

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature
1ST SPECIAL SESSION
JANUARY 2, 1974 TO MARCH 29, 1974
AND BY THE
One Hundred and Seventh Legislature
REGULAR SESSION
JANUARY 1, 1975 TO JULY 2, 1975

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ACCORDANCE WITH THE REVISED STATUTES OF 1964, TITLE 3,
SECTION 164, SUBSECTION 6.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1975

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature

1975

CHAPTER 424

AN ACT to Allow Certain Nonprofit, Volunteer and Educational Organizations to Operate a Raffle without a License from the Maine State Police.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, certain nonprofit, volunteer and educational organizations operate games of chance most frequently in summer months; and

Whereas, the licensing for such activities, unless exempt, will be required under the following legislation at mid-season unless passed as an emergency; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 17 MRSA § 331, as enacted by PL 1973, c. 735, § 3, is repealed and the following enacted in place thereof:

§ 331. Game of chance

1. **License required.** No person, firm, corporation, association or organization shall hold, conduct or operate a game of chance within the State unless a license therefor is obtained from the Chief of the State Police.

2. **Exceptions.** However, no license to conduct or operate a raffle as defined in section 330, subsection 3, shall be required of any of the following:

A. **Nonprofit organizations.** Any bona fide, nonprofit organization which is either charitable, educational, political, civic, recreational, fraternal, patriotic or religious or any auxiliary thereof;

B. **Volunteer public safety organizations.** Any volunteer police force or fire department or ambulance corps;

C. **Classes or organizations in educational institutions.** Any class or organization of an elementary, secondary or post-secondary educational institution operated or accredited by the State of Maine.

Any exempt organization, department or class or combination thereof listed in paragraphs A, B or C may sponsor, operate and conduct a raffle without a license only for the exclusive benefit of that organization, department or class or combination thereof and that raffle shall be conducted only by duly authorized members of the sponsoring organization, department or class or combination thereof.

3. Door prizes. Distribution of tickets to any event upon which appear details concerning any prize to be given away as a result of a drawing is to be considered a game of chance within the meaning of this chapter, except that such distribution of tickets containing only the words "Door Prize," without further description, shall be excluded from the provisions of this chapter, provided that no promotional materials or presentations, written or oral, shall further describe the door prize.

4. "Donation" not to provide an exclusion. The word "Donation" printed on a ticket shall in no way exclude the sponsoring organization from complying with this chapter.

5. Single purpose professional or trade organizations. Single purpose professional or trade organizations are not exempt under this subsection.

Sec. 2. 17 MRSA § 335, as enacted by PL 1973, c. 735, § 3, is repealed and the following enacted in place thereof:

§ 335. Proceeds

Proceeds of any games of chance shall not be used to provide salaries, wages or other remuneration to members, officers or employees of any organization authorized to conduct games of chance under this Title.

Sec. 3. 17 MRSA § 336, as enacted by PL 1973, c. 735, § 3, is repealed and the following enacted in place thereof:

§ 336. Records

The treasurer of any organization conducting a game of chance, or other officer designated by him, shall keep a record of all financial transactions involving such games of chance. Such record shall include an exact account of all income from such games of chance, a list of all expenses including, but not limited to, the cost of prizes, printing, licenses and administration, and shall include an exact account of the disposition of all other proceeds from such games of chance including, but not limited to, all gifts, grants and payments to any person, firm, corporation, association or organization for any purpose whatsoever.

All records of financial transactions involving such games of chance shall be separate and distinguishable from all other financial records of such organization. Income from more than one game of chance may be entered into one account.

Sec. 4. 17 MRSA § 337, 3rd ¶, as enacted by PL 1973, c. 735, § 3, is repealed and the following enacted in place thereof:

No distributor shall sell, market or otherwise distribute raffle tickets, gambling apparatus or implements to any person or organization, except to such persons or organizations licensed to operate or conduct games of chance under the provisions of section 332, or, with respect to raffle tickets, to those organizations, departments or classes listed under section 331, subsection 2.

Sec. 5. 17 MRSA § 1815, as enacted by PL 1973, c. 735, § 5, is amended to read:

§ 1815. Exemptions; gambling

Any person, firm, corporation, association or organization licensed by the Chief of the State Police as provided in chapter 14 or authorized to conduct a raffle without a license as provided in section 331, subsection 2, shall be exempt from the application of the provisions of this chapter insofar as the possession of raffle tickets, gambling apparatus and implements of gambling which are permitted within the scope of said license or licenses issued, and all persons shall be exempt from the provisions of this chapter insofar as gambling or possession of raffle tickets is concerned, if the gambling and possession is in connection with a game of chance licensed as provided in chapter 14 or a raffle conducted without a license as authorized by section 331, subsection 2.

Sec. 6. 17 MRSA § 2306, as enacted by PL 1973, c. 735, § 6, is amended to read:

§ 2306. Exemptions; lotteries

Any person, firm, corporation, association or organization licensed by the Chief of the State Police as provided in chapter 14 or authorized to conduct a raffle without a license as provided in section 331, subsection 2, shall be exempt from the application of the provisions of this chapter insofar as the possession of raffle tickets, gambling apparatus and implements of gambling which are permitted within the scope of said license or licenses issued, and all persons shall be exempt from the provisions of this chapter insofar as gambling or possession of raffle tickets is concerned, if the gambling and possession is in connection with a game of chance licensed as provided in chapter 14 or a raffle conducted without a license as authorized by section 331, subsection 2.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 9, 1975

CHAPTER 425

AN ACT Relating to the Maine Law Enforcement Planning and Assistance Agency.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Maine Law Enforcement Planning and Assistance Agency is receiving substantial sums of money from the Federal Government for the planning and improvement of criminal justice in Maine; and

Whereas, the Maine laws relating to disbursement of Federal Funds by the Maine Law Enforcement Planning and Assistance Agency must be amended to reflect changes which have occurred in the Federal Laws; and