

FISCAL NOTE

This bill will avoid a reduction in dedicated revenue from games of chance license fees collected by the Department of Public Safety and will avoid a reduction in net transfers from the Bureau of Alcoholic Beverages and Lottery Operations to the General Fund from a reduction in lottery instant game ticket sales. Beginning in fiscal year 1996-97, the potential annual losses that will be avoided are estimated to be \$75,000 of dedicated revenue and as much as \$8,000,000 of net transfers to

COMMITTEE AMENDMENT "A" to S.P. 479, L.D. 1303

2 the General Fund. A potential fiscal year 1995-96 reduction in
transfers to the General Fund will also be avoided. The amount
4 avoided will depend on how early and widespread the video games
are distributed and can not be determined at this time.'

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STATEMENT OF FACT

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10 This amendment, which is the majority report of the Joint
Standing Committee on Legal and Veterans Affairs, replaces the
bill. This amendment amends the laws on gambling by amending the
12 definitions of "game of chance," "contest of chance" and "game of
skill." Currently, the defining element of a game or contest of
14 chance is that the outcome depends in a material degree on an
element of chance. Under this amendment, the defining element is
16 whether chance influences the outcome in a way that can not be
overcome by the application of skill. The amendment clarifies
18 that the flip of a coin or other event involving chance may be
used to establish the order of play among contestants without
20 causing a game to be considered a game of chance.

22 This amendment also strikes the emergency preamble and the
emergency clause and adds a fiscal note to the bill.

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