

MAINE STATE LEGISLATURE

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E I G H T Y - E I G H T H L E G I S L A T U R E

Legislative Document

No. 782

H. P. 1642

House of Representatives, February 24, 1937.

Received pursuant to Joint Order. On motion by Mr. Hinckley of South Portland tabled pending reference and 1000 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Payson of Brooks.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-SEVEN

AN ACT Defining, Regulating and Taxing Games of Skill.

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

Sec. 1. Terms defined. "Games of skill" shall mean any slot machine, or contrivance which releases balls or other objects subject to the controls of the slot machine or contrivance, upon the insertion of a coin, disc, or token, the play of which machine or contrivance is in some measure dependent upon the skill of the player.

The word "dealer" or "distributor" as used in this chapter shall mean any person, firm or corporation that is engaged in the business of exchanging, leasing, letting, or placing for use any game of skill within the meaning of this act, in the state.

Sec. 2. Distributors licensed. Every person, firm or corporation engaging in the business of exchanging, leasing, letting, or placing for use any game of skill in the state, shall first file with the state tax assessor an application for a distributor's license, accompanied with a fee of \$500, which license, if granted, shall expire annually on the 30th day of June. The state tax assessor, after due investigation, may issue licenses to bona fide distributors or dealers in games of skill. In case of failure to comply with the provisions of this act and rules and regulations made by the state tax assessor,

the state tax assessor may revoke any distributor's license without refund of license fee. No distributor shall have in his possession or in the possession of his lessee more than 200 games of skill at any one time, and on each and every such game in his own possession or in the possession of his lessee he shall pay an annual license fee of \$50. Such license shall be issued by the state tax assessor and with every license a stamp shall be issued which shall be affixed to the machine before same is leased by the distributor to any other person, and shall be valid until the 30th day of June next after the same is issued by the state tax assessor.

Sec. 3. Notice of location. Whenever a dealer or distributor places for use, leases, lets, or otherwise places for play any game of skill, he shall immediately notify the state tax assessor of the name and address of the party to whom said game of skill has been leased, let, or placed for play, together with the location of said game of skill.

Sec. 4. Application for license. No person, firm or corporation within this state, other than a duly licensed distributor, shall have in his possession any game of skill unless the same has been leased from a duly licensed distributor or without having filed with the state tax assessor an application for license of said game of skill accompanied by an annual fee of \$10 for each game of skill in his possession, said license to expire on the 30th day of June, annually.

The state tax assessor, upon receipt of any such application for license or licenses, accompanied by the required fee or fees, after due investigation and having satisfied himself that the applicant is a suitable person to operate the same, shall issue a license or licenses to the applicant.

Sec. 5. Exhibition of license. Said license when issued shall be exhibited on every so-called game of skill and said license may be transferred from one machine to another.

Sec. 6. Rules and regulations. The state tax assessor may make such reasonable rules and regulations regarding the administration and enforcement of the provision of this act as he may deem necessary or expedient.

Sec. 7. Penalty. Any person, firm or corporation who shall fail to comply with any of the foregoing provisions of this act, or who shall violate any of the rules, orders or regulations made by the state tax assessor for the orderly and efficient administration of the provisions of this act or who shall have in his possession any such game of skill contrary to the provisions of this act shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$10 nor more than \$50, or by imprisonment for

not less than 1 month nor more than 6 months, or by both such fine and imprisonment.

Sec. 8. Expenses of administration. All expenses incurred under the provisions of this act shall be paid from the revenue produced by the fees herein established. After payment of said expenses all revenue produced by the provisions of this act shall be paid to the treasurer of state by said state tax assessor and constitute a part of the general funds of the state, and the state tax assessor is hereby authorized to abate to the various cities, towns and plantations of the state the entire net proceeds of the revenue produced by this act; the same to apply as a credit on the amount due from said cities, towns and plantations on the state tax assessed against them for each year, the abatement to each of said political subdivisions being based upon the proportion which its state tax bears to the entire state tax.

Sec. 9. Limitation on use of machines; penalty. No lessee or distributor shall allow any minor or intoxicated person to operate or play any game of skill as defined in this act, nor shall any person be allowed to play or operate same on Sunday.

For violation of the provisions of this section, the state tax assessor may, after hearing, order the distributor of said machine or machines so operated to remove the same from the possession of the lessee and said lessee shall not again be licensed to operate or have in his possession any game of skill as defined in this act.

Any person, firm or corporation aggrieved by any action of said tax assessor taken by him under this section may appeal within 10 days to any justice of the superior court by presenting to him a petition therefor, in term time or vacation. Such justice, or any other justice of said court, shall fix a time for hearing, which may be in term time or vacation, and cause notice to be given to the petitioner, the state tax assessor and to such other parties as he may deem interested and, after hearing, said justice shall affirm or reverse the decision of the state tax assessor and such decision of such justice shall be final. In case there is no appeal from the decision of the state tax assessor within 10 days, or in case of appeal the decision is adverse to the petitioner no refund of license fee shall be made.

If the state tax assessor, as authorized in section 2, after hearing, revokes the license of any distributor as defined in this act for any violation of this act or of any rule, regulation or order issued by said state tax assessor for the orderly administration of the provisions of this act, said distributor

may appeal in the same manner as provided in the preceding paragraph of this section.

Sec. 10. Amending clause. So much of chapter 136 of the revised statutes as decrees the possession, operation, buying, selling, leasing, or other use of any game of skill as herein defined to be illegal is hereby repealed and the leasing, operation and possession of said machines is hereby declared to be lawful if in accordance with the provisions of this act.