

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 71

H.P. 57

House of Representatives, January 7, 1999

An Act Regarding Commercial Beano Halls.

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

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative LABRECQUE of Gorham.
Cosponsored by Senator DAGGETT of Kennebec and
Representatives: CHIZMAR of Lisbon, CLOUGH of Scarborough, GAGNE of Buckfield,
TESSIER of Fairfield, TRUE of Fryeburg, TUTTLE of Sanford, Senator: FERGUSON of
Oxford.

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

4 **Sec. 1. 17 MRSA §311, sub-§§1-A and 7-A are enacted to read:**

6 1-A. Commercial beano hall permit. "Commercial beano hall permit" means written authority from the Chief of the State Police issued to a permittee who rents or leases premises for profit to a licensee to hold, conduct or operate "beano."

10 7-A. Permittee. "Permittee" means an individual, corporation, partnership or unincorporated association that rents or leases a building or facilities for profit to a licensee to hold, conduct or operate "beano."

14 **Sec. 2. 17 MRSA §317, first ¶, as amended by PL 1997, c. 684, §2, is further amended to read:**

18 The Chief of the State Police has the power to adopt rules,
20 not inconsistent with law, which that are necessary for the
administration and enforcement of this chapter and for the
22 licensing, conduct and operation of the amusement commonly known
as "Beano" or "Bingo," and for the permitting and operation of
commercial beano halls. The Chief of the State Police has the
24 power and authority to regulate, supervise and exercise general
control over the operation of such amusement and commercial beano
26 halls, including, but not limited to, the payment of prizes and
the use of equipment. Any rule adopted by the Chief of the State
28 Police concerning the value of prizes that may be awarded must
include a provision that no single prize may exceed \$400 in value
30 and that no more than \$1,400 in total prizes may be awarded on
any one occasion. In establishing such rules, which are routine
32 technical rules pursuant to Title 5, chapter 375, subchapter
II-A, the Chief of the State Police must, in addition to the
34 standards set forth in other provisions of this chapter, use the
following standards setting forth conduct, conditions and
36 activity considered undesirable:

38 **Sec. 3. 17 MRSA §317-A, as enacted by PL 1997, c. 684, §3, is amended to read:**

40 **§317-A. Investigations; suspension and revocation**

42 **1. Chief of the State Police.** The Chief of the State
44 Police may:

46 **A.** Investigate all aspects of this chapter including the
direct and indirect ownership or control of any licenses or
48 commercial beano hall permits;

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

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

10 D. Suspend or revoke a commercial beano hall permit, after
12 notice of the opportunity for hearing, if a permittee or
14 permittee's employee commits murder or a Class A, B or C
16 crime or violates a provision of this chapter or Title 17-A,
chapter 15, 29, 37 or 39; and

18 E. Immediately suspend or revoke a commercial beano hall
19 permit if there is probable cause to believe that the
20 permittee or the permittee's employee committed murder or a
21 Class A, B or C crime or violated a provision of Title 17-A,
22 chapter 15, 29, 37 or 39.

24 **2. Suspension or revocation after notice and opportunity**
for hearing. The Chief of the State Police must notify the
licensee or permittee in writing, before a license or permit is
26 suspended or revoked and after notice of the opportunity for a
hearing, pursuant to subsection 1, paragraph B or D, of the
28 intended commencement date of the suspension or revocation, which
may not be made any sooner than 96 hours after the licensee's or
30 permittee's receipt of the notice, of the duration of the
suspension or revocation and of the right to a hearing pursuant
32 to this subsection. The licensee or permittee has the right to
request a hearing before the Commissioner of Public Safety or the
34 commissioner's designee. Upon the licensee's or permittee's
request for a hearing, the Commissioner of Public Safety shall
36 provide a hearing. The hearing must comply with the Maine
Administrative Procedure Act. The purpose of the hearing is to
38 determine whether a preponderance of the evidence establishes
that the licensee or the licensee's agent or employee violated a
40 provision of this chapter or Title 17-A, chapter 39 or the
42 permittee or the permittee's employee committed murder or a Class
A, B or C crime or violated a provision of this chapter or Title
44 17-A, chapter 15, 29, 37 or 39. A request for a hearing may not
be made any later than 10 days after the licensee or permittee is
46 notified of the proposed suspension or revocation. The
suspension or revocation action must be stayed pending the
48 hearing; the hearing may not be held any later than 30 days after
the date the commissioner receives the request.

2 **3. Immediate suspension or revocation.** A licensee whose
3 license or permittee whose permit is immediately suspended or
4 revoked by the Chief of the State Police pursuant to subsection
5 1, paragraph C or E must be notified in writing of the duration
6 of the suspension or revocation and the licensee's or the
7 permittee's right to request a hearing before the Commissioner of
8 Public Safety or the commissioner's designee. Upon the
9 licensee's or permittee's request for a hearing, the Commissioner
10 of Public Safety shall provide a hearing. The hearing must
11 comply with the Maine Administrative Procedure Act. The purpose
12 of the hearing is to determine whether a preponderance of the
13 evidence establishes that the licensee or the licensee's agent or
14 employee violated a provision of Title 17-A, chapter 39 or the
15 permittee or the permittee's employee committed murder or a Class
16 A, B or C crime or violated a provision of Title 17-A, chapter
17 15, 29, 37 or 39. A request for a hearing may not be made any
18 later than 48 hours after the licensee or permittee is notified
19 of the suspension or revocation. A hearing may not be held any
20 later than 10 days after the date the commissioner receives the
21 request.

22 **Sec. 4. 17 MRSA §322,** as enacted by PL 1975, c. 307, §2, is
23 amended to read:

24

25 **§322. Reports**

26

27 The Chief of the State Police shall require from any
28 organization licensed to operate "Beano" or "Bingo" and any
29 individual, corporation, partnership or unincorporated
30 association that has a permit to operate a commercial beano hall
31 whatever reports he deems the chief determines necessary for the
32 purpose of the administration and enforcement of this chapter.

33 **Sec. 5. 17 MRSA §323,** as amended by PL 1997, c. 728, §7, is
34 further amended to read:

35

36 **§323. Access to premises**

37

38 Any An organization making application to the Chief of the
39 State Police to conduct or operate "Beano" or "Bingo," ~~or any an~~
40 organization licensed under this chapter to operate "Beano" or
41 "Bingo," a commercial beano hall permit applicant or a commercial
42 beano hall permittee shall permit inspection of any equipment,
43 prizes, records or items and materials used or to be used in the
44 conduct or operation of "Beano" or "Bingo" by the Chief of the
45 State Police or the chief's authorized representative.

46 The licensee or permittee shall permit at any time an
47 inspector from the Department of Public Safety or the city or
48

2 town fire inspectors of the municipality in which "Beano" is
3 being conducted to enter and inspect the licensed premises.

4 **Sec. 6. 17 MRSA §325**, as enacted by PL 1975, c. 307, §2, is
5 amended by enacted a new paragraph to read:

6 An individual, corporation, partnership or unincorporated
7 association that rents or leases a building or facilities to
8 hold, conduct or operate "Beano" or "Bingo" without a commercial
9 beano hall permit issued by the Chief of the State Police or who
10 violates any of the provisions of this chapter or any rules
11 adopted by the Chief of the State Police pursuant to this chapter
12 is guilty of a Class E crime.

13 **Sec. 7. 17 MRSA §328** is enacted to read:

14 **§328. Commercial beano hall**

15 **1. Permit required.** An individual, corporation,
16 partnership or unincorporated association may not rent or lease
17 space for profit to a licensee to hold, conduct or operate
18 "Beano" or "Bingo" unless a commercial beano hall permit is
19 obtained from the Chief of the State Police.

20 **2. Application.** An individual, corporation, partnership or
21 unincorporated association desiring to rent or lease space for
22 profit for the purpose given in subsection 1 shall apply to the
23 Chief of the State Police for a commercial beano hall permit.
24 The application must be on forms provided by the Chief of the
25 State Police, must contain the full name and address of the
26 individual or entity seeking to be permitted and the location of
27 the building or facility to be rented or leased. An applicant
28 who is an individual shall list the individual's name and
29 address. An applicant that is a corporation, partnership or
30 unincorporated association shall also list the names and
31 addresses of any owners with a 10% or greater interest in the
32 corporation, partnership or unincorporated association seeking
33 the permit.

34 **A.** The applicant shall submit 2 fingerprint cards bearing
35 the legible rolled and flat impression of the fingerprints
36 of the owner, if the owner is an individual, of any owner
37 who owns or controls a 50% or greater interest in the
38 corporation, partnership or the unincorporated association,
39 and, of the manager, if the manager is not the owner as
40 previously described, prepared by a state or local public
41 law enforcement agency to be forwarded to the State Bureau
42 of Identification for the purpose of conducting state and
43 national criminal history record checks.

2 3. Renewal; change of ownership or manager. A permittee
4 seeking to renew a permit shall submit an application, but is not
6 required to submit additional fingerprint cards. The permittee
8 is required to notify the Chief of the State Police of any change
in ownership or management of the commercial beano hall. The
Chief of the State Police may require additional information or
fingerprint submission subsequent to a change in ownership or
management.

10 4. Use of criminal history record. The Chief of the State
12 Police may use state and federal criminal history record
14 information for the purpose of screening applicants. The Chief
16 of the State Police may refuse to issue or renew a permit for an
18 individual, corporation, partnership or unincorporated
20 association if an owner or manager has been found guilty of
murder or a Class A, B or C crime or a violation of this chapter
or Title 17-A, chapter 15, 29, 37 or 39 or a similar law in
another state or jurisdiction, unless that conduct is not
punishable as a crime under the laws of that state or other
jurisdiction in which it occurred.

22 5. Duration of permit and fee. The Chief of the State
24 Police may issue a commercial beano hall permit for a calendar
year for a fee of \$500.

26 6. Membership in licensee organization. The permittee or
28 the permittee's employee may not be a member of a licensee
organization renting or leasing the commercial beano hall.

30 7. Rent or lease amount. The permittee shall charge a
32 licensee fair market value and may not charge based on the
percentage of profit which the licensee makes for the rent or
lease of a commercial beano hall.

36 SUMMARY

38 This bill amends laws applicable to beano as follows.

40 1. It creates a commercial beano hall permit, which must be
42 acquired by an individual, corporation, partnership or
44 unincorporated association seeking to rent or lease a building or
facilities for profit to an organization licensed to conduct
beano.

46 2. The applicant seeking a commercial beano hall permit
48 shall submit information and fingerprint cards to the Chief of
the State Police for owners and the manager so a background
investigation may be conducted prior to issuance of the permit.
50 The chief may deny a permit to an owner if the owner or manager

2 has been convicted of murder or a Class A, B or C crime or a
violation of the chapters in the Maine Criminal Code that cover
4 theft, forgery, fraud or unlawful gambling.

6 3. A commercial beano hall permittee and the permittee's
employees are prohibited from being members of the licensee
8 organizations that rent the hall.

10 4. A commercial beano hall permit is valid for one year for
a fee of \$500.

12 5. The Chief of the State Police may adopt rules necessary
for the regulation of the operation of commercial beano halls.
14 These are routine technical rules. The chief may suspend or
revoke a commercial beano hall permit after appropriate notice
16 and the opportunity for a hearing.

18 6. Operating a commercial beano hall without a permit or in
violation of the rules adopted regarding operation of the hall or
20 beano is a Class E crime.