

MAINE STATE LEGISLATURE

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**MAJORITY
LEGAL AND VETERANS AFFAIRS**

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1756, L.D. 2462, Bill, "An Act to Amend the Control of the Revenue Generated by Games of Chance at the Agricultural Fairs"

Amend the bill in section 1 in paragraph A in the 3rd line (page 1, line 8 in L.D.) by striking out the following: "the agricultural" and inserting in its place the following: 'the an agricultural'

Further amend the bill in section 2 in subsection 1 in the 5th line from the end (page 1, line 29 in L.D.) by inserting after the following: "Payments" the following: 'by an agricultural society'

Further amend the bill by inserting after section 2 the following:

'Sec. 3. 17 MRSA §335, sub-§2-B is enacted to read:

2-B. Exceptions for agricultural fairs. Agricultural fairs licensed to conduct games of chance may pay wages and salaries subject to the limitations set out in subsection 1 to operators of games of chance hired by the agricultural fair society.

Sec. 4. 17 MRSA §336, sub-§1-A is enacted to read:

1-A. Records required by agricultural fairs. The treasurer of the agricultural fair society conducting a game of chance that is operated by a member of the agricultural fair society, or the treasurer's designee, shall keep a record as required by subsection 1. An agricultural fair society that employs

COMMITTEE AMENDMENT

operators who are not members of the agricultural fair society and that is required to use tokens as provided by section 341, subsection 3, shall keep a record of all tokens, tickets or other devices used to play games of chance, sold and redeemed for cash. The records must include the exact amount of income from the sale of tokens, tickets or other devices used to play games of chance and the exact amount paid towards the redemption of the tokens, tickets or other devices used to play games of chance, for cash. The records must include an exact account of expenses and disposition of all other proceeds, including but not limited to payments to any person, firm, corporation, association or organization for any purpose whatsoever. All records of financial transactions involving games of chance must be separate and distinguishable from all other financial records of the organization.

Sec. 5. 17 MRSA §336, sub-§2-A is enacted to read:

2-A. Disposition of funds reports by agricultural fairs. Agricultural fair societies licensed to conduct games of chance that are operated by members of the agricultural fair society are subject to the disposition of funds reporting requirements provided in subsection 2. Within 10 business days after the last day of any period during which games of chance are conducted by an agricultural fair society that employs operators who are not members of the agricultural fair society and that is required to use tokens as provided by section 341, subsection 3, the agricultural fair society shall file with the Chief of the State Police a disposition of funds form prescribed and furnished by the Chief of the State Police. The report must provide, in detail, the total number of tokens, tickets or other devices used to play games of chance sold and redeemed for cash and the disposition of funds from the proceeds of the sale of tokens. Every statement must be made under oath by an officer of the agricultural fair society or by the member of the agricultural fair society in charge of the sale and redemption of tokens, tickets or other devices used to play games of chance.'

Further amend the bill in section 3 in subsection 2-A in the 2nd line (page 1, line 38 in L.D.) by inserting after the following: "leased" the following: 'as provided in section 337'

Further amend the bill in section 3 in subsection 2-A in the 12th to 14th lines (page 1, lines 48 to 50 in L.D.) by striking out the following: "multiple leases for the same gambling apparatus or implements to the same agricultural society are not permitted" and inserting in its place the following: 'each gaming apparatus must have its own separate lease'

Further amend the bill in section 3 in subsection 2-A in paragraph A in the 2nd line (page 2, line 3 in L.D.) by striking out the following: "that reasonable" and inserting in its place the following: 'for leased amounts subject to the provisions of section 337'

Further amend the bill by striking out all of section 6 and inserting in its place the following:

'Sec. 6. 17 MRSA §341, sub-§1, as amended by PL 1981, c. 698, §90, is further amended to read:

1. Limits. A licensed game of chance shall-be is limited as to the amount to be gambled for any one chance to 50¢ \$1, except that an organization may operate and conduct a game of cards and charge no more than \$1 daily entry fee for participation in a game of cards, ~~provided-that~~ as long as no money or valuable thing other than \$1 daily entry fee is gambled in connection with a game of cards.

Sec. 7. 17 MRSA §341, sub-§§3 to 6 are enacted to read:

3. Games conducted at agricultural fairs. Beginning January 1, 2001, games of chance conducted at agricultural fairs may be conducted only with tickets, tokens or other device approved by the Chief of the State police by rule distributed by the agricultural fair society.

4. Games conducted at agricultural fairs by members of agricultural society or bona fide nonprofit. Beginning January 1, 2001, games of chance operated and conducted solely by members of an agricultural fair society or games of chance operated and conducted by members of bona fide nonprofit organizations on the grounds of the agricultural society and during the annual fair of the agricultural society may use cash, tickets, tokens or other device approved by the Chief of the State Police by rule.

Notwithstanding any other provision of this section, the tickets, tokens or other device approved by the Chief of the State Police must be unique to the agricultural society and may be in denominations from 25¢ to 50¢. The tickets, tokens or device approved by the Chief of the State Police may be sold and redeemed only by a person who has been a member or active volunteer of the agricultural society for at least 2 fair seasons. The agricultural society has the burden of proof for demonstrating the qualification of members or active volunteers.

5. Requirements. Agricultural fair societies that use tokens shall provide records and reports as required by section 336, subsections 1-A and 2-A.

COMMITTEE AMENDMENT "A" to H.P. 1756, L.D. 2462

2 The maximum amount to be gambled per game on a licensed game of
3 chance is changed from 50¢ to \$1 by this amendment. Under this
4 amendment proceeds from games of chance conducted agricultural
5 fairs may be used to pay the wages of persons who operate games
6 of chance as long as payment does not exceed 300% of minimum
7 wage. The amendment also specifies that games operated by an
8 agricultural fair or bona fide nonprofit may use cash, tokens,
9 tickets or other device approved by the Chief of the State
10 Police. Beginning January 1, 2001, those games not run solely by
11 the fair or bona fide nonprofit shall use tokens, tickets or
12 other device approved by the Chief of the State Police. The
13 amendment also adds a requirement that the joint standing
14 committee of the Legislature having jurisdiction over games of
15 chance shall review this Act by November 15, 2003.

16 This amendment also adds a fiscal note to the bill.