

# MAINE STATE LEGISLATURE

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NINETY - EIGHTH LEGISLATURE

Legislative Document

No. 1289

H. P. 903

House of Representatives, March 14, 1957.

Referred to the Committee on Legal Affairs. Sent up for concurrence and 750 copies ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Allen of Chelsea.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-SEVEN

AN ACT Regulating Gaming Devices.

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

**R. S., c. 139, §§ 17-A - 17-B, additional.** Chapter 139 of the Revised Statutes is hereby amended by adding thereto 2 new sections to be numbered 17-A to 17-B, to read as follows:

**'Gaming Devices.**

**Sec. 17-A. Gaming devices.**

**I. Definitions.** Whenever used in this section, the term "gaming devices" shall mean and include:

Any device, machine or apparatus which is caused to operate or may be operated, as a result of the insertion of any piece of money or coin or the insertion of any object for which a fee, charge or other consideration is imposed, directly or indirectly, and which involves any element of chance inherent or intrinsic in the construction, operation or arrangement of the device, machine or apparatus regardless of the amount or degree of such element of chance.

Any device, machine or apparatus, whether manually, mechanically, electrically or otherwise operated, and whether or not affixed or attached to or installed in any premises or place, in or upon which device, machine or apparatus, a game may be played by one or more persons, singly or collectively, upon the payment of a fee, charge or other consideration, directly or indirectly, and which game involves any element of chance inherent or intrinsic in the construction, operation or arrangement of such device, machine or apparatus, regardless of the degree or amount of such element of chance.

Any device, machine or apparatus of the type, design, class or construction commonly known as pin ball or bagatelle upon which a game is or may be played of a fee, charge or other consideration, directly or indirectly.

II. Gaming devices prohibited. It shall be unlawful for any person, by himself or by an agent or employee, to manufacture, own, store, keep, possess, sell, rent, lease, let on shares, lend or give away, transport or expose for sale or lease or operate or maintain, or to offer to sell, rent, lease, let on shares, lend or give away or to permit the possession, maintenance or operation of, or to permit to be placed, maintained, used or kept in any room, space or building owned, leased or occupied by him or under his management or control, any gaming device.

III. Violations. Any person who violates the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$500 or by imprisonment for not more than one year, or by both. Where such violation occurs on premises licensed pursuant to any other provision of law or in the course of any business or occupation licensed pursuant to any other provision of law, a conviction thereon shall constitute cause for suspension or revocation of any or all such licenses by the appropriate licensing officials or agencies.

Sec. 17-B. Seizures of gaming devices and arrest of person in possession. It shall be the duty of every officer authorized to make arrests, to seize every gaming device, as defined in section 17-A, and to arrest the person actually or apparently in possession or control thereof or of the premises in which the same may be found, if any such person be present at the time of the seizure, and to bring such gaming device and the prisoner, if there be one, before a committing magistrate.

The magistrate before whom any such gaming device is brought shall, if there be a prisoner and if he shall hold such prisoner, cause such device to be delivered to the county attorney of the county, to be used as evidence on the trial of the said prisoner. It shall be the duty of the county attorney of the county to see that every person held in pursuance of this paragraph shall be brought to trial within 30 days from the date of his final examination before the magistrate and the gaming devices shall be produced in court on the trial.

If there be no prisoner, or if the magistrate does not hold the prisoner, the magistrate shall determine whether or not such device is a gaming device as defined in section 17-A. If the magistrate shall determine that such device is such a gaming device, he shall cause the immediate destruction of the gaming device. If there be a prisoner, and if such prisoner is held for trial, it shall be the duty of the trial court, after the disposition of the case, and whether the defendant be convicted, acquitted or fails to appear for trial, to determine whether or not such device is such a gaming device. If the trial court shall determine that such device is a "gaming device," such court shall cause the immediate destruction of the gaming device.

The officer destroying a gaming device pursuant to the provisions of this section shall pay over any moneys found therein to the general fund of the municipality in which such destruction occurs. If such device has contents of value other than money, the same shall be sold by the officer destroying the device and the proceeds disposed of as provided for the disposition of money contents.'