

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**THIRD SPECIAL SESSION**

October 1, 1992 to October 6, 1992

**FOURTH SPECIAL SESSION**

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

**FIRST REGULAR SESSION**

December 2, 1992 to July 14, 1993

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FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1993

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**1993**

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**CHAPTER 44**

S.P. 46 - L.D. 68

**An Act to Prohibit Greyhound Racing in Maine****Be it enacted by the People of the State of Maine as follows:****Sec. 1. 8 MRSA c. 12** is enacted to read:**CHAPTER 12****GREYHOUND RACING****§301. Prohibition**

A person may not hold, conduct or operate greyhound racing for public exhibition. A person may not transmit or receive interstate simulcasting of greyhound racing for commercial purposes.

**§302. Penalty**

A person who violates this chapter is subject to a civil penalty of not less than \$7,500 payable to the State.

See title page for effective date.

**CHAPTER 45**

H.P. 128 - L.D. 169

**An Act to Amend the Laws Concerning Beano and Games of Chance****Be it enacted by the People of the State of Maine as follows:****Sec. 1. 17 MRSA §314, first ¶**, as amended by PL 1991, c. 87, §1, is further amended to read:

The Chief of the State Police may issue licenses to operate "~~Beano~~" beano or "~~Bingo~~" bingo games on a monthly basis to any volunteer fire department or any agricultural fair association or bona fide nonprofit charitable, educational, political, civic, recreational, fraternal, patriotic, religious or veterans' organization that was in existence at least 2 years prior to its application for a license, when sponsored, operated and conducted for the exclusive benefit of ~~such~~ that organization by duly authorized members thereof. The Chief of the State Police may also issue a license to any auxiliary associated with an organization, department or association qualified for a license under this section if the auxiliary has been in existence at least 2 years before applying for a license and the games are sponsored, operated and conducted for the exclusive benefit of the auxiliary by duly authorized members of the auxiliary. Proceeds from any game

conducted by the auxiliary or the auxiliary's parent organization may not be used to provide salaries, wages or other remuneration to members, officers or employees of the auxiliary or its parent organization, except as provided in sections 326 and 335. The 2 years' limitation does not apply to any chartered posts of veterans' organizations, nationally established, or auxiliaries of those posts, even though the posts have not been in existence for 2 years prior to their application for a license nor does the 2 years' limitation apply to any volunteer fire department or rescue unit or auxiliary of that department or unit. A license may be issued to an agricultural fair association when sponsored, operated and conducted for the benefit of such agricultural fair association.

**Sec. 2. 17 MRSA §326, sub-§1**, as repealed and replaced by PL 1991, c. 590, is repealed.**Sec. 3. 17 MRSA §326, sub-§§1-A and 1-B** are enacted to read:

**1-A. Payment of proceeds.** An organization licensed to operate beano or bingo and Lucky 7 games in conjunction with beano or bingo may use the proceeds or part of the proceeds to:

A. Pay salaries, wages or remuneration to any person directly involved in operating beano, bingo or Lucky 7 games;

B. Defray the expenses or part of the expenses that further the purpose for which the organization is formed except that proceeds may not be:

(1) Used to purchase alcohol or to defray the cost of activities where alcohol is served;  
or

(2) Paid directly to organization members except as specifically allowed in this subsection; and

C. Defray the expenses or part of the expenses of a member, auxiliary member, officer or employee of the organization for a serious illness, injury or casualty loss if the licensee makes an application and the application is approved by the licensing division within the Bureau of State Police.

(1) An application must be made in the form and contain the information the licensing division requires.

(a) In the case of serious illness or injury, the licensing division may require certification by a licensed physician setting out the facts in support of the application.

(b) In the case of a casualty loss, the licensing division may require state-

ments or reports from a law enforcement agency, rescue or other emergency services personnel or an insurance agency to support the application.

(c) The licensing division may deny an application if it appears that the person who would receive the proceeds has adequate means of financial support, including, but not limited to, insurance or workers' compensation benefits.

**1-B. Filing.** An organization that chooses to use the proceeds or part of the proceeds as allowed by subsection 1-A must file with the Chief of the State Police, at least quarterly, a form for the disposition of funds prescribed by the Chief of the State Police detailing all payments made. Every statement on the form must be made under oath by an officer of the organization.

**Sec. 4. 17 MRSA §326, sub-§2,** as repealed and replaced by PL 1991, c. 590, is amended to read:

**2. Rules.** The rules adopted pursuant to section 317 must contain standards governing payments made under this section. Payments under subsection 1-A, paragraph A may not exceed 20% of the revenue generated by the games and the rules must limit payments to reasonable compensation, taking into account the nature of the services rendered, comparable wage rates, the size of the organization and other revenues, the size of the games and the revenue generated by the games. ~~Payments under this section may not exceed 20% of the revenue generated by the games.~~ The Chief of the State Police may disallow any excessive payment of proceeds, may suspend an organization's license for excessive payment of proceeds and may condition the restoration of an organization's license on the repayment of an excessive payment of proceeds to by the organization.

**Sec. 5. 17 MRSA §335, sub-§1,** as enacted by PL 1989, c. 825, §3, is amended to read:

**1. Prohibition.** Proceeds of any games of chance may 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 chapter, except that an organization licensed to operate beano or bingo and Lucky 7 games in conjunction with beano or bingo may use the proceeds or part of the proceeds to pay salaries, wages or remuneration to any person directly involved in operating the beano, bingo or Lucky 7 games. Payments to persons directly involved in operating beano, bingo or Lucky 7 games may not exceed 20% of the revenue generated by the games.

**Sec. 6. 17 MRSA §335, sub-§2,** as enacted by PL 1989, c. 825, §3, is repealed.

**Sec. 7. 17 MRSA §335, sub-§2-A** is enacted to read:

**2-A. Exceptions.** Notwithstanding subsection 1, a licensee may pay or use the proceeds of a game of chance to:

A. Defray the expenses or part of the expenses that further the purpose for which the organization is formed, except that the proceeds may not be:

(1) Used to purchase alcohol or to defray the cost of activities where alcohol is served; or

(2) Paid directly to organization members except as specifically allowed in this section; and

B. Defray the expenses or part of the expenses of a member, auxiliary member, officer or employee of the organization for a serious illness, injury or casualty loss if the licensee makes an application pursuant to this section and the application is approved by the licensing division within the Bureau of State Police.

(1) An application must be made in the form and contain the information the licensing division requires.

(a) In the case of serious illness or injury, the licensing division may require certification by a licensed physician in support of the application.

(b) In the case of a casualty loss, the licensing division may require statements or reports from a law enforcement agency, rescue or other emergency services personnel or an insurance agency to support the application.

(c) The licensing division may deny an application if it appears that the person who would receive the proceeds has adequate means of financial support, including, but not limited to, insurance or workers' compensation benefits.

See title page for effective date.

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## CHAPTER 46

S.P. 94 - L.D. 248

**An Act to Clarify the Procedures by Which Fees Are Collected under the Petroleum Market Share Act**