

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

SECOND REGULAR SESSION-1998

Legislative Document

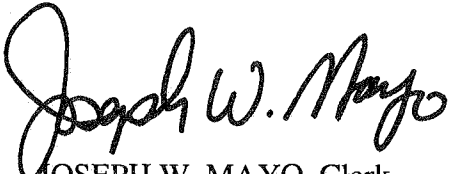
No. 2047

H.P. 1456

House of Representatives, January 15, 1998

**An Act to Implement the Recommendations of the Governor's Advisory
Committee on Gambling.**

Submitted by the Department of Public Safety pursuant to Joint Rule 204.
Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative TRUE of Fryeburg.
Cosponsored by Senator FERGUSON of Oxford and
Representatives: FISHER of Brewer, GAMACHE of Lewiston, Senator: CAREY of Kennebec.

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

2
4 **Sec. 1. 17 MRSA §314, 2nd ¶**, as amended by PL 1991, c. 528,
Pt. H, §1 and affected by Pt. RRR and amended by c. 591, Pt. H,
§1, is further amended to read:

6
8 The fee for such a license to any nonprofit organization is
10 ~~\$7.50~~ \$12.00 for each calendar week, or portion thereof, that the
12 amusement is to be operated, or the license may be issued for a
14 calendar month for a fee of ~~\$22.50~~ \$36.00 or a calendar year for
16 a fee of \$432. All license fees must be paid to the Treasurer of
18 State to be credited to the General Fund. A license is not
20 assignable or transferable. Nothing contained in this section may
22 be construed to prohibit any volunteer fire department or any
agricultural fair association or bona fide nonprofit charitable,
educational, political, civic, recreational, fraternal,
patriotic, religious, veterans' organization or auxiliary of any
of them from obtaining licenses for a period not to exceed 6
months on one application. No more than one license may be
issued to any organization for any one period. No more than one
licensee may operate or conduct a game of "beano" or "bingo" on
the same premises on the same date.

24 **Sec. 2. 17 MRSA §317, first ¶**, as amended by PL 1985, c. 180, is
further amended to read:

26
28 The Chief of the State Police ~~shall have~~ has the power to
30 ~~make and adopt rules and regulations,~~ not inconsistent with law,
32 ~~which he may deem~~ are necessary for the administration and
34 enforcement of this chapter and for the licensing, conduct and
36 operation of the amusement commonly known as "Beano" or "Bingo."
38 ~~He shall have~~ The Chief of the State Police has the power and
40 authority to regulate, supervise and exercise general control
42 over the operation of such amusement, including, but not limited
44 to, the payment of prizes and the use of equipment. Any rule
46 ~~promulgated~~ adopted by the Chief of the State Police concerning
the value of prizes that may be awarded ~~shall~~ must include a
provision that no single prize may exceed \$400 in value and that
no more than \$1,400 in total prizes may be awarded on any one
occasion. ~~He shall have the power and authority to investigate~~
~~as to the direct or indirect ownership or control of any licenses~~
~~and to revoke or suspend any license for just cause after~~
~~hearing.~~ In establishing such rules and regulations, ~~he shall,~~
the Chief of the State Police must, in addition to the standards
set forth in other provisions of this chapter, ~~be guided by use~~
the following standards setting forth conduct, conditions and
activity ~~deemed~~ considered undesirable:

48 **Sec. 3. 17 MRSA §317-A** is enacted to read:

2 §317-A. Investigations; suspension and revocation

4 1. Chief of the State Police. The Chief of the State
6 Police may:

8 A. Investigate all aspects of this chapter including the
10 direct and indirect ownership or control of any licenses;

12 B. Suspend or revoke a license, after notice of the
14 opportunity for a hearing, if the licensee or the licensee's
16 agent or employee violates a provision of this chapter or
18 Title 17-A, chapter 39; and

20 C. Immediately suspend or revoke a license if there is
22 probable cause to believe that the licensee or the
24 licensee's agent or employee violated a provision of Title
26 17-A, chapter 39.

28 2. Suspension or revocation after notice and opportunity
30 for hearing. The Chief of the State Police must notify the
32 licensee in writing, before a license is suspended or revoked and
34 after notice of the opportunity for a hearing, pursuant to
36 subsection 1, paragraph B, of the intended commencement date of
38 the suspension or revocation, which may not be made any sooner
40 than 96 hours after the licensee's receipt of the notice, of the
42 duration of the suspension or revocation and of the right to a
44 hearing pursuant to this subsection. The licensee has the right
46 to request a hearing before the Commissioner of Public Safety or
48 the commissioner's designee. The hearing must comply with the
50 Maine Administrative Procedure Act. The purpose of the hearing
is to determine whether a preponderance of the evidence
establishes that the licensee or the licensee's agent or employee
violated a provision of this chapter or Title 17-A, chapter 39.
A request for a hearing may not be made any later than 10 days
after the licensee is notified of the proposed suspension or
revocation. The suspension or revocation action must be stayed
pending the hearing; the hearing may not be held any later than
30 days after the date the commissioner receives the request.

3. Immediate suspension or revocation. A licensee whose
license is immediately suspended or revoked by the Chief of the
State Police pursuant to subsection 1, paragraph C must be
notified in writing of the duration of the suspension or
revocation and the licensee's right to request a hearing before
the Commissioner of Public Safety or the commissioner's
designee. The hearing must comply with the Maine Administrative
Procedure Act. The purpose of the hearing is to determine
whether a preponderance of the evidence establishes that the
licensee or the licensee's agent or employee violated a provision

2 of Title 17-A, chapter 39. A request for a hearing may not be
3 made any later than 48 hours after the licensee is notified of
4 the suspension or revocation. A hearing may not be held any
5 later than 10 days after the date the commissioner receives the
6 request.

7 **Sec. 4. 17 MRSA §326, sub-§§4 and 5 are enacted to read:**

8
9 **4. Exception.** Notwithstanding any other provision of law,
10 a licensee licensed to operate beano or bingo and Lucky 7 games
11 in conjunction with beano or bingo is prohibited from renting or
12 leasing space owned or controlled by a member of the licensed
13 organization or a member of the immediate family of a member of
14 the licensed organization for the purpose of holding licensed
15 games. The licensee is prohibited from paying, directly or
16 indirectly, a member of the licensed organization or a member of
17 the immediate family of a member of the licensed organization in
18 exchange for providing space for the purpose of holding licensed
19 games.

20
21 **5. Posting.** An organization licensed to operate beano or
22 bingo and Lucky 7 games in conjunction with beano or bingo shall
23 post in a conspicuous place in the room or hall where the
24 licensed game is conducted a sign that states: the net revenue
25 earned from the operation of those games in dollars and cents;
26 the amount of charitable donations from that net revenue in
27 dollars and cents; what percentage in dollars and cents of the
28 net revenue that amount represents in donations to nonprofit
29 activities; and what percentage of the net revenue was
30 distributed from licensed games for the previous calendar year
31 and the current calendar year.

32 **Sec. 5. 17 MRSA §335, sub-§4 is enacted to read:**

33
34 **4. Posting.** An organization licensed to conduct a game of
35 chance pursuant to section 332 shall post in a conspicuous place
36 in the room or hall where the game of chance is conducted a sign
37 that states: the net revenue earned from the operation of the
38 game in dollars and cents; the amount of charitable donations
39 from that net revenue in dollars and cents; what percentage in
40 dollars and cents of the net revenue that amount represents in
41 donations to nonprofit activities; and what percentage of the net
42 revenue was distributed from licensed games for the previous
43 calendar year and the current calendar year.

44
45 **Sec. 6. 17 MRSA §339, sub-§2, as amended by PL 1991, c. 528,**
46 **Pt. H, §2 and affected by Pt. RRR and amended by c. 591, Pt. H,**
47 **§2, is further amended to read:**

48
49 **2. Operation of games of chance.** Except as provided in
50

2 subsection 3, the fee for a license to operate a game of chance
is \$9 ~~\$15~~ for each week computed on a Monday to Sunday basis or
portion thereof. The license may be issued for a calendar month
4 for a fee of ~~\$36~~ \$60 or for a calendar year for a fee of \$720.

6 Any combination of monthly or weekly licenses may be issued.
Except as provided in subsection 3, licenses to conduct any
8 authorized game of chance may be issued for a period not to
exceed 6 months on one application.

10 **Sec. 7. 17 MRSA §343, first ¶**, as repealed and replaced by PL
12 1975, c. 410, §4, is amended to read:

14 The Chief of the State Police ~~shall have~~ has the power to
make ~~and~~ adopt rules and ~~regulations~~, not inconsistent with law,
16 which ~~he may deem~~ are necessary for the administration and
enforcement of this chapter and for the licensing, conduct and
18 operation of games of chance. ~~He shall have~~ The chief of the
State Police has the power and authority to regulate, supervise
20 and exercise general control over the operation of such games, ~~to~~
~~investigate as to the direct or indirect ownership or control of~~
22 ~~any organization conducting a game of chance, and to revoke or~~
~~suspend any license for just cause after hearing.~~ In establishing
24 such rules and ~~regulations~~, ~~he shall~~, the Chief of the State
Police must, in addition to the standards set forth in other
26 provisions of this chapter, ~~be guided by~~ use the following
standards setting forth conduct, conditions and activity deemed
28 considered undesirable.

30 **Sec. 8. 17 MRSA §343-A** is enacted to read:

32 **§343-A. Investigations; suspension and revocation**

34 **1. Chief of the State Police.** The Chief of the State
Police may:

36 A. Investigate all aspects of this chapter including the
38 direct and indirect ownership or control of any licenses;

40 B. Suspend or revoke a license, after notice and the
opportunity for a hearing, if the licensee or the licensee's
42 agent or employee violates a provision of this chapter or
Title 17-A, chapter 39; and

44 C. Immediately suspend or revoke a license if there is
46 probable cause to believe that the licensee or the
licensee's agent or employee violated section 332,
48 subsection 3-A or 3-B, paragraph C or a provision of Title
17-A, chapter 39.

2 2. License fees are increased to cover the costs associated
4 with enforcement and the administrative regulation of the
licensees.

6 3. Organizations licensed to conduct beano, bingo and Lucky
7 are prohibited from renting space to conduct a game from a
8 member of the licensed organization or an immediate family member
of a member of the licensed organization.

10 4. Organizations licensed to conduct beano, bingo, Lucky 7
12 and games of chance must post net revenues and donations to
charitable and nonprofit activities.