

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. 812

Taken from table on motion by Senator Fernald of Waldo and on further motion by Senator Martin of Penobscot referred to Committee on Legal Affairs. Sent down for concurrence and 500 copies ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Willey of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-SEVEN

AN ACT Regulating and Defining Games of Skill.

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

P. L., 1935, c. 82, amended. Chapter 82 of the public laws of 1935 is hereby amended by striking out all of the said chapter and inserting in place thereof the following:

'Sec. 1. Terms defined. "Game 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, disk or token, the play of which machine or contrivance is in some measure dependent upon the skill of the player. Any contrivance which in any manner releases, ejects or discharges coins or disks or merchandise are hereby declared not to be games of skill.

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

'Sec. 2. Dealers licensed. Every person, firm or corporation engaging in the business of buying, selling, exchanging, leasing, letting, hiring, 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 \$1000, 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 may revoke distributor's license without refund of license fee.'

'Sec. 3. Notice of location. Whenever a dealer or distributor places for use, leases, lets, sells, 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, sold, 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 shall have in his possession any game of skill without having filed with the state tax assessor an application for license of said game of skill accompanied by an annual fee of \$150 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, may after due investigation and having satisfied himself that the machine or contrivance is not a gambling machine, issue a license or licenses to the applicant.

The licensing of any such game of skill shall not be a defense on the part of the holder of such license to prosecution for violation of any of the provisions of chapter 136 of the revised statutes, as amended, relative to gambling nor to seizure and forfeiture thereof if used or permitted to be used for gambling purposes.'

'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 provisions 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 have in his possession any such game of skill without the aforesaid license, shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$100, nor more than \$500, or by imprisonment for not less than 6 months nor more than 11 months, or by both such fine and imprisonment.'

'Sec. 8. Expenses of administration. Any and all expenses incurred by the bureau of taxation in the administration of this act shall be paid out of the funds accruing from the fees imposed by and collected under the provisions of this act. All money collected under the provisions of this act, less the expenses incurred in the administration of this act, shall be paid into the state treasury, monthly, by the said bureau and shall be added to and shall constitute a part of the general fund.'