

MAINE STATE LEGISLATURE

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LEGAL AND VETERANS AFFAIRS

Reported by: The Minority of the Committee.

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STATE OF MAINE
SENATE
117TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "B" 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 the title and substituting the following:

'An Act to Change the Laws Concerning Games of Chance'

Further 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 §332-A is enacted to read:

§332-A. Tournament video games

A person or an organization may not operate a tournament video game in this State unless the person or organization has been issued a license pursuant to this section by the Chief of the State Police.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Operate" means to offer for public use.

B. "Tournament video game" means a game of skill:

(1) That employs at least 10 video terminals electronically linked in a network;

2 (2) In which players compete against each other for
3 something of value; and

4
5 (3) In which the outcome of the tournament is
6 influenced both by an element or elements of chance
7 inherent in the nature of the video game played and by
8 the skill of the players.

10 The term "tournament video game" does not include a game of
11 chance.

12 2. Qualifications. The Chief of the State Police may issue
13 a license to operate tournament video games to the following:

14 A. Any person licensed under Title 8, chapter 11 to accept
15 pari-mutuel wagers on horse racing;

16 B. Any society or organization listed in section 332,
17 subsection 1 that was founded, chartered or organized in
18 this State at least 2 years before submitting an application
19 for a license;

20 C. The Passamaquoddy Tribe, as defined in Title 30, section
21 6203; and

22 D. The Penobscot Nation, as defined in Title 30, section
23 6203.

24 3. Fees. The fees for licenses issued under this section
25 are as follows:

26 A. For a license to operate tournament video games for less
27 than 12 months, the fee is \$60 multiplied by the number of
28 video terminals the licensee is licensed to operate and by
29 the number of calendar months for which the license is
30 valid; and

31 B. For a license to operate tournament video games for one
32 year, the fee is \$720 multiplied by the number of video
33 terminals the licensee is licensed to operate.

34 4. Location of operation. A person or an organization
35 licensed under this section may not operate a tournament video
36 game in a location other than the following:

37 A. A person licensed under subsection 2, paragraph A may
38 operate tournament video games only on the premises on which
39 the person is licensed to accept pari-mutuel wagers;

40

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2 B. An organization or a society licensed under subsection 2,
3 paragraph B may operate tournament video games only on
4 premises and in locations specified in the license;

6 C. The Passamaquoddy Tribe may operate tournament video
7 games on Passamaquoddy Indian territory as defined in Title
8 30, section 6205; and

10 D. The Penobscot Nation may operate tournament video games
11 on Penobscot Indian territory as defined in Title 30,
12 section 6205.

14 5. Application. An applicant for a license under this
15 section must:

16 A. Identify the location of the premises on which the
17 applicant is seeking a license to operate tournament video
18 games;

20 B. Specify the number of video machines for which the
21 applicant is seeking a license to operate;

22 C. Specify the duration of the license sought; and

24 D. Identify the name, address and telephone number of the
25 distributor or distributors of the video the applicant will
26 use in the operation of tournament video games.

28 6. Age of players. A person or an organization licensed
29 under this section may not permit a person under 21 years of age
30 to participate in a tournament video game.

32 7. Transportation of video terminals. The transportation of
33 a video terminal used or intended for use by and transported to
34 or from a person or an organization licensed under this section
35 to operate the video terminal as part of a tournament video game
36 is exempt from 15 United States Code, Section 1172.'

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

42 **FISCAL NOTE**

44 This bill authorizes the operation of tournament video games
46 statewide to be enforced by the Department of Public Safety. The
47 amount of the additional enforcement costs that will be incurred
48 by the department can not be determined at this time.

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2 Since a recent court decision has legalized games of skill,
which include tournament video games, the net effect of this
4 legislation on General Fund revenue from lottery instant ticket
sales and dedicated revenue collected by the Department of Public
6 Safety from license fees can not be determined at this time.'

8 **STATEMENT OF FACT**

10 This amendment, which is the minority report of the Joint
Standing Committee on Legal and Veterans Affairs, replaces the
12 bill. This amendment does the following.

14 1. The amendment amends the title of the bill to reflect
the content of the amendment.

16 2. The amendment removes the emergency preamble and the
18 emergency clause from the bill.

20 3. The amendment prohibits any person, society or
organization from operating tournament video games without a
22 license issued by the Chief of the State Police. The amendment
defines tournament video games as games of skill that include
24 elements of chance and employ 10 or more video terminals
electronically linked in a network.

26 4. The amendment permits the following entities to obtain a
28 license to operate tournament video games: a person licensed to
accept pari-mutuel wagers on horse racing; a nonprofit society or
30 organization founded, chartered or organized in this State at
least 2 years before submitting an application for a license; the
32 Penobscot Nation, as defined in the Maine Revised Statutes, Title
30, section 6203; and the Passamaquoddy Tribe, as defined in
34 Title 30, section 6203.

36 5. Pursuant to authority granted by federal law, the
amendment exempts licensed tournament video games from a federal
38 law that would otherwise prohibit transportation of the video
terminals in the State.

40 6. The amendment adds a fiscal note to the bill.