

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## SECOND REGULAR SESSION-2024

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Legislative Document

No. 2108

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S.P. 901

In Senate, January 3, 2024

### An Act to Amend Maine's Charitable Organization Gaming Laws

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Submitted by the Department of Public Safety pursuant to Joint Rule 203.  
Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator TIMBERLAKE of Androscoggin.

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

2 **Sec. 1. 17 MRSA §317-A, sub-§1, ¶E**, as amended by PL 2001, c. 342, §2, is  
3 further amended to read:

4 E. Immediately suspend or revoke a commercial beano hall permit if there is probable  
5 cause to believe that the permittee or the permittee's employee committed murder or a  
6 Class A, B or C crime or violated a provision of Title 17-A, chapter 15, 29, 37 or 39;  
7 ~~and~~

8 **Sec. 2. 17 MRSA §317-A, sub-§1, ¶F**, as amended by PL 2017, c. 284, Pt. JJJJ,  
9 §20, is further amended to read:

10 F. Issue a subpoena in the name of the Gambling Control Unit in accordance with Title  
11 5, section 9060, except that this authority applies to any stage of an investigation under  
12 this chapter and is not limited to an adjudicatory hearing. This authority may not be  
13 used in the absence of reasonable cause to believe a violation has occurred. If a witness  
14 refuses to obey a subpoena or to give any evidence relevant to proper inquiry by the  
15 unit, the Attorney General may petition the Superior Court in the county where the  
16 refusal occurred to find the witness in contempt. The Attorney General shall cause to  
17 be served on that witness an order requiring the witness to appear before the Superior  
18 Court to show cause why the witness should not be adjudged in contempt. The court  
19 shall, in a summary manner, hear the evidence and, if it is such as to warrant the court  
20 in doing so, punish that witness in the same manner and to the same extent as for  
21 contempt committed before the Superior Court or with reference to the process of the  
22 Superior Court: and

23 **Sec. 3. 17 MRSA §317-A, sub-§1, ¶G** is enacted to read:

24 G. In addition to a fine imposed pursuant to section 325, impose a fine of not more  
25 than \$100 per violation on a licensee or registrant or a licensee's or registrant's agent  
26 or employee that has violated a provision of this chapter or a rule of the Gambling  
27 Control Unit prescribed by authority of this chapter.

28 The Gambling Control Unit shall notify the licensee or registrant in writing that a fine  
29 is imposed pursuant to this paragraph and of the right to a hearing pursuant to this  
30 paragraph. The licensee or registrant has the right to request a hearing before the  
31 Commissioner of Public Safety or the commissioner's designee. Upon the licensee's or  
32 registrant's request for a hearing, the Commissioner of Public Safety shall provide a  
33 hearing. The hearing must comply with the Maine Administrative Procedure Act. The  
34 purpose of the hearing is to determine whether a preponderance of the evidence  
35 establishes that the licensee or registrant or the licensee's or registrant's agent or  
36 employee violated a provision of this chapter or a rule of the Gambling Control Unit  
37 prescribed by authority of this chapter. A request for a hearing may not be made any  
38 later than 10 days after the licensee or registrant is notified of the fine. The imposition  
39 of the fine must be stayed pending the hearing; the hearing may not be held any later  
40 than 30 days after the date the Commissioner of Public Safety receives the request  
41 unless otherwise agreed by the parties or continued upon request of a party for cause  
42 shown.

43 The Gambling Control Unit may execute a consent agreement that resolves the issue  
44 of a fine imposed pursuant to this paragraph on a licensee or registrant or a licensee's

1 or registrant's agent or employee without further proceedings. A consent agreement  
2 may be entered into only with the consent of the licensee or registrant or the licensee's  
3 or registrant's agent or employee; the Gambling Control Unit; and the Department of  
4 the Attorney General. A consent agreement does not absolve any person from potential  
5 liability for criminal violations.

6 **Sec. 4. 17 MRSA §1835-A, sub-§5**, as amended by PL 2019, c. 117, §6, is further  
7 amended to read:

8 **5. Location.** A registration for a game of chance must specify the location where the  
9 organization may operate the game. ~~A registrant may not operate games of chance in more~~  
10 ~~than one location at the same time.~~

11 A. An agricultural society or a bona fide nonprofit organization may operate a game  
12 of chance on the grounds of an agricultural society and during the annual fair of the  
13 agricultural society.

14 B. ~~No more than one registrant may operate a game of chance at a time on the same~~  
15 ~~premises. An agricultural society shall determine the number of registrants permitted~~  
16 ~~to operate a game of chance during the annual fair of the agricultural society. In any~~  
17 ~~room where a registered game of chance is being conducted, there must be at least one~~  
18 ~~member of the organization registered to conduct games of chance present in that room~~  
19 ~~for every 2 nonmembers who are present. That member must have been a member of~~  
20 ~~the registered organization for at least one year. A member of the organization~~  
21 ~~registered to conduct games of chance, either directly or through another member or~~  
22 ~~guest, may not stake or risk something of value in the registrant's game of chance unless~~  
23 ~~the member has been a member of the organization registered to conduct games of~~  
24 ~~chance for at least 14 days not including the day of admission into membership.~~

25 A bona fide nonprofit organization may operate a registered game of chance to which the  
26 general public has access no more than 4 times in a calendar year for a period not to exceed  
27 4 consecutive days the duration of the annual fair of an agricultural society or the duration  
28 of a special event. The game of chance may be operated at any location described in the  
29 organization's registration and may be conducted only by members of the registrant. This  
30 subsection does not apply to raffles conducted in accordance with section 1837-A.

31 **Sec. 5. 17 MRSA §1842, sub-§3, ¶D**, as amended by PL 2017, c. 284, Pt. KKKKK,  
32 §29, is further amended to read:

33 D. Issue a subpoena in the name of the State Police in accordance with Title 5, section  
34 9060, except that this authority applies to any stage of an investigation under this  
35 chapter and is not limited to an adjudicatory hearing. This authority may not be used  
36 in the absence of reasonable cause to believe a violation has occurred. If a witness  
37 refuses to obey a subpoena or to give any evidence relevant to proper inquiry by the  
38 unit, the Attorney General may petition the Superior Court in the county where the  
39 refusal occurred to find the witness in contempt. The Attorney General shall cause to  
40 be served on that witness an order requiring the witness to appear before the Superior  
41 Court to show cause why the witness should not be adjudged in contempt. The court  
42 shall, in a summary manner, hear the evidence and, if it is such as to warrant the court  
43 in doing so, punish that witness in the same manner and to the same extent as for  
44 contempt committed before the Superior Court or with reference to the process of the  
45 Superior Court; ~~and~~

1           **Sec. 6. 17 MRSA §1842, sub-§3, ¶E**, as amended by PL 2017, c. 284, Pt. KKKKK,  
2 §29, is further amended to read:

3           E. Require such evidence as the unit determines necessary to satisfy the unit that an  
4 applicant or organization licensed or registered to conduct games under this chapter  
5 conforms to the restrictions and other provisions of this chapter. Charters,  
6 organizational papers, bylaws or other such written orders of founding that outline or  
7 otherwise explain the purpose for which an organization was founded must, upon  
8 request, be forwarded to the Gambling Control Unit. The Gambling Control Unit may  
9 require of any licensee, registrant or person registering or of any person operating,  
10 conducting or assisting in the operation of a game licensed or registered under this  
11 chapter, evidence as the unit may determine necessary to satisfy the unit that the person  
12 is a duly authorized member of the licensee, registrant or person registering or a person  
13 employed by the licensee, registrant or person registering as a bartender as required by  
14 section 1835, subsection 2 and section 1835-A, subsection 2. Upon request, this  
15 evidence must be forwarded to the Gambling Control Unit. The Gambling Control  
16 Unit may require such evidence as the unit may determine necessary regarding the  
17 conduct of games authorized under this chapter to determine compliance with this  
18 chapter; and

19           **Sec. 7. 17 MRSA §1842, sub-§3, ¶F** is enacted to read:

20           F. In addition to a fine imposed pursuant to section 1844, impose a fine of not more  
21 than \$100 per violation on a licensee or registrant or a licensee's or registrant's agent  
22 or employee that has violated a provision of this chapter or a rule of the Gambling  
23 Control Unit prescribed by authority of this chapter.

24           The Gambling Control Unit shall notify the licensee or registrant in writing that a fine  
25 is imposed pursuant to this paragraph and of the right to a hearing pursuant to this  
26 paragraph. The licensee or registrant has the right to request a hearing before the  
27 Commissioner of Public Safety or the commissioner's designee. Upon the licensee's or  
28 registrant's request for a hearing, the Commissioner of Public Safety shall provide a  
29 hearing. The hearing must comply with the Maine Administrative Procedure Act. The  
30 purpose of the hearing is to determine whether a preponderance of the evidence  
31 establishes that the licensee or registrant or the licensee's or registrant's agent or  
32 employee violated a provision of this chapter or a rule of the Gambling Control Unit  
33 prescribed by authority of this chapter. A request for a hearing may not be made any  
34 later than 10 days after the licensee or registrant is notified of the fine. The imposition  
35 of the fine must be stayed pending the hearing; the hearing may not be held any later  
36 than 30 days after the date the Commissioner of Public Safety receives the request  
37 unless otherwise agreed by the parties or continued upon request of a party for cause  
38 shown.

39           The Gambling Control Unit may execute a consent agreement that resolves the issue  
40 of a fine imposed pursuant to this paragraph on a licensee or registrant or a licensee's  
41 or registrant's agent or employee without further proceedings. A consent agreement  
42 may be entered into only with the consent of the licensee or registrant or the licensee's  
43 or registrant's agent or employee; the Gambling Control Unit; and the Department of  
44 the Attorney General. A consent agreement does not absolve any person from potential  
45 liability for criminal violations.

1 **SUMMARY**

2 This bill allows the Department of Public Safety, Gambling Control Unit to impose a  
3 fine of not more than \$100 per violation on a beano or games of chance licensee or  
4 registrant or a licensee's or registrant's agent or employee that has violated the laws or rules  
5 governing beano or games of chance, subject to an appeal and hearing before the  
6 Commissioner of Public Safety. It also allows the issue of the imposition of such a fine to  
7 be resolved by the execution of a consent agreement.

8 The bill removes the provision that no more than one registrant may operate a game of  
9 chance at a time on the same premises and provides that an agricultural society must  
10 determine the number of registrants permitted to operate a game of chance during the  
11 annual fair of the agricultural society. It also provides that a bona fide nonprofit  
12 organization may operate a registered game of chance to which the general public has  
13 access no more than 4 times in a calendar year for a period not to exceed the duration of  
14 the annual fair of an agricultural society or the duration of a special event rather than for a  
15 period not to exceed 4 consecutive days as in current law.