

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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

J.S. McCarthy Company
Augusta, Maine
1999

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

Effective April 16, 1999.

CHAPTER 74

H.P. 57 - L.D. 71

An Act Regarding Commercial Beano Halls

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

Sec. 1. 17 MRSA §311, sub-§§1-A and 7-A are enacted to read:

1-A. Commercial beano hall permit. "Commercial beano hall permit" means written authority from the Chief of the State Police issued to a permittee who rents or leases premises for profit to a licensee to hold, conduct or operate "beano."

7-A. Permittee. "Permittee" means an individual, corporation, partnership or unincorporated association that rents or leases a building or facilities for profit to a licensee to hold, conduct or operate "beano."

Sec. 2. 17 MRSA §317, first ¶, as amended by PL 1997, c. 684, §2, is further amended to read:

The Chief of the State Police has the power to adopt rules, not inconsistent with law, ~~which that~~ are necessary for the administration and enforcement of this chapter and for the licensing, conduct and operation of the amusement commonly known as "Beano" or "Bingo-" and for the permitting and operation of commercial beano halls. The Chief of the State Police has the power and authority to regulate, supervise and exercise general control over the operation of such amusement and commercial beano halls, including, but not limited to, the payment of prizes and the use of equipment. Any rule adopted by the Chief of the State Police concerning the value of prizes that may be awarded must include a provision that no single prize may exceed \$400 in value and that no more than \$1,400 in total prizes may be awarded on any one occasion. In establishing such rules, which are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A, the Chief of the State Police must, in addition to the standards set forth in other provisions of this chapter, use the following standards setting forth conduct, conditions and activity considered undesirable:

Sec. 3. 17 MRSA §317-A, as enacted by PL 1997, c. 684, §3, is amended to read:

§317-A. Investigations; suspension and revocation

1. Chief of the State Police. The Chief of the State Police may:

A. Investigate all aspects of this chapter including the direct and indirect ownership or control of any licenses or commercial beano hall permits;

B. Suspend or revoke a license, after notice of the opportunity for a hearing, if the licensee or the licensee's agent or employee violates a provision of this chapter or Title 17-A, chapter 39; ~~and~~

C. Immediately suspend or revoke a license if there is probable cause to believe that the licensee or the licensee's agent or employee violated a provision of Title 17-A, chapter 39; ~~and~~

D. Suspend or revoke a commercial beano hall permit, after notice of the opportunity for hearing, if a permittee or permittee's employee commits murder or a Class A, B or C crime or violates a provision of this chapter or Title 17-A, chapter 15, 29, 37 or 39; and

E. Immediately suspend or revoke a commercial beano hall permit if there is probable cause to believe that the permittee or the permittee's employee committed murder or a Class A, B or C crime or violated a provision of Title 17-A, chapter 15, 29, 37 or 39.

2. Suspension or revocation after notice and opportunity for hearing. The Chief of the State Police must notify the licensee or permittee in writing, before a license or permit is suspended or revoked and after notice of the opportunity for a hearing, pursuant to subsection 1, paragraph B or D, of the intended commencement date of the suspension or revocation, which may not be made any sooner than 96 hours after the licensee's or permittee's receipt of the notice, of the duration of the suspension or revocation and of the right to a hearing pursuant to this subsection. The licensee or permittee has the right to request a hearing before the Commissioner of Public Safety or the commissioner's designee. Upon the licensee's or permittee's request for a hearing, the Commissioner of Public Safety shall provide a hearing. The hearing must comply with the Maine Administrative Procedure Act. The purpose of the hearing is to determine whether a preponderance of the evidence establishes that the licensee or the licensee's agent or employee violated a provision of this chapter or Title 17-A, chapter 39 or the permittee or the permittee's employee committed murder or a Class A, B or C crime or violated a provision of this chapter or Title 17-A, chapter 15, 29, 37 or 39. A request for a hearing may not be made any later than 10 days after the licensee

or permittee is notified of the proposed suspension or revocation. The suspension or revocation action must be stayed pending the hearing; the hearing may not be held any later than 30 days after the date the commissioner receives the request.

3. Immediate suspension or revocation. A licensee whose license or permittee whose permit is immediately suspended or revoked by the Chief of the State Police pursuant to subsection 1, paragraph C or E must be notified in writing of the duration of the suspension or revocation and the licensee's or the permittee's right to request a hearing before the Commissioner of Public Safety or the commissioner's designee. Upon the licensee's or permittee's request for a hearing, the Commissioner of Public Safety shall provide a hearing. The hearing must comply with the Maine Administrative Procedure Act. The purpose of the hearing is to determine whether a preponderance of the evidence establishes that the licensee or the licensee's agent or employee violated a provision of Title 17-A, chapter 39 or the permittee or the permittee's employee committed murder or a Class A, B or C crime or violated a provision of Title 17-A, chapter 15, 29, 37 or 39. A request for a hearing may not be made any later than 48 hours after the licensee or permittee is notified of the suspension or revocation. A hearing may not be held any later than 10 days after the date the commissioner receives the request.

Sec. 4. 17 MRSA §322, as enacted by PL 1975, c. 307, §2, is amended to read:

§322. Reports

The Chief of the State Police shall require from any organization licensed to operate "Beano" or "Bingo" and any individual, corporation, partnership or unincorporated association that has a permit to operate a commercial beano hall whatever reports ~~he deems~~ the chief determines necessary for the purpose of the administration and enforcement of this chapter.

Sec. 5. 17 MRSA §323, as amended by PL 1997, c. 728, §7, is further amended to read:

§323. Access to premises

~~Any~~ An organization making application to the Chief of the State Police to conduct or operate "Beano" or "Bingo," ~~or any an~~ organization licensed under this chapter to operate "Beano" or "Bingo," a commercial beano hall permit applicant or a commercial beano hall permittee shall permit inspection of any equipment, prizes, records or items and materials used or to be used in the conduct or operation of "Beano" or "Bingo" by the Chief of the State Police or the chief's authorized representative.

The licensee or permittee shall permit at any time an inspector from the Department of Public Safety or the city or town fire inspectors of the municipality in which "Beano" is being conducted to enter and inspect the ~~licensed~~ premises.

Sec. 6. 17 MRSA §325, as enacted by PL 1975, c. 307, §2, is amended by adding at the end a new paragraph to read:

An individual, corporation, partnership or unincorporated association that rents or leases a building or facilities to hold, conduct or operate "Beano" or "Bingo" without a commercial beano hall permit issued by the Chief of the State Police or who violates any of the provisions of this chapter or any rules adopted by the Chief of the State Police pursuant to this chapter is guilty of a Class E crime.

Sec. 7. 17 MRSA §328 is enacted to read:

§328. Commercial beano hall

1. Permit required. An individual, corporation, partnership or unincorporated association may not rent or lease space for profit to a licensee to hold, conduct or operate "Beano" or "Bingo" unless a commercial beano hall permit is obtained from the Chief of the State Police.

2. Application. An individual, corporation, partnership or unincorporated association desiring to rent or lease space for profit for the purpose given in subsection 1 shall apply to the Chief of the State Police for a commercial beano hall permit. The application must be on forms provided by the Chief of the State Police, must contain the full name and address of the individual or entity seeking to be permitted and the location of the building or facility to be rented or leased. An applicant who is an individual shall list the individual's name and address. An applicant that is a corporation, partnership or unincorporated association shall also list the names and addresses of any owners with a 10% or greater interest in the corporation, partnership or unincorporated association seeking the permit.

A. The applicant shall submit 2 fingerprint cards bearing the legible rolled and flat impression of the fingerprints of the owner, if the owner is an individual, of any owner who owns or controls a 50% or greater interest in the corporation, partnership or the unincorporated association, and, of the manager, if the manager is not the owner as previously described, prepared by a state or local public law enforcement agency to be forwarded to the State Bureau of Identification for the purpose of conducting state and national criminal history record checks.

3. Renewal; change of ownership or manager.

A permittee seeking to renew a permit shall submit an application, but is not required to submit additional fingerprint cards. The permittee is required to notify the Chief of the State Police of any change in ownership or management of the commercial beano hall. The Chief of the State Police may require additional information or fingerprint submission subsequent to a change in ownership or management.

4. Use of criminal history record.

The Chief of the State Police may use state and federal criminal history record information for the purpose of screening applicants. The Chief of the State Police may refuse to issue or renew a permit for an individual, corporation, partnership or unincorporated association if an owner or manager has been found guilty of murder or a Class A, B or C crime or a violation of this chapter or Title 17-A, chapter 15, 29, 37 or 39 or a similar law in another state or jurisdiction, unless that conduct is not punishable as a crime under the laws of that state or other jurisdiction in which it occurred.

5. Duration of permit and fee.

The Chief of the State Police may issue a commercial beano hall permit for a calendar year for a fee of \$500.

6. Membership in licensee organization.

The permittee or the permittee's employee may not be a member of a licensee organization renting or leasing the commercial beano hall.

7. Rent or lease amount.

The permittee shall charge a licensee fair market value and may not charge based on the percentage of profit which the licensee makes for the rent or lease of a commercial beano hall.

8. Exception.

The requirements of this section do not apply to an agricultural fair association that qualifies for a license and operates beano or bingo games pursuant to section 314.

Sec. 8. Allocation.

The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	1999-00	2000-01
PUBLIC SAFETY, DEPARTMENT OF		
Licensing and Enforcement - Public Safety		
All Other	\$3,392	\$3,392
Allocates funds to cover the costs of administering		

the commercial beano hall
permitting process.

See title page for effective date.

CHAPTER 75

S.P. 508 - L.D. 1509

**An Act to Amend and Improve the
Education Laws**

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

Sec. 1. 20-A MRSA §1, sub-§§17 and 18, as enacted by PL 1981, c. 693, §§5 and 8, are amended to read:

17. Major capital costs. "Major capital costs" is defined in section ~~15503~~ 15603, subsection ~~43~~ 17.

18. Minor capital costs. "Minor capital costs" is defined in section ~~15503~~ 15603, subsection ~~44~~ 18.

Sec. 2. 20-A MRSA §1351, sub-§1, ¶K, as enacted by PL 1983, c. 422, §8, is amended to read:

K. To borrow funds for minor capital costs as defined in section ~~15503~~ 15603, subsection ~~44~~ 18.

Sec. 3. 20-A MRSA §1407, sub-§2, as amended by PL 1997, c. 266, §3, is further amended to read:

2. Expense of keeping the school open. If the voters vote to keep the school open, the member municipality is liable for some additional expense for actual local operating costs and transportation costs as defined in section 15603. The determination of costs is subject to the approval of the commissioner. The cost to be borne by the town voting to keep an elementary school open is the amount that would be saved if the school were closed ~~less the state operating subsidy for the students that attend the elementary school.~~ Any additional costs that must be borne by the member municipality must be part of the article presented to the voters at the meeting to determine whether the school should remain open.

Sec. 4. 20-A MRSA §5809, as amended by PL 1991, c. 716, §§6 and 7, is further amended to read:

**§5809. Students enrolled in applied technology
educational programs**

Schools receiving tuition students who are enrolled in regular school day applied technology educational programs at applied technology centers,