

MAINE STATE LEGISLATURE

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LEGAL AND VETERANS AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 934, L.D. 1330, Bill, "An Act Regarding Gaming by Charitable Organizations"

Amend the bill by inserting before section 1 the following:

'PART A'

Amend the bill in section 2 in §1831 in subsection 4 in the 7th line (page 1, line 23 in L.D.) by inserting after the following: "charge." the following: 'An electronic video machine is a machine that may be licensed in accordance with section 1832, subsection 8.'

Amend the bill in section 2 in §1831 in subsection 9 in the last line (page 2, line 18 in L.D) by inserting after the following: "subsection 17." the following: 'A machine as defined by this subsection is not eligible to be licensed under this chapter.'

Amend the bill in section 2 in §1831 in subsection 11 in the last line (page 2, line 25 in L.D) by striking out the following: "1837" and inserting the following: '1838'

Amend the bill in section 2 in §1831 by striking out all of subsection 15 (page 2, lines 37 and 38 and page 3, lines 1 to 7 in L.D.) and inserting the following:

'15. Slot machine. "Slot machine" means any machine that operates by insertion of a coin, token or similar object setting the internal mechanism of the machine in motion and that by the application of the element of chance may deliver or entitle the person playing or operating the machine to receive cash, premiums, merchandise, tickets or something of value as defined in subsection 17. A slot machine as defined by this subsection is not eligible to be licensed in accordance with this chapter.'

Amend the bill in section 2 in §1832 in subsection 1 in the first line (page 3, line 26 in L.D.) by striking out the following: "A" and inserting the following: 'Except as provided in section 1833, a'

Amend the bill in section 2 in §1832 in subsection 2 in the 3rd line (page 3, line 32 in L.D.) by striking out the following: "4" and inserting the following: '5'

COMMITTEE AMENDMENT

1 Amend the bill in section 2 in §1832 by inserting after subsection 2 the following:

2 **3. Must be 18 years of age.** The Chief of the State Police may not accept an
3 application from or issue a license under this section to a representative of an eligible
4 organization who is not 18 years of age or older.'

5 Amend the bill in section 2 in §1832 in subsection 3 in the 2nd line (page 4, line 2 in
6 L.D.) by striking out the following: "intending to apply" and inserting the following:
7 'applying' and by striking out the following: "is required to receive" and inserting the
8 following: 'shall obtain'

9 Amend the bill in section 2 in §1832 in subsection 3 in the last line (page 4, line 5 in
10 L.D.) by striking out the following: "4" and inserting the following: '5'

11 Amend the bill in section 2 in §1832 in subsection 6 in the next to the last line (page
12 4, line 22 in L.D.) by inserting after the following: "as the" the following: 'net'

13 Amend the bill in section 2 in §1832 by renumbering the subsections to read
14 consecutively.

15 Amend the bill in section 2 by inserting after §1832 the following:

16 **§1833. License exceptions for games of chance**

17 Notwithstanding section 1832, subsection 1, an organization that is eligible for a
18 license to conduct games of chance may conduct games of chance without a license in
19 accordance with this section.

20 **1. Organizations eligible.** An organization, other than an agricultural society, that
21 raises \$15,000 or less in gross revenue in a calendar year from the operation of games of
22 chance is eligible to conduct games of chance without a license. When an organization
23 raises more than \$15,000 in gross revenue from the operation of games of chance in a
24 calendar year, the organization must submit an application as described in section 1832
25 and any information and fees otherwise required for an application for licensure under
26 this chapter. An organization that raised more than \$15,000 in revenue during the
27 previous calendar year from the operation of licensed games of chance is not eligible to
28 conduct games of chance without a license in accordance with this section.

29 **2. Limits.** An organization that conducts a game of chance without a license in
30 accordance with this section may not collect more than \$10,000 in gross revenue from
31 any one event at which games of chance are conducted. If an organization exceeds
32 \$10,000 in gross revenue at any one event, the organization must submit an application as
33 described in section 1832 and any information and fees otherwise required for an
34 application for licensure under this chapter. An organization that exceeds \$10,000 in
35 gross revenue at any one event is not eligible to conduct games of chance without a
36 license as provided by this section within one calendar year of the event at which the
37 revenue limit was exceeded.

38 **3. Registration required.** In order to conduct games of chance without a license in
39 accordance with this section, an organization must register with the Chief of the State
40 Police. Registrations made in accordance with this section are valid for one event. The
41 registration must include the following:

- 1 A. The name and tax identification number of the organization and the charitable
2 purpose for which the games of chance are being conducted;
- 3 B. The names of the members of the organization who are responsible for overseeing
4 the operation of the games of chance;
- 5 C. The date, time and location of the event at which games of chance will be
6 conducted;
- 7 D. The number and types of games of chance to be conducted;
- 8 E. An oath and acknowledgement by the applicant that the information contained in
9 the registration is true and accurate; and
- 10 F. A registration fee of \$30.
- 11 **4. Licensed printers and distributors.** Equipment used to conduct games of
12 chance in accordance with this section must be obtained from printers and distributors
13 licensed as required by this chapter.
- 14 **5. Other provisions applicable.** An organization that conducts games of chance in
15 accordance with this section is subject to applicable provisions of section 1835, section
16 1841, section 1842, subsection 3, paragraph E and section 1842, subsection 6.
- 17 **6. Revenue and disposition of funds report.** An organization that conducts games
18 of chance in accordance with this section shall file a disposition of funds form prescribed
19 and furnished by the Chief of the State Police reporting the total revenue from games of
20 chance conducted within 12 calendar months of the date when the first game conducted
21 without a license took place and the amount of revenue spent to support the charitable
22 purposes for which the games were conducted. Every statement in the report must be
23 made under oath by an officer of the organization or by the member in charge of the
24 conduct of the games.
- 25 **7. Violation.** If an organization that has registered to conduct games of chance is
26 found to have violated any provision of this section, the net revenue from any games of
27 chance conducted is forfeited to the Chief of the State Police. If an organization is found
28 to have violated any provision of this section, the Chief of the State Police is prohibited
29 from accepting a registration as provided by this section from that organization or a
30 person listed on the registration for that organization for a period of 10 years.
- 31 **8. Repeal.** This section is repealed January 1, 2012.'
- 32 Amend the bill in section 2 in §1833 in subsection 2 in the blocked paragraph in the
33 last line (page 5, line 16 in L.D.) by striking out the following: "not to exceed 6" and
34 inserting the following: 'of up to 12'
- 35 Amend the bill in section 2 in §1833 in subsection 3 in the 2nd line (page 5, line 18 in
36 L.D.) by striking out the following: "7" and inserting the following: '8'
- 37 Amend the bill in section 2 in §1833 by striking out all of subsection 7 (page 5, lines
38 35 and 36 in L.D.) and inserting the following:
- 39 **7. Application.** A license to operate any authorized game of chance may be issued
40 for a period of up to 12 months on one application.'

1 Amend the bill in section 2 in §1834 in subsection 1 in paragraph B in the 3rd line
2 (page 6, line 12 in L.D.) by inserting after the following: "\$5" the following: 'daily'

3 Amend the bill in section 2 in §1834 in subsection 2 in the 2nd line (page 6, line 23 in
4 L.D.) by striking out the following: "section" and inserting the following: 'chapter'

5 Amend the bill in section 2 in §1834 in subsection 3 in the blocked paragraph in the
6 last line (page 7, line 4 in L.D.) by striking out the following: "1838" and inserting the
7 following: '1839'

8 Amend the bill in section 2 in §1834 by striking out all of subsection 4 (page 7, lines
9 5 to 18 in L.D.) and inserting in its place the following:

10 '4. Persons under 18 years of age; exception. Except as provided in this
11 subsection, a licensee, game owner or operator may not permit a person under 18 years of
12 age to take part in a game of chance, and a person under 18 years of age may not sell
13 chances, except in relation to charitable, religious or recognized youth associations.
14 Notwithstanding any rule to the contrary, upon receiving an application on a form
15 provided by the Chief of the State Police and a determination by the chief that a game of
16 chance licensed to be conducted at a festival-style event is designed to attract players
17 under 18 years of age and awards a nonmonetary prize valued at less than \$10 for every
18 chance played, the chief may permit:

19 A. Persons under 18 years of age to conduct or operate the game of chance; and

20 B. Persons under 18 years of age to play the game of chance without being
21 accompanied by an adult.

22 Nothing in this subsection permits games of chance to be operated without a license.'

23 Amend the bill in section 2 in §1834 in subsection 5 in paragraph B in the first and
24 2nd lines (page 7, lines 25 and 26 in L.D.) by striking out the following: "at a location
25 where the general public has access" and inserting in its place the following: 'on the same
26 premises'

27 Amend the bill in section 2 in §1834 in subsection 5 in the blocked paragraph in the
28 last line (page 7, line 36 in L.D.) by inserting after the following: "licensee." the
29 following: 'This subsection does not apply to raffles conducted in accordance with
30 section 1837.'

31 Amend the bill in section 2 in §1834 in subsection 6 in the 2nd line (page 7, line 38 in
32 L.D.) by striking out the following: "to be considered"

33 Amend the bill in section 2 by striking out all of §1835 (page 8, lines 3 to 41 and
34 page 9, line 1 in L.D.) and inserting the following:

35 **§1835. Tournament games**

36 The Chief of the State Police may issue a license to conduct a tournament game as
37 provided in this section to an organization eligible to conduct beano games under chapter
38 13-A and games of chance under this chapter. For purposes of this section, "tournament
39 game" means a game of chance played using a deck of cards with rules similar to poker
40 or other card games. The Chief of the State Police may not issue a tournament game
41 license to an organization more than once per month.

1 **1. Local governing authority approval.** An organization applying for a tournament
2 game license must first receive approval by the local governing authority where the game
3 is to be conducted. Proof of approval from the local governing authority must be
4 provided to the Chief of the State Police upon application for a tournament game license.

5 **2. License application.** An organization must submit a license application to the
6 Chief of the State Police on a form provided by the Chief of the State Police. The license
7 application must specify one or more charitable organizations that the proceeds of the
8 tournament game are intended to benefit. For the purposes of this section, "charitable
9 organization" means a person or entity, including a person or entity in a foreign state as
10 defined in Title 14, section 8502, that is or purports to be organized or operated for any
11 charitable purpose or that solicits, accepts or obtains contributions from the public for any
12 charitable, educational, humane or patriotic purpose.

13 **3. License.** The license fee for a tournament game license is:

- 14 A. Two hundred dollars for a tournament game with up to 100 players;
- 15 B. Three hundred dollars for a tournament game with 101 to 150 players;
- 16 C. Four hundred dollars for a tournament game with 151 to 200 players;
- 17 D. Five hundred dollars for a tournament game with 201 to 250 players; and
- 18 E. Six hundred dollars for a tournament game with 251 to 300 players.

19 **4. Tournament.** The organization licensed to conduct a tournament game under this
20 section shall display the rules of the tournament game and the license issued. The
21 maximum number of players allowed is 100 unless the tournament game is held on
22 premises owned by the licensee, in which case the maximum number of players allowed
23 is 300. Winners are determined by a process of elimination. The use of currency is
24 prohibited as part of tournament game play. The maximum entry fee to play in the
25 tournament game is \$100, except the organization may add to the player entry fee to
26 defray the cost of the license fee, as long as the total additional amount collected from all
27 players does not exceed \$200. Only one entry fee is permitted per person. A tournament
28 game must be completed within 48 hours. Other games of chance on the premises are
29 prohibited, except for lucky seven or similar sealed tickets.

30 **5. Proceeds.** No less than 75% of the entry fees under subsection 4 must be paid as
31 prizes to the winners of the tournament game.

32 **6. Cost of administration; surplus.** The Chief of the State Police may retain, from
33 license fees collected in accordance with subsection 3, only an amount necessary to
34 defray the costs of administering this section. All fees collected in excess of the amount
35 necessary to defray the costs of administration must be allocated as follows:

- 36 A. Forty percent to the Fractionation Development Center; and
- 37 B. Sixty percent to the General Fund.'

38 Amend the bill in section 2 in §1836 by striking out all of subsection 2 (page 9, lines
39 21 to 39 in L.D.)

1 Amend the bill in section in §1836 in subsection 3 in paragraph A in the last line
2 (page 10, line 12 in L.D.) by striking out the following: "Section 1834" and inserting the
3 following: 'Section 1835'

4 Amend the bill in section 2 in §1836 by striking out all of subsection 4 (page 10, lines
5 24 to 31 in L.D.)

6 Amend the bill in section 2 in §1836 by inserting after subsection 5 the following:

7 **'6. Raffle tickets sold by volunteers.** Notwithstanding section 1835, subsection 2,
8 tickets for raffles licensed in accordance with this section may be sold by persons other
9 than members of the licensed organization as long as the persons selling the tickets are
10 uncompensated volunteers for the organization and the names of the volunteers who sell
11 the tickets are provided to the Chief of the State Police within 10 days of issuance of the
12 raffle license.'

13 Amend the bill in section 2 in §1836 by renumbering the subsections to read
14 consecutively.

15 Amend the bill in section 2 in §1837 in subsection 3 in the first line (page 11, line 29
16 in L.D.) by inserting after the following: "adopt" the following: 'routine technical'

17 Amend the bill in section 2 in §1838 in subsection 1 in the 4th line (page 12, line 5 in
18 L.D.) by inserting after the following: "of all" the following: 'gross' and in the 5th line
19 (page 12, line 6 in L.D.) by inserting after the following: "of all" the following:
20 'allowable'

21 Amend the bill in section 2 in §1839 in subsection 1 in the blocked paragraph in the
22 5th line (page 13, line 17 in L.D.) by striking out the following: "1842" and inserting the
23 following: '1843' and in the last line (page 13, line 18 in L.D.) by striking out the
24 following: "1842" and inserting the following: '1843'

25 Amend the bill in section 2 in §1839 in subsection 2 in the first blocked paragraph in
26 the 6th line (page 13, line 29 in L.D.) by striking out the following: "1836, subsection 2
27 or 3" and inserting the following: '1837, subsection 2' and by striking out the following:
28 "to section 1836" and inserting the following: 'to section 1837'

29 Amend the bill in section 2 in §1839 in subsection 2 in the last blocked paragraph in
30 the 3rd line from the end (page 14, line 1 in L.D.) by striking out the following: "1842"
31 and inserting the following: '1843' and in the last line (page 14, line 3 in L.D.) by striking
32 out the following: "1842" and inserting the following: '1843'

33 Amend the bill in section 2 in §1839 in subsection 7 by striking out all of the last
34 blocked paragraph (page 15, lines 9 to 12 in L.D.)

35 Amend the bill in section 2 in §1839 by inserting after subsection 7 the following:

36 **'8. Reports generally.** The Chief of the State Police shall require from any licensed
37 printer or distributor, or from any organization authorized to operate a game of chance,
38 whatever reports determined necessary by the chief for the purpose of the administration
39 and enforcement of this chapter.'

40 Amend the bill in section 2 in §1841 in subsection 1 in the last line (page 15, line 36
41 in L.D.) by striking out the following: "1842" and inserting the following: '1843'

1 Amend the bill in section 2 in §1841 in subsection 2 in the first line (page 15, line 37
2 in L.D.) by striking out the following: "It is" and inserting the following: "Each of the
3 following is'

4 Amend the bill in section 2 in §1841 in subsection 2 in the 3rd line (page 15, line 39
5 in L.D.) by striking out the following: "if"

6 Amend the bill in section 2 in §1841 in subsection 2 in paragraph B in the 3rd line
7 (page 16, line 7 in L.D.) by striking out the following: "1842" and inserting the
8 following: '1843'

9 Amend the bill in section 2 in §1841 in subsection 2 in paragraph B in subparagraph
10 (2) in the first line (page 16, line 12 in L.D.) by striking out the following: "1839" and
11 inserting the following: '1840' and in the last line (page 16, line 14 in L.D.) by striking
12 out the following: "and" and inserting the following: 'or'

13 Amend the bill in section 2 in §1841 in subsection 3 in paragraph C in the 2nd line
14 (page 16, line 28 in L.D.) by striking out the following: "7" and inserting the following:
15 '8' and in the last line (page 16, line 29 in L.D.) by striking out the following: "1840" and
16 inserting the following: '1841' and by striking out the following: "; and" and inserting
17 the following: ';'

18 Amend the bill in section 2 in §1841 in subsection 3 in paragraph D in the last line
19 (page 16, line 42 in L.D.) by striking out the following: ";" and inserting the following: ';
20 and'

21 Amend the bill in section 2 in §1841 in subsection 3 by inserting after paragraph D
22 the following:

23 'E. Require such evidence as the chief determines necessary to satisfy the chief that
24 an applicant or organization licensed to conduct games of chance conforms to the
25 restrictions and other provisions of this chapter. Charters, organizational papers,
26 bylaws or other such written orders of founding that outline or otherwise explain the
27 purpose for which an organization was founded, must, upon request, be forwarded to
28 the Chief of the State Police. The Chief of the State Police may require of any
29 licensee or of any person operating, conducting or assisting in the operation of a
30 licensed game of chance evidence as the chief may determine necessary to satisfy the
31 chief that the person is a duly authorized member of the licensee or a person
32 employed by the licensee as a bartender as required by section 1835, subsection 2.
33 Upon request, this evidence must be forwarded to the Chief of the State Police. The
34 Chief of the State Police may require such evidence as the chief may determine
35 necessary regarding the conduct of games of chance by a licensee to determine
36 compliance with this chapter.'

37 Amend the bill in section 2 in §1841 in subsection 5 in the 9th line (page 17, line 27
38 in L.D.) by striking out the following: "7" and inserting the following: '8' and by striking
39 out the following: "1840" and inserting the following: '1841'

40 Amend the bill in section 2 in §1842 in first paragraph in the first 2 lines (page 18,
41 lines 2 and 3 in L.D.) by striking out the following: "has the power to adopt routine
42 technical rules, not inconsistent with law," and inserting the following: 'may adopt
43 routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A' and in the 4th line

1 (page 18, line 5 in L.D.) by striking out the following: "has the power and authority to"
2 and inserting the following: 'may'

3 Amend the bill in section 2 in §1842 by striking out all of subsection 6 (page 18, lines
4 19 and 20 in L.D.) and inserting the following:

5 '6. Leasing of equipment. Leasing of equipment by a licensee used in the operation
6 of games of chance not in accordance with this chapter; and'

7 Amend the bill in section 2 by striking out all of §1844 (page 18, lines 31 to 33 in
8 L.D.) and inserting the following:

9 '§1844. Administration expenses

10 The expenses of administering this chapter must be paid out of the fees received in
11 accordance with this chapter.'

12 Amend the bill by striking out all of section 3 (page 19, lines 5 to 9 in L.D.) and
13 inserting in its place the following:

14 'PART B

15 **Sec. B-1. 7 MRSA §3972, sub-§4**, as amended by PL 1997, c. 690, §41, is
16 further amended to read:

17 **4. Exception.** Notwithstanding subsection 1, paragraph C, livestock may be raffled
18 by charitable organizations licensed under Title 17, section ~~332~~ 1837, subsection ~~6~~ 3 for
19 fund-raising purposes. For the purposes of this section, "charitable organization" has the
20 same meaning as defined in Title 9, section 5003, subsection 1. Proceeds from a raffle
21 under this subsection must be used for charitable purposes.

22 The animal must be awarded in freezer-ready form.

23 **Sec. B-2. 8 MRSA §1001, sub-§19**, as enacted by PL 2003, c. 687, Pt. A, §5 and
24 affected by Pt. B, §11, is amended to read:

25 **19. Game of chance.** "Game of chance" has the same meaning as set forth in Title
26 17, section ~~330~~ 1831, subsection ~~2~~ 5.

27 **Sec. B-3. 8 MRSA §1016, sub-§2, ¶D**, as enacted by PL 2003, c. 687, Pt. A, §5
28 and affected by Pt. B, §11, is amended to read:

29 D. Has not engaged in conduct in this State or any other jurisdiction that would
30 constitute a violation of this chapter, chapter 11 involving gambling, Title 17, chapter
31 13-A or ~~44~~ 62 or Title 17-A, chapter 39 or substantially similar offenses in other
32 jurisdictions;

33 **Sec. B-4. 8 MRSA §1064**, as enacted by PL 2003, c. 687, Pt. A, §5 and affected
34 by Pt. B, §11, is amended to read:

35 **§1064. Applicability of Title 17, chapter 62**

36 Except as expressly provided in this chapter, the provisions of Title 17, chapter ~~44~~ 62
37 do not apply to the ownership, distribution or operation of slot machines in the State.

1 **Sec. B-5. 17 MRSA §314, first ¶**, as amended by PL 1999, c. 63, §1, is further
2 amended to read:

3 The Chief of the State Police may issue licenses to operate beano or bingo games to
4 any volunteer fire department or any agricultural fair association or bona fide nonprofit
5 charitable, educational, political, civic, recreational, fraternal, patriotic, religious or
6 veterans' organization that was in existence and founded, chartered or organized in the
7 State at least 2 years prior to its application for a license, when sponsored, operated and
8 conducted for the exclusive benefit of that organization by duly authorized members. The
9 Chief of the State Police may also issue a license to any auxiliary associated with an
10 organization, department or association qualified for a license under this section if the
11 auxiliary was founded, chartered or organized in this State and has been in existence at
12 least 2 years before applying for a license and the games are sponsored, operated and
13 conducted for the exclusive benefit of the auxiliary by duly authorized members of the
14 auxiliary. Proceeds from any game conducted by the auxiliary or the auxiliary's parent
15 organization may not be used to provide salaries, wages or other remuneration to
16 members, officers or employees of the auxiliary or its parent organization, except as
17 provided in sections 326 and ~~335~~ 1838. The 2 years' limitation does not apply to any
18 organizations in this State having a charter from a national organization, or auxiliaries of
19 those organizations, even though the organizations have not been in existence for 2 years
20 prior to their application for a license. The 2 years' limitation does not apply to any
21 volunteer fire department or rescue unit or auxiliary of that department or unit. A license
22 may be issued to an agricultural fair association when sponsored, operated and conducted
23 for the benefit of such agricultural fair association.

24 **Sec. B-6. 17 MRSA §314-A, sub-§1, ¶B**, as enacted by PL 1991, c. 426, §3, is
25 amended to read:

26 B. In conjunction with the operation of high-stakes beano, federally recognized
27 Indian tribes holding a license under this section may advertise and offer prizes for
28 attendance with a value of up to \$25,000 under the terms prescribed for raffles in
29 section ~~331, subsection 6~~ 1837. Any prize awarded under this paragraph ~~must~~ may
30 be awarded only on the basis of a ticket of admission to the high-stakes beano game
31 and may only be awarded to a person who holds an admission ticket.

32 **Sec. B-7. 17 MRSA §314-A, sub-§2-A**, as enacted by PL 2003, c. 452, Pt. I, §4
33 and affected by Pt. X, §2, is amended to read:

34 **2-A. Attendance prizes.** In conjunction with the operation of high-stakes beano, a
35 federally recognized Indian tribe holding a license under this section may advertise and
36 offer prizes for attendance with a value of up to \$25,000 under the terms prescribed for
37 raffles in section ~~331, subsection 6~~ 1837. A prize awarded under this subsection may be
38 awarded only on the basis of a ticket of admission to the high-stakes beano game and may
39 be awarded only to a person who holds an admission ticket.

40 **Sec. B-8. 17 MRSA §324-A, sub-§2, ¶B**, as enacted by PL 2003, c. 452, Pt. I,
41 §10 and affected by Pt. X, §2, is amended to read:

42 B. Raffle tickets may be sold in accordance with chapter ~~14~~ 62.

1 **Sec. B-9. 17 MRSA §2306**, as amended by PL 1989, c. 502, Pt. A, §46, is further
2 amended to read:

3 **§2306. Exemptions; lotteries**

4 Any person, firm, corporation, association or organization licensed by the Chief of
5 the State Police as provided in chapter ~~14 62~~ or authorized to conduct a raffle without a
6 license as provided in section ~~331, subsection 6 1837~~, shall be is exempt from the
7 application of this chapter insofar as the possession of raffle tickets, gambling apparatus
8 and implements of gambling ~~which that~~ are permitted within the scope of ~~said the~~ license
9 or licenses issued, and all persons shall be are exempt from this chapter insofar as
10 gambling or possession of raffle tickets is concerned, if the gambling and possession is in
11 connection with a game of chance licensed as provided in chapter ~~14 62~~ or a raffle
12 conducted without a license as authorized by section ~~331, subsection 6 1837~~.

13 **Sec. B-10. 17-A MRSA §951**, as amended by PL 1989, c. 502, Pt. A, §48, is
14 further amended to read:

15 **§951. Inapplicability of chapter**

16 Any person licensed by the Chief of the State Police as provided in Title 17, chapter
17 13-A or chapter ~~14 62~~, or authorized to operate or conduct a raffle pursuant to Title 17,
18 section ~~331, subsection 6 1837~~, shall be is exempt from the application of the provisions
19 of this chapter insofar as that person's conduct is within the scope of the license.

20 **Sec. B-11. 17-A MRSA §952, sub-§5-A, ¶C**, as amended by PL 2003, c. 687,
21 Pt. A, §6 and affected by Pt. B, §11, is further amended to read:

22 C. That is not a machine that a person may lawfully operate pursuant to a license that
23 has been issued under Title 17, chapter ~~14 62~~ or that is operated by the Department of
24 Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery
25 Operations; and

26 **Sec. B-12. 26 MRSA §773, 6th ¶**, as enacted by PL 1997, c. 353, §2, is amended
27 to read:

28 Notwithstanding other provisions of this section, a minor under 16 years of age may
29 be employed at a commercial place of amusement operating at a permanent location,
30 except that minors under 16 years of age may not be employed at games of chance as
31 defined in Title 17, chapter ~~14 62~~ or hazardous occupations as determined by the director.

32 **Sec. B-13. 32 MRSA §1873**, as enacted by PL 1991, c. 251, §2, is amended to
33 read:

34 **§1873. Glass-breaking games**

35 A person, firm, corporation, association or organization may not hold, conduct or
36 operate games of skill, as defined in Title 17, section ~~330 1831~~, subsection ~~2-A 6~~, that
37 involve the breaking of glass. A violation of this section is a Class E crime.

38 **Sec. B-14. 36 MRSA §691, sub-§1, ¶A**, as amended by PL 2007, c. 437, §8, is
39 further amended to read:

1 A. "Eligible business equipment" means qualified property that, in the absence of
2 this subchapter, would first be subject to assessment under this Part on or after April
3 1, 2008. "Eligible business equipment" includes, without limitation, repair parts,
4 replacement parts, replacement equipment, additions, accessions and accessories to
5 other qualified business property that first became subject to assessment under this
6 Part before April 1, 2008 if the part, addition, equipment, accession or accessory
7 would, in the absence of this subchapter, first be subject to assessment under this Part
8 on or after April 1, 2008. "Eligible business equipment" also includes inventory
9 parts.

10 "Eligible business equipment" does not include:

11 (1) Office furniture, including, without limitation, tables, chairs, desks,
12 bookcases, filing cabinets and modular office partitions;

13 (2) Lamps and lighting fixtures used primarily for the purpose of providing
14 general purpose office or worker lighting;

15 (3) Property owned or used by an excluded person;

16 (4) Telecommunications personal property subject to the tax imposed by section
17 457;

18 (5) Gambling machines or devices, including any device, machine, paraphernalia
19 or equipment that is used or usable in the playing phases of any gambling activity
20 as that term is defined in Title 8, section 1001, subsection 15, whether that
21 activity consists of gambling between persons or gambling by a person involving
22 the playing of a machine. "Gambling machines or devices" includes, without
23 limitation:

24 (a) Associated equipment as defined in Title 8, section 1001, subsection 2;

25 (b) Computer equipment used directly and primarily in the operation of a
26 slot machine as defined in Title 8, section 1001, subsection 39;

27 (c) An electronic video machine as defined in Title 17, section ~~330~~ 1831,
28 subsection ~~4-A~~ 4;

29 (d) Equipment used in the playing phases of lottery schemes; and

30 (e) Repair and replacement parts of a gambling machine or device;

31 (6) Property located at a retail sales facility and used primarily in a retail sales
32 activity unless the property is owned by a business that operates a retail sales
33 facility in the State exceeding 100,000 square feet of interior customer selling
34 space that is used primarily for retail sales and whose Maine-based operations
35 derive less than 30% of their total annual revenue on a calendar year basis from
36 sales that are made at a retail sales facility located in the State. For purposes of
37 this subparagraph, the following terms have the following meanings:

38 (a) "Primarily" means more than 50% of the time;

1 (b) "Retail sales activity" means an activity associated with the selection and
2 purchase of goods or services or the rental of tangible personal property.
3 "Retail sales activity" does not include production as defined in section 1752,
4 subsection 9-B; and

5 (c) "Retail sales facility" means a structure used to serve customers who are
6 physically present at the facility for the purpose of selecting and purchasing
7 goods or services at retail or for renting tangible personal property. "Retail
8 sales facility" does not include a separate structure that is used as a
9 warehouse or call center facility; or

10 (7) Property that is not entitled to an exemption by reason of the additional
11 limitations imposed by subsection 2.

12 **Sec. B-15. 36 MRSA §6652, sub-§1-B, ¶C**, as repealed and replaced by PL
13 2005, c. 218, §61 and affected by §63, is amended to read:

14 C. Gambling machines or devices, including any device, machine, paraphernalia or
15 equipment that is used or usable in the playing phases of any gambling activity as that
16 term is defined in Title 8, section 1001, subsection 15, whether that activity consists
17 of gambling between persons or gambling by a person involving the playing of a
18 machine. "Gambling machines or devices" includes, without limitation:

- 19 (1) Associated equipment as defined in Title 8, section 1001, subsection 2;
20 (2) Computer equipment used directly and primarily in the operation of a slot
21 machine as defined in Title 8, section 1001, subsection 39;
22 (3) An electronic video machine as defined in Title 17, section ~~330~~ 1831,
23 subsection ~~1-A~~ 4;
24 (4) Equipment used in the playing phases of lottery schemes; and
25 (5) Repair and replacement parts of a gambling machine or device.'

26 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
27 section number to read consecutively.

28 **SUMMARY**

29 This amendment makes several technical changes and nonsubstantive clarifications to
30 the bill. In the definitions it distinguishes between the machines that are eligible to be
31 licensed and the machines that are not. It strikes the new proposed definition of "slot
32 machine" and replaces it with a definition closer to the one in current law. The
33 amendment incorporates sections of law that were enacted last year that permit
34 nonmember volunteers of an organization to sell raffle tickets and an exception for
35 certain organizations from the licensing requirement to conduct games of chance. It
36 corrects an error in the bill with regard to the tournament game provision and replaces an
37 inadvertently omitted section regarding evidence for investigation of violations. The
38 amendment clarifies language and corrects duplicative provisions governing raffles. The

COMMITTEE AMENDMENT "A" to H.P. 934, L.D. 1330

1 amendment also specifies that a license for games of chance may be issued only to a
2 person who is 18 years of age or older.

3 This amendment also corrects cross-references.