

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1932

S.P. 682

In Senate, March 17, 1999

An Act to Create the Beano and Games of Chance Commission.

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

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator CAREY of Kennebec.

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

Sec. 1. 5 MRSA §12004-G, sub-§36 is enacted to read:

36.	Beano and	Legislative	17 MRSA
Gaming	Games of	per diem	§311-A
	Chance		
	Commission		

Sec. 2. 17 MRSA §311, as amended by PL 1991, c. 796, §2, is further amended to read:

§311. Definitions

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings.

1. **Beano.** "Beano" means a specific kind of group game of chance, regardless of whether such a game is characterized by another name. Wherever the term "beano" is used, the word "bingo" or any other word used to characterize such a game may be interchanged. In "beano," each participant is given or sold one or more tally cards, so-called, each of which contains preprinted numbers or letters and may or may not be arranged in vertical or horizontal rows. The participant covers or marks the numbers or letters as objects similarly numbered or lettered are drawn from a receptacle and the winner or winners are determined by the sequence in which those objects are drawn. The manner in which the winner is determined must be clearly announced or displayed before any game is begun. Until July 1, 1994, a game described in this subsection is "beano" and a licensee may conduct such a game regardless of whether the manner of determining the winner is specifically described as a permissible manner of determining the winner in rules adopted by the ~~Chief--of--State--Police~~ commission.

1-A. **Commission.** "Commission" means the Beano and Games of Chance Commission established in section 311-A.

2. **Equipment.** "Equipment" shall--mean means the receptacle and numbered objects to be drawn from it; the master board upon which such objects are placed as drawn; the tally cards or sheets bearing such numbers to be covered and the objects used to cover them; the boards or signs, however operated, used to display the numbers as they are drawn; public address systems; and any other articles essential to the operation, conduct and playing of "Beano."

3. **License.** "License" shall--mean means that written authority from the ~~Chief-of-the-State-Police~~ commission to hold, conduct or operate the amusement commonly known as "Beano" for the entertainment of the public within the State ~~of--Maine~~. A location permit must accompany the license to be valid.

2 4. **Licensee.** "Licensee" shall-mean means any organization
4 which that has been granted a license by the ~~Chief-of-the-State~~
 ~~Pelise~~ commission to hold, conduct or operate "Beano" or "Bingo."

6 5. **Location permit.** "Location permit" shall-mean means that
8 card issued by the ~~Chief--ef--the--State--Pelise~~ commission,
 describing the premises or area in which "Beano" may be
10 conducted. Such A location permit must be accompanied by a
 license. Only such locations expressly described in the location
12 permit shall may be used for the conduct of any game.

14 6. **Organization.** "Organization" shall-mean means any firm,
 association or corporation authorized to conduct "Beano" in
16 accordance with this chapter.

18 7. **Period.** "Period" shall-mean means the number of calendar
20 weeks authorized by a single license for the operation of "Beano"
 or "Bingo."

22 8. **Winner-take-all round.** "Winner-take-all round" means a
 beano game or series of beano games in which all the proceeds
24 from the sale of the cards for that round are paid to
 participants as prizes during that round.

26 **Sec. 3. 17 MRSA §§311-A to 311-C are enacted to read:**

28 **§311-A. Commission**

30 1. **Establishment.** The Beano and Games of Chance
32 Commission, as established by Title 5, section 12004-G,
 subsection 36, shall carry out the functions specified in this
34 chapter.

36 2. **Members.** The commission consists of 5 members appointed
 by the Governor. One member must be a member of the general
38 public with no industry affiliation, one member must be
 affiliated with a nonprofit organization that conducts beano
40 games and the other 3 members must be persons with a knowledge of
 beano and games of chance.

42 3. **Geographic distribution.** Members of the commission must
44 be appointed to provide broad geographic representation.

46 4. **Term of office.** Members of the commission serve 3-year
 terms. A vacancy is filled by appointment for the remainder of
48 the unexpired term. Members whose terms expire serve until their
 successors are qualified and appointed.

2 5. Confirmation. Appointees must be reviewed by the joint
4 standing committee of the Legislature having jurisdiction over
 legal and veterans affairs and are subject to confirmation by the
 Legislature.

6 6. Chair. The Governor shall appoint one of the commission
8 members who has no industry affiliation as chair. The chair
 serves at the pleasure of the Governor.

10 7. Removal. Except as provided in subsection 6, the
12 Governor may remove any member of the commission for just cause.
14 A member who is subject to removal must be given a copy of the
 charges against that member and must, upon request, be given an
 opportunity to be heard upon 10 days' notice.

16 8. Conflict of interest. A commission member may not
18 participate in any matter before the commission in which that
20 member has a direct or indirect pecuniary interest or personal
 bias or if any other conflict of interest is determined by the
 commission to exist, either on its own motion or in response to a
 written complaint.

22 **§311-B. Organization**

24 Three of the members of the commission constitute a quorum
26 to do business. The commission shall meet at least monthly and
28 shall keep a record of all proceedings of the commission and
 preserve all books, maps, documents, papers and records entrusted
 to its care.

30 **§311-C. Offices**

32 The commission shall have an office in Augusta and may
34 maintain branch offices elsewhere.

36 Sec. 4. 17 MRSA §312, first ¶, as enacted by PL 1975, c. 307,
38 §2, is amended to read:

40 No A person, firm, association or corporation shall may not
42 hold, conduct or operate the amusement commonly known as "beano"
 or "bingo" for the entertainment of the public within the State
 unless a license therefor is obtained from the Chief-of-the-State
 Police commission. This chapter shall may not be construed to
44 apply to any other amusement or game.

46 Sec. 5. 17 MRSA §313, as enacted by PL 1975, c. 307, §2, is
48 amended to read:

50 **§313. Application**

2 Any organization desiring to conduct such an amusement shall
3 apply to the ~~Chief-of-the-State-Police~~ commission for a license
4 pursuant to the provisions set forth in this section. The
5 application shall must be on forms provided by the ~~Chief-of-the~~
6 ~~State--Police~~ commission, shall must be signed by a duly
7 authorized officer of the organization to be licensed, shall must
8 contain the full name and address of the organization and the
9 location where it is desired to conduct the amusement and shall
10 must bear the consent of the municipal officers of the town or
11 city in which it is proposed to operate such the amusement.

12 **Sec. 6. 17 MRSA §314, first ¶**, as amended by PL 1995, c. 667,
13 §4, is further amended to read:

14 The ~~Chief-of-the-State-Police~~ commission may issue licenses
15 to operate beano or bingo games on a monthly basis to any
16 volunteer fire department or any agricultural fair association or
17 bona fide nonprofit charitable, educational, political, civic,
18 recreational, fraternal, patriotic, religious or veterans'
19 organization that was in existence at least 2 years prior to its
20 application for a license, when sponsored, operated and conducted
21 for the exclusive benefit of that organization by duly authorized
22 members. The ~~Chief-of-the-State-Police~~ commission may also issue
23 a license to any auxiliary associated with an organization,
24 department or association qualified for a license under this
25 section if the auxiliary has been in existence at least 2 years
26 before applying for a license and the games are sponsored,
27 operated and conducted for the exclusive benefit of the auxiliary
28 by duly authorized members of the auxiliary. Proceeds from any
29 game conducted by the auxiliary or the auxiliary's parent
30 organization may not be used to provide salaries, wages or other
31 remuneration to members, officers or employees of the auxiliary
32 or its parent organization, except as provided in sections 326
33 and 335. The 2 years' limitation does not apply to any
34 organizations in this State having a charter from a national
35 organization, or auxiliaries of those organizations, even though
36 the organizations have not been in existence for 2 years prior to
37 their application for a license. The 2 years' limitation does
38 not apply to any volunteer fire department or rescue unit or
39 auxiliary of that department or unit. A license may be issued to
40 an agricultural fair association when sponsored, operated and
41 conducted for the benefit of such agricultural fair association.

42 **Sec. 7. 17 MRSA §314-A, sub-§1**, as amended by PL 1991, c. 426,
43 §3 and affected by §9, is further amended to read:

44 **1. Eligible organizations.** The ~~Chief-of-the-State-Police~~
45 commission may issue licenses to operate high-stakes beano or
46 high-stakes bingo to any federally recognized Indian tribe.
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2 A. ~~The Chief-of-the-State-Police~~ commission may also issue,
to any federally recognized tribe, licenses to sell lucky
seven or other similar sealed tickets in accordance with
4 section 324.

6 B. In conjunction with the operation of high-stakes beano,
federally recognized Indian tribes holding a license under
8 this section may advertise and offer prizes for attendance
with a value of up to \$25,000 under the terms prescribed for
10 raffles in section 331, subsection 6. Any prize awarded
under this paragraph ~~must~~ may be awarded only on the basis
12 of a ticket of admission to the high-stakes beano game and
may only be awarded to a person who holds an admission
14 ticket.

16 **Sec. 8. 17 MRSA §314-A, sub-§3**, as repealed and replaced by PL
1991, c. 426, §4, is amended to read:

18 **3. Twenty-seven weekends per year.** An organization
20 licensed under this section may operate high-stakes beano games
on 27 weekends per year, whether or not consecutive. For
22 purposes of this section, a weekend consists of Saturday and the
immediately following Sunday. A high-stakes beano game licensed
24 under this section and canceled for any reason may be rescheduled
at any time, as long as 5 days prior notice of the new date is
26 given to the ~~Chief-of-the-State-Police~~ commission.

28 **Sec. 9. 17 MRSA §314-A, sub-§8**, as enacted by PL 1991, c. 426,
§6, is amended to read:

30 **8. Report.** Beginning January 15, 1992, any federally
32 recognized Indian tribe licensed to conduct high-stakes beano
under this section ~~must~~ shall submit a quarterly report on the
34 operation of high-stakes beano to the joint standing committee of
the Legislature having jurisdiction over legal affairs matters.
36 The report must include information on the number of persons
playing high-stakes beano during the preceding calendar quarter,
38 the funds collected for high-stakes beano, the total amount
awarded in prizes, including prizes for attendance and any other
40 information provided to the ~~Bureau-of-State-Police~~ commission
regarding the operation of high-stakes beano.

42 **Sec. 10. 17 MRSA §315**, as enacted by PL 1975, c. 307, §2, is
44 amended to read:

46 **§315. Seasonal licenses**

48 Notwithstanding section 314, the ~~Chief-of-the-State-Police~~
commission may issue seasonal licenses to operate "Beano" or
50 "Bingo" games in bona fide resort hotels, provided they are

operated and conducted therein by the management without profit and solely for the entertainment of guests of the hotel registered therein, and provided that charges, if any, to the guests for participation in such entertainment ~~shall--be~~ are limited to a maximum of \$2 in any 24-hour period. The fee for such license ~~shall--be~~ is \$10 and shall ~~must~~ be paid to the Treasurer of State to be credited to the General Fund. Hotel and liquor licenses of any such resort hotel licensees shall ~~may~~ not be withheld because of the conducting ~~of--such~~ by the resort hotel of the game of "Beano" or "Bingo."

Sec. 11. 17 MRSA §316, as enacted by PL 1975, c. 307, §2, is repealed.

Sec. 12. 17 MRSA §317, as amended by PL 1997, c. 684, §2, is further amended to read:

§317. Rules and regulations

The ~~Chief--of--the--State--Police~~ commission has the power to adopt rules, not inconsistent with law, ~~which~~ that are necessary for the administration and enforcement of this chapter and for the licensing, conduct and operation of the amusement commonly known as "Beano" or "Bingo." The ~~Chief--of--the--State--Police~~ commission has the power and authority to regulate, supervise and exercise general control over the operation of such amusement, including, but not limited to, the payment of prizes and the use of equipment. Any rule adopted by the ~~Chief--of--the--State--Police~~ commission concerning the value of prizes that may be awarded 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. In establishing such rules, the ~~Chief--of--the--State--Police--must~~ commission shall, in addition to the standards set forth in other provisions of this chapter, use the following standards setting forth conduct, conditions and activity considered undesirable:

1. Fraud. The practice of any fraud or deception upon a participant in a game of "beano" or "bingo;"

2. Unsafe premises. The conduct of "beano" in, at or upon premises ~~which~~ that may be unsafe due to fire hazard or other such conditions; and

3. Advertising; solicitation and enticement. Advertising ~~which~~ that is obscene, solicitation on a public way of persons to participate in "beano," charging admission or awarding prizes for attendance.

2 **Sec. 13. 17 MRSA §317-A**, as enacted by PL 1997, c. 684, §3,
is amended to read:

4 **§317-A. Investigations; suspension and revocation**

6 **1. Chief of the State Police.** The Chief of the State
Police, as the agency responsible for the enforcement of this
8 chapter, may:

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

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

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

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

48 **3. Immediate suspension or revocation.** A licensee whose
license is immediately suspended or revoked by the ~~Chief of the~~
50 ~~State Police~~ commission pursuant to subsection 1, paragraph C

2 must be notified in writing of the duration of the suspension or
3 revocation and the licensee's right to request a hearing before
4 ~~the Commissioner of Public Safety or the commissioner's designee~~
5 commission. Upon the licensee's request for a hearing, the
6 ~~Commissioner of Public Safety~~ commission shall provide a
7 hearing. The hearing must comply with the Maine Administrative
8 Procedure Act. The purpose of the hearing is to determine
9 whether a preponderance of the evidence establishes that the
10 licensee or the licensee's agent or employee violated a provision
11 of Title 17-A, chapter 39. A request for a hearing may not be
12 made any later than 48 hours after the licensee is notified of
13 the suspension or revocation. A hearing may not be held any
14 later than 10 days after the date the ~~commissioner~~ commission
receives the request.

16 **Sec. 14. 17 MRSA §§317-B and 317-C are enacted to read:**

18 **§317-B. Chief of the State Police**

20 The Chief of the State Police shall establish policies and
21 rules concerning the enforcement of this chapter. The Chief of
22 the State Police shall:

24 1. General supervision. Enforce the laws relating to the
25 operation of beano;

26 2. Enforcement powers. Authorize officers to investigate
27 and prosecute violations, to execute warrants and to arrest
28 offenders; and

30 3. Rules. Adopt rules consistent with this Title or other
31 laws of the State for enforcement of all laws concerning beano
32 and to prevent violations of those laws. Rules adopted under
33 this section are routine technical rules pursuant to Title 5,
34 chapter 375, subchapter II-A.

36 **§317-C. Evidence**

38 The Chief of the State Police and the commission may require
39 such evidence as they consider necessary to ensure that an
40 applicant organization conforms to this chapter. A charter,
41 organizational papers, bylaws or other written orders of founding
42 that outline or otherwise explain the purpose for which an
43 organization was founded must, upon request, be forwarded to the
44 Chief of the State Police or the commission.

46 **Sec. 15. 17 MRSA §318, as enacted by PL 1975, c. 307, §2, is**
47 **repealed.**

2 **Sec. 16. 17 MRSA §322**, as enacted by PL 1975, c. 307, §2, is
amended to read:

4 **§322. Reports**

6 The ~~Chief-of-the-State-Police~~ commission shall require from
any organization licensed to operate "Beano" or "Bingo" whatever
8 reports ~~he--deems~~ the commission considers necessary for the
purpose of the administration and enforcement of this chapter.

10 **Sec. 17. 17 MRSA §323, first ¶**, as amended by PL 1997, c. 728,
12 §7, is further amended to read:

14 Any organization making application to the ~~Chief--of--the~~
~~State-Police~~ commission to conduct or operate "Beano" or "~~Bingo,~~"
16 "Bingo" or any organization licensed under this chapter to
operate "Beano" or "Bingo" shall permit inspection of any
18 equipment, prizes, records or items and materials used or to be
used in the conduct or operation of "Beano" or "Bingo" by the
20 Chief of the State Police or the commission or ~~the-chief's~~ their
authorized representative.

22 **Sec. 18. 17 MRSA §324, sub-§3**, as amended by PL 1997, c. 373,
24 §8, is further amended to read:

26 **3. Lucky seven.** Lucky seven or similar sealed tickets may
be sold when that game of chance is licensed by the ~~Chief-of-the~~
28 ~~State-Police~~ commission and when a valid license certificate is
properly displayed. Notwithstanding the other provisions of this
30 section and section 312, Lucky seven games may be conducted
during the period beginning 2 hours before and ending 2 hours
32 after any "Beano" game.

34 A. Notwithstanding any other rule, Lucky seven or other
similar sealed tickets may be sold that have a sale value of
36 \$1 or less.

38 **Sec. 19. 17 MRSA §325**, as enacted by PL 1975, c. 307, §2, is
amended to read:

40 **§325. Penalties**

42 Any person, firm, association or corporation holding or
44 conducting or aiding or abetting in the holding or conducting of
such amusement within the State without a license therefor duly
46 issued by the ~~Chief-of-the-State-Police~~ commission, or any
person, firm, association or corporation who violates any of the
48 provisions of this chapter or any of the rules or regulations of
the ~~Chief-of-the-State-Police~~ commission prescribed by authority
50 of said this chapter, shall must be punished by a fine of not
more than \$1,000.

2 **Sec. 20. 17 MRSA §326, sub-§1-A, ¶C**, as enacted by PL 1993, c.
45, §3, is amended to read:

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6 C. Defray the expenses or part of the expenses of a member,
auxiliary member, officer or employee of the organization
8 for a serious illness, injury or casualty loss if the
licensee makes an application and the application is
10 approved by the ~~licensing--division--within--the--Bureau--of~~
State-Police commission.

12 (1) An application must be made in the form and
14 contain the information the ~~licensing--division~~
commission requires.

16 (a) In the case of serious illness or injury, the
18 ~~licensing--division~~ commission may require
certification by a licensed physician setting out
20 the facts in support of the application.

22 (b) In the case of a casualty loss, the ~~licensing~~
~~division~~ commission may require statements or
24 reports from a law enforcement agency, rescue or
other emergency services personnel or an insurance
26 agency to support the application.

28 (c) The ~~licensing--division~~ commission may deny an
30 application if it appears that the person who
would receive the proceeds has adequate means of
32 financial support, including, but not limited to,
insurance or workers' compensation benefits.

34 **Sec. 21. 17 MRSA §326, sub-§1-B**, as enacted by PL 1993, c. 45,
§3, is amended to read:

36 **1-B. Filing.** An organization that chooses to use the
38 proceeds or part of the proceeds as allowed by subsection 1-A
must file with the ~~Chief-of-the-State-Police~~ commission, at least
40 quarterly, a form for the disposition of funds prescribed by the
~~Chief--of--the--State--Police~~ commission detailing all payments
42 made. Every statement on the form must be made under oath by an
officer of the organization.

44 **Sec. 22. 17 MRSA §326, sub-§2**, as amended by PL 1993, c. 45,
§4, is further amended to read:

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48 **2. Rules.** The rules adopted pursuant to section 317 must
contain standards governing payments made under this section.
50 Payments under subsection 1-A, paragraph A may not exceed 20% of
the revenue generated by the games and the rules must limit

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payments to reasonable compensation, taking into account the nature of the services rendered, comparable wage rates, the size of the organization and other revenues, the size of the games and the revenue generated by the games. The ~~Chief-of-the-State Police~~ commission may disallow any excessive payment of proceeds, may suspend an organization's license for excessive payment of proceeds and may condition the restoration of an organization's license on the repayment of an excessive payment of proceeds by the organization.

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Sec. 23. 17 MRSA §327, as enacted by PL 1997, c. 232, §1, is amended to read:

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§327. Nonsmoking area

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The ~~Chief-of-State-Police~~ commission shall adopt rules that allow a licensee to establish a nonsmoking area within the room or outdoor area where the operator calls the numbers. Visibility and access between the smoking and nonsmoking areas may not be impeded except that a doorway may be installed. Both the smoking and nonsmoking areas must have a public address system and a master board, electric flashboard or chalkboard visible to all players. A member of the licensee must be present during the game in both the smoking and the nonsmoking areas. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter II-A.

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Sec. 24. 17 MRSA §330, sub-§1-B is enacted to read:

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1-B. Commission. "Commission" means the Beano and Games of Chance Commission established in section 311-A.

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Sec. 25. 17 MRSA §330, sub-§3, as repealed and replaced by PL 1977, c. 350, §1, is amended to read:

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3. **Licensee.** "Licensee" shall---mean means a firm, corporation, association or organization licensed by the ~~Chief-of-the-State-Police~~ commission to operate a game of chance.

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Sec. 26. 17 MRSA §331, sub-§1, as amended by PL 1975, c. 740, §5, is further amended to read:

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1. **License required.** Ne A person, firm, corporation, association or organization shall may not hold, conduct or operate a game of chance within the State unless a license therefor is obtained from the ~~Chief-of-the-State-Police~~ commission or the game of chance constitutes "social gambling" as that term is defined by Title 17-A, section 952, subsection 8.

2 **Sec. 27. 17 MRSA §331, sub-§2-A**, as enacted by PL 1979, c.
736, §1, is amended to read:

4 **2-A. Games of chance at agricultural fairs.** The Chief-of-
the-State-Police commission may issue a license to hold, conduct
6 or operate the game of chance commonly known as "penny falls" or
"quarter falls" at any agricultural fair.

8 **Sec. 28. 17 MRSA §331, sub-§7**, as amended by PL 1995, c. 462,
10 Pt. A, §37, is further amended to read:

12 **7. Special exempt raffles; prizes more than \$10,000 but not**
more than \$25,000. The following rules apply to special exempt
14 raffles licensed under this subsection.

16 A. Except as provided in subsection 8, the Chief-of-the
State-Police commission may issue one special exempt raffle
18 license per year to any organization, department or class
eligible to hold a raffle under subsection 6 without
20 obtaining a license. The special exempt raffle license
entitles the licensee to hold one raffle in which the holder
22 of a winning chance receives something of value worth more
than \$10,000 but not more than \$25,000. Section 341 does
24 not apply to raffles licensed under this section.

26 B. The Chief-of-the-State-Police commission may not issue a
license under this subsection to hold a raffle in which the
28 holder of a winning chance receives a cash prize worth more
than \$10,000.

30 C. All tickets sold pursuant to a special exempt raffle
32 license shall must be purchased from a licensed distributor
or licensed printer. Tickets shall must be sequentially
34 numbered and have printed on their faces the following
information: the name of the special exempt raffle
36 licensee; a description of the prize or prizes; the price of
the ticket; and the date, time and place of the drawing.
38 Any organization, department or class listed in subsection 6
that conducts a raffle under section 331-A shall retain all
40 unsold raffle tickets for 6 months after the raffle drawing
and make those tickets available for inspection at the
42 request of the Chief of the State Police or the commission.

44 **Sec. 29. 17 MRSA §331, sub-§8-A**, as amended by PL 1995, c.
46 462, Pt. A, §38, is further amended to read:

48 **8-A. Special exempt raffles; prizes more than \$10,000 but**
not more than \$75,000. The following rules apply to special
exempt raffles licensed under this subsection.

2 A. ~~The Chief-of-the-State-Police~~ commission may issue one
special exempt raffle license per year to any organization,
4 department or class eligible to hold a raffle under
subsection 6 without obtaining a license. The special
6 exempt raffle license entitles the licensee to hold one
raffle in which the holder of a winning chance receives
8 something of value worth more than \$10,000 but not more than
\$75,000. Section 341 does not apply to raffles licensed
under this section.

10 B. ~~The Chief-of-the-State-Police~~ commission may not issue a
license under this subsection to hold a raffle in which the
12 holder of a winning chance receives a cash prize worth more
than \$10,000.

14 C. All tickets sold pursuant to a special exempt raffle
license must be purchased from a licensed distributor or
16 licensed printer. Tickets must be sequentially numbered and
have printed on their faces the following information: the
18 name of the special exempt raffle licensee; a description of
the prize or prizes; the price of the ticket; and the date,
20 time and place of the drawing. Any organization, department
or class listed in subsection 6 that conducts a raffle under
22 section 331-A shall retain all unsold raffle tickets for 6
months after the raffle drawing and make those tickets
24 available for inspection at the request of the Chief of the
State Police or the commission.

26 D. ~~The Chief-of-the-State-Police~~ commission may issue only
one special exempt raffle license per year, either under
30 this subsection or subsection 7, to the same organization,
department or class listed in subsection 6.

32 **Sec. 30. 17 MRSA §332, sub-§1**, as amended by PL 1993, c. 730,
§1, is further amended to read:

34 **1. Organizations eligible.** Notwithstanding other provisions
of law, the ~~Chief-of-the-State-Police~~ commission may issue a
36 license to operate a game of chance to an agricultural society
eligible for the state stipend under Title 7, section 62, or to a
40 bona fide nonprofit charitable, educational, political, civic,
42 recreational, fraternal, patriotic or religious organization, or
to a volunteer fire department or to an auxiliary of any of these
44 organizations, any of which must be founded, chartered or
organized in this State before applying for a license.

46 **Sec. 31. 17 MRSA §332, sub-§2**, as amended by PL 1981, c. 593,
§1, is further amended to read:

48 **2. Games conducted by members and bartenders of licensees**

only. A game of chance licensed pursuant to this section shall
must be operated and conducted for the exclusive benefit of the
licensee and shall may be operated and conducted only by duly
authorized members of the licensee or by persons employed by the
licensee as bartenders, except that nonmembers employed by the
licensee as bartenders may not operate or conduct any game of
chance permitted under section 332, subsection 4, paragraph B.
The requirements of this subsection shall do not aply apply to
any agricultural fair association licensed to operate a game of
chance.

Sec. 32. 17 MRSA §332, sub-§3-B, ¶A, as enacted by PL 1983, c.
705, §6, is amended to read:

A. The ~~Chief-of-the-State-Police~~ commission may issue a
game of chance license to operate an electronic video
machine to any society or organization listed in subsection
1, ~~which that~~ has been founded, chartered or organized in
this State at least 2 years prior to its application for a
license.

Sec. 33. 17 MRSA §333, as enacted by PL 1973, c. 735, §3, is
amended to read:

§333. Application

An application to operate or conduct a game of chance shall
must be on forms provided by the ~~Chief-of-the-State-Police~~
commission. Such ~~The~~ application shall must be signed by a duly
authorized officer of the organization. It shall must contain the
full name and address of the organization, a full description of
the game of chance, the location where the game is to be
conducted and any other information deemed considered necessary
by the ~~Chief-of-the-State-Police~~ commission for the issuance of a
license to operate a game of chance. An application to operate or
conduct a game of chance shall must bear the consent of the
municipal officers of the town or city in which such the game of
chance is to be operated or conducted.

Sec. 34. 17 MRSA §334, as amended by PL 1981, c. 593, §3, is
further amended to read:

§334. Evidence

The Chief of the State Police or the commission may require
such evidence as he-may-deem the Chief of the State Police or the
commission considers necessary to satisfy-him ensure that an
applicant organization conforms to the restrictions and other
provisions of this chapter. Charters, organizational papers,
bylaws or other such written orders of founding which

2 that outline or otherwise explain the purpose for which such the
organization was founded, shall must, upon request, be forwarded
4 to the Chief of the State Police or the commission. The Chief of
the State Police or the commission may require of any licensee or
6 of any person operating, conducting or assisting in the operation
of a licensed game of chance evidence as-he-may-deem necessary to
8 satisfy-him ensure that the person is a duly authorized member of
the licensee, or a person employed by the licensee as a
bartender, as required by section 332, subsection 2. Upon
10 request, this evidence shall must be forwarded to the Chief of
the State Police or the commission.

12 **Sec. 35. 17 MRSA §335, sub-§2-A, ¶B**, as enacted by PL 1993, c.
14 45, §7, is amended to read:

16 B. Defray the expenses or part of the expenses of a member,
auxiliary member, officer or employee of the organization
18 for a serious illness, injury or casualty loss if the
licensee makes an application pursuant to this section and
20 the application is approved by the licensing-division-within
the-Bureau-of-State-Police commission.

22 (1) An application must be made in the form and
24 contain the information the licensing---division
commission requires.

26 (a) In the case of serious illness or injury, the
28 licensing---division commission may require
certification by a licensed physician in support
30 of the application.

32 (b) In the case of a casualty loss, the licensing
34 division commission may require statements or
reports from a law enforcement agency, rescue or
other emergency services personnel or an insurance
36 agency to support the application.

38 (c) The licensing-division commission may deny an
application if it appears that the person who
40 would receive the proceeds has adequate means of
financial support, including, but not limited to,
42 insurance or workers' compensation benefits.

44 **Sec. 36. 17 MRSA §335, sub-§3**, as enacted by PL 1989, c. 825,
46 §3, is amended to read:

48 **3. Rules.** The Chief-of-the-State-Police commission shall
adopt rules in accordance with the Maine Administrative Procedure
Act, Title 5, chapter 375 to carry out this section. Rules
50 adopted pursuant to this section are routine technical rules as
defined in Title 5, chapter 375, subchapter II-A.

2 **Sec. 37. 17 MRSA §336, sub-§§2 and 4**, as enacted by PL 1977, c.
350, §6, are amended to read:

4
6 **2. Disposition of funds reports.** Within 6 days after the
last day of any period during which a licensed game of chance is
conducted, the licensee shall file with the ~~Chief-of-the-State~~
8 Police commission a disposition of funds form prescribed and
furnished by the ~~Chief-of-the-State-Police commission~~, detailing
10 for the period the total receipts and expenditures of the game
and the disposition of funds. Every statement shall must be made
12 under oath by an officer of the licensee or by the member in
charge of the conduct of the game.

14
16 **4. Location.** All records ~~which shall be~~ maintained by a
licensee pursuant to this section and pursuant to the rules and
18 ~~regulations~~ adopted under this chapter shall must be kept and
maintained on the premises where the game of chance has been
conducted or at the primary business office of the licensee,
20 which ~~office shall~~ must be designated by the licensee in the
license application. All these records shall must be open to
22 inspection by the ~~Chief-of-the-State-Police commission~~ or ~~his the~~
commission's representative and ~~no a licensee shall may not~~
24 refuse the ~~Chief-of-the-State-Police commission~~ or ~~his the~~
commission's representative the right to inspect or audit the
26 records. Refusal to permit inspection or audit of the records
shall does not constitute a crime under this chapter but shall
28 does constitute grounds for revocation of license.

30 **Sec. 38. 17 MRSA §336-A**, as enacted by PL 1977, c. 350, §7,
is amended to read:

32 **§336-A. Records; distributors and printers**

34
36 **1. Sales agreements.** Each distributor shall forward to the
~~Chief-of-the-State-Police commission~~, prior to delivery of any
gambling machine to the purchaser, a copy of all sales
38 agreements, sales contracts or any other agreements involving the
sale of any gambling machine. The terms of the sales contract
40 shall must include, but not be limited to, the name of seller,
name of purchaser, address of seller, address of purchaser,
42 description of the gambling machine including serial number and
model name and number, total sale price, any arrangement or terms
44 for payments and the date of final payment.

46 Any change, modification or alteration of these agreements shall
must be reported to the ~~Chief-of-the-State-Police commission~~ by
48 the purchaser within 6 days of the change, modification or
alteration.

2 **2. Service agreements.** With the sale of any gambling
machine involving a service agreement, the distributor shall
forward to the ~~Chief-of-the-State-Police~~ commission a copy of the
agreement prior to delivery of the machine. The terms of the
service agreements shall must include, but not be limited to, the
name of seller, name of purchaser, address of seller, address of
purchaser, description of machine to be serviced, including
serial number and model name and number, and all prices and
payments for that service.

Any change, modification or alteration of the agreement shall
must be reported to the ~~Chief-of-the-State-Police~~ commission by
the purchaser within 6 days of the change, modification or
alteration.

3. Reports. At the end of each calendar month, every
distributor and printer shall file with the ~~Chief-of-the-State~~
~~Police~~ commission a report, which shall must indicate:

A. The names and addresses of all persons or organizations
to which the distributor or printer has distributed
equipment and the dates of the distribution;

B. A description of the equipment distributed, including
serial number and model name and number; and

C. The quantities of any equipment distributed.

4. Retention and inspection of records. Each distributor
and printer shall maintain and keep for a period of 3 years, on
the premises of the distributor or printer, any records that may
be necessary to substantiate the reports required by this section
or by the rules and regulations adopted under this chapter. All
distributor's and printer's records shall must be open to
inspection and ~~no a licensee shall~~ may not refuse the Chief of
the State Police or the commission or ~~his~~ the commission's
representative the right to inspect or audit the records. Refusal
to permit inspection or audit of the records shall does not
constitute a crime under this chapter but shall does constitute
grounds for revocation of license.

**Sec. 39. 17 MRSA §337, first and last ¶¶, as amended by PL 1989,
c. 254, §4, are further amended to read:**

~~No~~ A distributor may not sell, market or otherwise
distribute gambling apparatus or implements unless licensed by
the ~~Chief-of-the-State-Police~~ commission, except that ~~no a~~
license is not required for the sale, marketing or distribution
of raffle tickets when the holder of the winning chance receives
something of value worth less than \$10,000.

2 Every licensee shall acquire all gambling apparatus and
3 implements from a distributor licensed under this section, unless
4 that gambling apparatus or implements are printed, manufactured
5 or constructed by the licensed organization. At no time may any
6 licensee print, manufacture or construct any gambling implements
7 or apparatus for distribution to any other licensee. The
8 applicant for a distributor's license, or, if the applicant is a
9 firm, corporation, association or other organization, its
10 resident manager, superintendent or official representative shall
11 file an application with the Chief-of-the-State-Police commission
12 on forms furnished by the Chief-of-the-State-Police commission.
13 The Chief-of-the-State-Police commission shall furnish each
14 applicant with a current copy of this chapter and the rules
15 adopted under section 343. The Chief-of-the-State-Police
16 commission shall furnish each licensee with a copy of any changes
17 or additions to this chapter and the rules adopted under section
18 343.

20 **Sec. 40. 17 MRSA §338**, as amended by PL 1989, c. 254, §5, is
21 further amended to read:

22 **§338. Printer**

24
25 No ~~A~~ Maine printer may not print materials to be used in the
26 conduct of a licensed game of chance unless licensed by the Chief
27 of-the-State-Police commission. A printer licensed under this
28 section may act as a distributor without having to be licensed as
29 a distributor providing neither the printer nor anyone in the
30 printer's behalf acts as a seller for services connected with a
31 game of chance outside of the confines of the printer's premises
32 described in that printer's license. If that printer or someone
33 else acts as a seller for the printer's services in connection
34 with a game of chance outside of the premises described in that
35 printer's license, either that printer or any person or persons
36 acting in that printer's behalf must be licensed as a distributor.

38 The applicant for a printer's license, or, if the applicant
39 is a firm, corporation, association or other organization, its
40 resident manager, superintendent or official representative shall
41 file an application with the Chief-of-the-State-Police commission
42 on forms furnished by the Chief-of-the-State-Police commission.
43 The Chief-of-the-State-Police commission shall furnish each
44 applicant with a current copy of this chapter and the rules
45 adopted under section 343. The Chief-of-the-State-Police
46 commission shall furnish each licensee with a copy of any changes
47 or additions to this chapter and the rules adopted under section
48 343.

2 **Sec. 41. 17 MRSA §338-A, sub-§1**, as enacted by PL 1985, c. 93,
§3, is amended to read:

4 **1. Investigation.** ~~The Chief-of-the-State-Police~~ commission
shall investigate or cause to be investigated all complaints made
6 to ~~him~~ the commission and all violations of this chapter or the
rules adopted pursuant to section 343.

8 **Sec. 42. 17 MRSA §338-A, sub-§2, ¶B**, as enacted by PL 1985, c.
10 93, §3, is amended to read:

12 B. The distributor or printer or its resident manager,
superintendent or official representative violated any
14 provision of this chapter or any rule adopted by the Chief
of the State Police or the commission under section 343 or
16 343-A.

18 (1) Except as provided in subparagraph (2), the Chief
~~of--the--State--Police~~ commission shall give written
20 notice of any violation to the distributor or printer
who then has 14 days to comply. Failure to comply
22 within the 14-day period is grounds for an action under
this section.

24 (2) If a distributor or printer violates section 337
or 338 the ~~Chief-of-the-State-Police~~ commission is not
26 required to give the notice or allow the compliance
period provided in subparagraph (1).
28

30 **Sec. 43. 17 MRSA §342**, as amended by PL 1975, c. 410, §3, is
further amended to read:

32 **§342. Reports**

34 The Chief of the State Police or the commission shall
36 require from any licensed printer or distributor, or from any
organization authorized to operate a game of chance, whatever
38 reports ~~he deems~~ the Chief of the State Police or the commission
considers necessary for the purpose of the administration and
40 enforcement of this chapter.

42 **Sec. 44. 17 MRSA §343, first ¶**, as amended by PL 1997, c. 684,
§7, is further amended to read:

44 ~~The Chief-of-the-State-Police~~ commission has the power to
46 adopt rules, not inconsistent with law, ~~which~~ that are necessary
for the administration ~~and-enforcement~~ of this chapter and for
48 the licensing, conduct and operation of games of chance. The
~~chief-of-the-State-Police~~ commission has the power and authority
50 to regulate, supervise and exercise general control over the

operation of such the games. In establishing such the rules, the
2 ~~Chief-of-the-State-Police~~ commission must, in addition to the
standards set forth in other provisions of this chapter, use the
4 following standards setting forth conduct, conditions and
activity considered undesirable.

6
8 **Sec. 45. 17 MRSA §343, last ¶**, as enacted by PL 1995, c. 674,
§3, is amended to read:

10 The ~~Chief-of-the-State-Police~~ commission shall provide a
mechanism for individuals and businesses to request a
12 determination from the ~~State-Police~~ commission as to whether a
particular game, contest, scheme or device qualifies as a game of
14 chance or a game of skill.

16 **Sec. 46. 17 MRSA §343-A**, as enacted by PL 1997, c. 684, §8,
is amended to read:

18 **§343-A. Investigations; suspension and revocation**

20 **1. Chief of the State Police.** The Chief of the State
22 Police may:

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

26 B. ~~Suspend~~ Recommend to the commission that it suspend or
28 revoke a license, after notice and the opportunity for a
hearing, if the licensee or the licensee's agent or employee
30 violates a provision of this chapter or Title 17-A, chapter
39; and

32 C. Immediately Recommend to the commission that it
34 immediately suspend or revoke a license if there is probable
cause to believe that the licensee or the licensee's agent
36 or employee violated section 332, subsection 3-A or 3-B,
paragraph C or a provision of Title 17-A, chapter 39.

38 **2. Suspension or revocation after notice and opportunity**
40 **for hearing.** The ~~Chief-of-the-State-Police~~ commission must
notify the licensee in writing, before a license is suspended or
42 revoked and after notice of the opportunity for a hearing,
pursuant to subsection 1, paragraph B, of the intended
44 commencement date of the suspension or revocation, which may not
be made any sooner than 96 hours after the licensee's receipt of
46 the notice, of the duration of the suspension or revocation and
of the right to a hearing pursuant to this subsection. The
48 licensee has the right to request a hearing before the
~~Commissioner-of-Public-Safety-or-the-commissioner's-designee~~
50 commission. Upon the licensee's request for a hearing, the

2 Commissioner--of--Public--Safety commission shall provide a
hearing. The hearing must comply with the Maine Administrative
4 Procedure Act. The purpose of the hearing is to determine
whether a preponderance of the evidence establishes that the
6 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
8 is notified of the proposed suspension or revocation. The
suspension or revocation must be stayed pending the hearing; the
10 hearing may not be held any later than 30 days after the date the
commissioner commission receives the request.

12
3. **Immediate suspension or revocation.** A licensee whose
14 license is immediately suspended or revoked by the Chief-of-the
State--Police commission pursuant to subsection 1, paragraph C
16 must be notified in writing of the duration of the suspension or
revocation and the licensee's right to request a hearing before
18 the Commissioner-of-Public-Safety-or-the-commissioner's-designee
commission. Upon the licensee's request for a hearing, the
20 Commissioner--of--Public--Safety commission shall provide a
hearing. The hearing must comply with the Maine Administrative
22 Procedure Act. The purpose of the hearing is to determine
whether a preponderance of the evidence establishes that the
24 licensee or the licensee's agent or employee violated section
332, subsection 3-A or 3-B, paragraph C or a provision of Title
26 17-A, chapter 39. A request for a hearing may not be made any
later than 48 hours after the licensee is notified of the
28 suspension or revocation. A hearing may not be held any later
than 10 days after the date the commissioner commission receives
30 the request.

32 **Sec. 47. 17 MRSA §344**, as enacted by PL 1973, c. 735, §3, is
repealed.

34 **Sec. 48. 17 MRSA §344-A** is enacted to read:

36 **§344-A. Chief of the State Police**

38 The Chief of the State Police shall establish policies and
40 rules concerning the enforcement of this chapter. The Chief of
the State Police shall:

42 **1. General supervision.** Enforce the laws relating to the
44 operation of games of chance;

46 **2. Enforcement powers.** Authorize officers to investigate
48 and prosecute violations, to execute warrants and to arrest
offenders; and

3. Rules. Adopt rules consistent with this Title for enforcement of all laws concerning games of chance. Rules adopted under this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

Sec. 49. 17 MRSA §345, first ¶, as amended by PL 1997, c. 728, §8, is further amended to read:

Any person, firm, corporation, association or organization making application to the ~~Chief of the State Police~~ commission to conduct or operate a game of chance or any such person, firm, corporation, association or organization authorized under this chapter to operate or conduct a game of chance, shall permit inspection of any equipment, prizes, records or items and materials used or to be used in the conduct or operation of a game of chance by the Chief of the State Police, the commission or the chief's or commission's authorized representative.

SUMMARY

This bill creates the Beano and Games of Chance Commission. It replaces the Chief of the State Police as the administrator of the beano and games of chance laws with the commission. The Chief of the State Police remains the enforcement body with regard to beano and games of chance.

The Beano and Games of Chance Commission consists of 5 members appointed by the Governor and subject to approval by the joint standing committee of the Legislature having jurisdiction over legal and veterans affairs.