

# MAINE STATE LEGISLATURE

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## NINETY - NINTH LEGISLATURE

**Legislative Document**

**No. 239**

H. P. 164

House of Representatives, January 28, 1959.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Desmarais of Sanford.

### STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-NINE

#### AN ACT Relating to Licensing for Beano.

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

**Sec. 1. R. S., c. 139, §§ 29-38, additional.** Chapter 139 of the Revised Statutes is amended by adding 10 new sections to be numbered 29 to 38, to read as follows:

#### 'Beano.

**Sec. 29. Definitions.** Terms used in sections 29 to 38 shall be construed as follows unless a different meaning is clearly apparent from the language or context:

I. "Beano" shall mean any game by whatever name called in which a prize is offered to the person first completing a straight line of squares across a placard marked into squares for said purpose.

II. "Charitable organization" shall mean any bona fide religious, charitable, civic, veterans or fraternal organization which shall have been in existence for at least 2 years and is organized under the laws of this State and to which contributions are exempt from federal income tax.

**Sec. 30. License.** The selectmen of a town or the chief of police of any city wherein the provisions of sections 29 to 38 have been adopted may issue to any charitable organization within such town or city a license to conduct games of beano on not more than 5 days in any one calendar month, and such issuing authority may issue to any agricultural society eligible for benefits under chapter 32, section 17, a license to conduct games of beano during those days the

agricultural society holds its annual bona fide agricultural exhibition, under the following conditions:

I. The license shall authorize games on specified dates at specified times and at a specified location.

II. Such license shall not be transferable.

III. All games conducted by agricultural societies shall be by members thereof, and games conducted by agricultural societies shall be operated by such persons as may be designated or selected by said agricultural society and the name and address of such persons shall be endorsed upon the back of the license.

IV. The price to be paid for a single card or play under the license shall not exceed 10c.

V. No person under the age of 18 years shall be admitted to any room or hall where said games are being conducted, or shall be permitted to play beano at agricultural societies, but this section shall not otherwise apply to other games conducted on agricultural fair grounds.

VI. No games of beano shall be played on Sunday.

VII. All prizes, tokens or awards used, given, offered or awarded during, after or in connection with the conduct of any game or series of games conducted, other than at an agricultural society, in any calendar day shall not exceed the total amount of value of \$800.

VIII. No games shall be conducted prior to 11 o'clock in the forenoon, or subsequent to 11 o'clock in the nighttime of the same day.

IX. The organization conducting any agricultural society shall not charge any charitable organization greater ground rent, concession or other fees for a location for conducting games of beano than is charged for the same or similar locations for other types of concessions on the fair grounds.

Sec. 31. Fees. No license issued shall be granted until a license fee of \$10 has been paid therefor to the selectmen or chief of police to whom application for license is made, except that no fee shall be required when the play is purely for amusement purposes where no charge is made nor any consideration is required nor taken as a prerequisite to play.

Sec. 32. Expiration of license. A license granted shall be effective only for the current month for which it is issued. A new application shall be made for each license required.

Sec. 33. Remittance of fees received. The fee received by the selectmen of a town or chief of police of a city shall be paid over to the town or city treasurer for the use of the town or city.

Sec. 34. Application of sections 29 to 38. The provisions of the laws relating to lotteries and to gambling contracts shall not apply to games of beano conducted under a license provided by sections 29 to 38.

**Sec. 35. Local option.** The provisions of sections 29 to 38 shall not become operative in any city or town until the same are adopted by a majority of the legal voters present and voting on the question at an annual or biennial city election in cities or at an annual meeting in towns. In cities, upon petition therefor, by 3% of the legal voters as appear on the checklists at the preceding election, addressed to the city council or board of mayor and aldermen, and in towns upon written application therefor of 10 or more voters, or 1/6 of the voters, addressed to the selectmen, the following question shall be submitted to the voters at such election: "Shall the provisions of chapter 139 of the Revised Statutes relative to playing games of beano be adopted in this city or town?" In cities and in towns having an official ballot, this question shall appear upon the official ballot. In towns where no official ballot is used the vote on the question shall be by special ballot. Proper provision shall be made on such ballot to permit the voter clearly to indicate his choice on the question.

**Sec. 36. Revocation.** A city or town that has adopted the provisions of sections 29 to 38 may rescind such action in the same manner as provided for its adoption. The question "Shall the provisions of chapter 139 of the Revised Statutes relative to playing games of beano be declared no longer in effect in this city or town?" shall be printed on each ballot with proper provisions for the voter clearly to indicate his choice.

**Sec. 37. Time of operation.** Section 36 shall not become operative in any city or town which has heretofore adopted the provisions of sections 29 to 38 until the next city election in cities and the next annual meeting in towns.

**Sec. 38. Prohibition; penalty.** No person shall conduct games of beano unless licensed to do so under sections 29 to 38. Any person who shall violate any of the provisions of sections 29 to 38 shall be punished by a fine of not more than \$500 and each day's play shall constitute a separate offense.'

**Sec. 2. R. S., c. 139, §§ 21-27, repealed.** Sections 21 to 27 of chapter 139 of the Revised Statutes, as amended, are repealed.