

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

---

Legislative Document

No. 1303

S.P. 479

In Senate, April 12, 1995

**An Act to Clarify Definitions Under the Laws Concerning Games of  
Chance.**

(EMERGENCY)

---

Submitted by the Department of Public Safety pursuant to Joint Rule 24.  
Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

A handwritten signature in cursive script, reading "May M. Ross".

MAY M. ROSS  
Secretary of the Senate

Presented by Senator MICHAUD of Penobscot.  
Cosponsored by Senator: STEVENS of Androscoggin, Representatives: GAMACHE of  
Lewiston, TRUE of Fryeburg.

2       **Emergency preamble.** Whereas, Acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
as emergencies; and

4       Whereas, the definition of a game of chance is ambiguous; and

6       Whereas, delay in clarifying the ambiguity may lead to the  
8       proliferation of games of chance which have previously been  
prohibited in this State; and

10       Whereas, it is necessary to avoid such a result; and

12       Whereas, in the judgment of the Legislature, these facts  
14       create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
16       necessary for the preservation of the public peace, health and  
safety; now, therefore,

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

20       **Sec. 1. 17 MRSA §330, sub-§2,** as repealed and replaced by PL  
22       1977, c. 350, §1, is amended to read:

24       **2. Game of chance.** "Game of chance" ~~shall-mean~~ means a  
game, contest, scheme or device in which a person stakes or risks  
26       something of value for an opportunity to win something of value  
and in which the outcome depends in a material degree upon an  
28       ~~element-of~~ chance based upon the rules of operation or play of  
the game, contest, scheme or device, notwithstanding that skill  
of the contestant or participant may also be a factor therein.  
For the purposes of this chapter, beano or bingo is not ~~to-be~~  
32       included in this definition. For the purposes of this subsection  
"chance" means, but is not limited to, a shuffle of a deck or  
34       decks of cards, a roll of a die or dice or a random drawing or  
generation of an object or objects, which may include, but is not  
36       limited to, a card or cards, a die or dice, a number or numbers  
or simulations thereof.

38       **Sec. 2. 17 MRSA §330, sub-§2-A,** as enacted by PL 1983, c. 225,  
40       §1, is amended to read:

42       **2-A. Game of skill.** "Game of skill" means a game or  
contest in which a person stakes something of value for an  
44       opportunity to win something of value and in which the average  
player, either with or without a reasonable amount of practice,  
46       can determine the outcome of the game through the exercise of  
skill without the presence of a material degree of chance. For  
48       the purposes of this subsection "chance" means, but is not  
limited to, a shuffle of a deck or decks of cards, a roll of a  
50       die or dice or a random drawing or generation of an object or  
objects, which may include, but is not limited to, a card or  
52       cards, a die or dice, a number or numbers or simulations thereof.

2                   **Sec. 3. 17 MRSA §330, sub-§3-A-1** is enacted to read:

4                   **3-A-1.   Material degree.**   "Material degree" means an  
                  identifiable amount that influences the outcome in any way.

6                   **Emergency clause.**   In view of the emergency cited in the  
8                   preamble, this Act takes effect when approved.

10                                   **STATEMENT OF FACT**

12                   This bill clarifies the definitions of game of chance and  
                  game of skill.