

STATE OF MAINE

LAWS

And

RULES

RELATING TO

BEANO OR BINGO

And

GAMES OF CHANCE

ISSUED BY THE

GAMBLING CONTROL UNIT

AUGUSTA, MAINE

October 2018

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THIS PAMPHLET
ISSUED FROM THE OFFICE OF
THE
GAMBLING CONTROL UNIT
DIRECTOR MILTON CHAMPION

STATE HOUSE STATION #87
AUGUSTA, MAINE 04333-0087

**ALL REGISTRANTS / LICENSEES ARE URGED TO CONSULT THE GAMBLING CONTROL UNIT
ON ANY QUESTION INVOLVING THE OPERATION OF THEIR REGISTERED / LICENSED
BEANO OR BINGO AND GAMES OF CHANCE. HOWEVER, THE GAMBLING CONTROL UNIT
CANNOT OFFER LEGAL ADVICE. IF YOU NEED LEGAL ASSISTANCE, PLEASE CONTACT A
QUALIFIED PRIVATE ATTORNEY.**

626-3900

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BEANO OR BINGO**

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Maine Revised Statutes
Title 17: CRIMES
Chapter 13-A: BEANO OR BINGO

§311. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following words have the following meanings.
[2017, c. 284, Pt. JJJJJ, §1 (AMD).]

1. Beano. "Beano" means a specific kind of group game of chance, regardless of whether such a game is characterized by another name. Wherever the term "beano" is used, the word "bingo" or any other word used to characterize such a game may be interchanged. In "beano," each participant is given or sold one or more tally cards, so-called, each of which contains preprinted numbers or letters and may or may not be arranged in vertical or horizontal rows. The participant covers or marks the numbers or letters as objects similarly numbered or lettered are drawn from a receptacle and the winner or winners are determined by the sequence in which those objects are drawn. The manner in which the winner is determined must be clearly announced or displayed before any game is begun. For the purposes of this chapter, to hold, conduct or operate beano includes charging a fee or offering something of value to play in exchange for the opportunity to receive something of value for winning a game.

[2017, c. 284, Pt. JJJJJ, §1 (AMD) .]

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

[2017, c. 284, Pt. JJJJJ, §1 (AMD) .]

1-B. Chief of State Police.

[2017, c. 284, Pt. JJJJJ, §1 (RP) .]

2. Equipment. "Equipment" means the receptacle and numbered objects to be drawn from it; the master board upon which such objects are placed as drawn; the tally cards or sheets bearing such numbers to be covered and the objects used to cover them; the boards or signs, however operated, used to display the numbers as they are drawn; public address systems; and any other articles essential to the operation, conduct and playing of "Beano."

[2017, c. 284, Pt. JJJJJ, §1 (AMD) .]

2-A. Director. "Director" means the Executive Director of the Gambling Control Board and the Gambling Control Unit.

[2017, c. 284, Pt. JJJJJ, §1 (NEW) .]

2-B. Gambling Control Unit. "Gambling Control Unit" or "unit" means the bureau within the Department of Public Safety under Title 25, section 2902, subsection 12 or an authorized representative of the Gambling Control Unit.

[2017, c. 284, Pt. JJJJJ, §1 (NEW) .]

3. License. "License" means written authority from the Gambling Control Unit to hold, conduct or operate "Beano".

[2017, c. 284, Pt. JJJJJ, §1 (AMD) .]

4. Licensee. "Licensee" means any organization, including a federally recognized Indian tribe in the State, that has been granted a license by the Gambling Control Unit to hold, conduct or operate "Beano" or "Bingo."

[2017, c. 284, Pt. JJJJJ, §1 (AMD) .]

5. Location permit. "Location permit" means that card issued by the Gambling Control Unit, describing the premises or area in which "Beano" may be conducted. Such location permit must be accompanied by a license. Only such locations expressly described in the location permit are used for the conduct of any game.

[2017, c. 284, Pt. JJJJJ, §1 (AMD) .]

6. Organization. "Organization" means any firm, association or corporation authorized to conduct "Beano" in accordance with this chapter.

[2017, c. 284, Pt. JJJJJ, §1 (AMD) .]

7. Period. "Period" means the number of calendar weeks authorized by a single license for the operation of "Beano" or "Bingo."

[2017, c. 284, Pt. JJJJJ, §1 (AMD) .]

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."

[1999, c. 74, §1 (NEW) .]

7-B. Wild number beano.

[2017, c. 284, Pt. JJJJJ, §1 (RP) .]

8. Winner-take-all round.

[2017, c. 284, Pt. JJJJJ, §1 (RP) .]

9. Registrant. "Registrant" means a person or organization registered with the Gambling Control Unit to hold, conduct or operate beano games for which a license is not required.

[2017, c. 284, Pt. JJJJJ, §1 (NEW) .]

SECTION HISTORY

1975, c. 307, §2 (NEW). 1979, c. 272, (AMD). 1987, c. 197, §1 (AMD). 1991, c. 426, §1 (AMD). 1991, c. 796, §2 (AMD). 1999, c. 74, §1 (AMD). 1999, c. 419, §1 (AMD). 2001, c. 342, §1 (AMD). 2017, c. 284, Pt. JJJJJ, §1 (AMD).

§312. LICENSE REQUIRED; RESTRICTED HOURS

1. License or registration required; restricted hours. A person, firm, association or corporation may not hold, conduct or operate "beano" within the State unless that person, firm, association or corporation has submitted a registration that was subsequently accepted by the Gambling Control Unit. A person may not conduct high-stakes beano under section 314-A without a license issued by the Gambling Control Unit. A registration or license to conduct beano under this chapter may not be assigned or transferred.

[2017, c. 284, Pt. JJJJJ, §2 (AMD) .]

2. Aiding and abetting. A person, firm, association or corporation may not aid or abet in violation of subsection 1.

[2003, c. 452, Pt. I, §2 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

3. Restricted hours.

[2017, c. 284, Pt. JJJJJ, §3 (RP) .]

4. Penalty. A person who violates this section commits a civil violation for which a fine of not more than \$1,000 may be adjudged.

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[2003, c. 452, Pt. I, §2 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

5. Application. This chapter may not be construed to apply to any other amusement or game.

[2003, c. 452, Pt. I, §2 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

SECTION HISTORY

1975, c. 307, §2 (NEW). 1985, c. 449, §1 (AMD). 1991, c. 426, §2 (AMD). 2003, c. 452, §X2 (AFF). 2003, c. 452, §I2 (RPR). 2017, c. 284, Pt. JJJJJ, §§2, 3 (AMD).

§313. REGISTRATION

Except for high-stakes beano under section 314-A, and except as provided in section 313-D, a person or organization that wishes to conduct beano shall register with the Gambling Control Unit pursuant to the provisions set forth in this section. The registration must be as determined by the director. A registration must be signed by the person or a duly authorized officer of the organization to be registered, must contain the full name and address of the person or organization and the location where it will conduct beano and must bear the consent of the municipal officers of the town or city in which it is proposed to operate beano. [2017, c. 284, Pt. JJJJJ, §4 (AMD).]

SECTION HISTORY

1975, c. 307, §2 (NEW). 2017, c. 284, Pt. JJJJJ, §4 (AMD).

§313-A. EXEMPTION FOR ELDERLY

(REPEALED)

SECTION HISTORY

1981, c. 166, (NEW). 1989, c. 825, §1 (AMD). 2017, c. 284, Pt. JJJJJ, §5 (RP).

§313-B. EXEMPTION FOR CAMPGROUNDS

(REPEALED)

Notwithstanding section 312, subsection 1, a campground licensed under Title 22, section 2492 or a campground operated by the State or the Federal Government may conduct beano without a license as long as the following criteria are met. [2017, c. 284, Pt. JJJJJ, §6 (RP).]

SECTION HISTORY

2017, c. 47, §1 (NEW). 2017, c. 284, Pt. JJJJJ, §6 (RP).

§313-C. ORGANIZATIONS ELIGIBLE FOR REGISTRATION; FEES

1. Registration eligibility. The Gambling Control Unit may accept registrations from the following organizations to conduct beano to be conducted by duly authorized members for the exclusive benefit of the organization:

A. A volunteer fire department; [2017, c. 284, Pt. JJJJJ, §7 (NEW) .]

B. An agricultural fair association; [2017, c. 284, Pt. JJJJJ, §7 (NEW) .]

C. A bona fide nonprofit, charitable, educational, political, civic, recreational, fraternal, patriotic, religious or veterans organization that has been in existence and founded, chartered or organized in the State for at least 2 years prior to its registration; and [2017, c. 284, Pt. JJJJJ, §7 (NEW) .]

D. An auxiliary organization associated with an organization, department or association described in this subsection that has been in existence for at least 2 years prior to submitting a registration to conduct beano to the Gambling Control Unit. [2017, c. 284, Pt. JJJJJ, §7 (NEW) .]

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The Gambling Control Unit may accept a registration submitted by an organization described in paragraph C that has been in existence for less than 2 years in the State if the organization has a charter from a national organization.

[2017, c. 284, Pt. JJJJJ, §7 (NEW) .]

2. Fees. Registration fees to conduct beano are as follows.

A. For up to a calendar week, the fee is \$12. [2017, c. 284, Pt. JJJJJ, §7 (NEW) .]

B. For up to a calendar month, the fee is \$36. [2017, c. 284, Pt. JJJJJ, §7 (NEW) .]

C. For up to a calendar year, the fee is \$400. [2017, c. 284, Pt. JJJJJ, §7 (NEW) .]

D. The fee for a single game is \$5. An organization is limited to 6 single-game registrations in a calendar year. [2017, c. 284, Pt. JJJJJ, §7 (NEW) .]

Registration fees required by this subsection must accompany a registration submitted to the Gambling Control Unit and must be credited to the General Fund.

[2017, c. 284, Pt. JJJJJ, §7 (NEW) .]

SECTION HISTORY

2017, c. 284, Pt. JJJJJ, §7 (NEW) .

§313-D. REGISTRATION EXCEPTIONS

Notwithstanding section 312, subsection 1 and section 313-E, and subject to the conditions set out in this section, the following organizations may conduct beano without a license or without registering with the Gambling Control Unit. [2017, c. 284, Pt. JJJJJ, §7 (NEW) .]

1. Senior organizations. Clubs, groups or organizations composed of individuals at least 90% of whom are 62 years of age or older when beano is conducted for their own entertainment and not for profit.

[2017, c. 284, Pt. JJJJJ, §7 (NEW) .]

2. Campgrounds. A campground licensed under Title 22, section 2492 or a campground operated by the State Government or the Federal Government when:

A. Beano is offered exclusively to campground patrons and guests of campground patrons; [2017, c. 284, Pt. JJJJJ, §7 (NEW) .]

B. A prize awarded to a winner of a beano game does not exceed a value of \$25 for any one game; and [2017, c. 284, Pt. JJJJJ, §7 (NEW) .]

C. Proceeds from fees charged to campground patrons and their guests to participate in a beano game are used only to pay for prizes awarded to players and to cover the actual costs incurred to operate the games. [2017, c. 284, Pt. JJJJJ, §7 (NEW) .]

[2017, c. 284, Pt. JJJJJ, §7 (NEW) .]

3. Resort hotels. A bona fide resort hotel, which includes a full-service hotel facility and offers leisure and recreational activities to its patrons, such as tennis, golf or horseback riding, when:

A. Beano is offered exclusively to resort hotel patrons and their guests; [2017, c. 284, Pt. JJJJJ, §7 (NEW) .]

B. A prize awarded to a winner of a beano game does not exceed a value of \$25 for any one game; and [2017, c. 284, Pt. JJJJJ, §7 (NEW) .]

C. Proceeds from fees charged to resort hotel patrons and their guests to participate in a beano game are used only to pay for prizes awarded to players and to cover the actual costs incurred to operate the games. [2017, c. 284, Pt. JJJJJ, §7 (NEW) .]

[2017, c. 284, Pt. JJJJJ, §7 (NEW) .]

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4. Schools. A school for children in kindergarten to grade 8 when:

A. Games are offered exclusively to students and faculty of the school and their families; [2017, c. 284, Pt. JJJJJ, §7 (NEW).]

B. A prize awarded to a winner of a beano game does not exceed a value of \$25 for any one game; and [2017, c. 284, Pt. JJJJJ, §7 (NEW).]

C. Proceeds from fees charged to participate in a beano game are used only to pay for prizes awarded to players, to support a parent-teacher organization associated with the school and to cover the actual costs incurred to operate the games. [2017, c. 284, Pt. JJJJJ, §7 (NEW).]

[2017, c. 284, Pt. JJJJJ, §7 (NEW) .]

Notwithstanding section 319, persons under the age of 16 may take part in a game of beano conducted under subsection 2, 3 or 4. [2017, c. 284, Pt. JJJJJ, §7 (NEW).]

SECTION HISTORY

2017, c. 284, Pt. JJJJJ, §7 (NEW).

§313-E. PRIZE LIMITS

A single prize awarded for a game of beano may not exceed \$400 in value and the total amount of prizes awarded on any one occasion may not exceed \$1,400 in value except that once per calendar year on one occasion a registrant may award up to \$2,000 in total prizes. This section does not apply to high-stakes beano conducted in accordance with section 314-A. [2017, c. 284, Pt. JJJJJ, §7 (NEW).]

SECTION HISTORY

2017, c. 284, Pt. JJJJJ, §7 (NEW).

§314. ISSUANCE OF LICENSE; FEES

(REPEALED)

All fees required by this chapter shall accompany the application for a license. Fees submitted as license fees shall be refunded if the license is not issued. Fees shall not be refunded for unused licenses or for any license which is suspended or revoked as provided by this chapter. [1975, c. 307, §2 (NEW).]

SECTION HISTORY

1975, c. 307, §2 (NEW). 1977, c. 696, §365 (AMD). 1981, c. 395, (AMD). 1983, c. 610, (AMD). 1987, c. 197, §2 (AMD). 1991, c. 87, §§1,2 (AMD). 1991, c. 528, §H1 (AMD). 1991, c. 528, §RRR (AFF). 1991, c. 591, §H1 (AMD). 1993, c. 45, §1 (AMD). 1995, c. 677, §4 (AMD). 1997, c. 684, §1 (AMD). 1999, c. 63, §1 (AMD). 2009, c. 487, Pt. B, §5 (AMD). 2013, c. 305, §1 (AMD). 2017, c. 284, Pt. JJJJJ, §8 (RP).

§314-A. HIGH-STAKES BEANO

1. Eligible organizations. The Gambling Control Unit may issue a license to operate high-stakes beano or high-stakes bingo to a federally recognized Indian tribe upon receipt of an application submitted in a manner prescribed by the director.

A. The Gambling Control Unit may also issue, to a federally recognized Indian tribe, licenses to sell lucky seven or other similar sealed tickets in accordance with section 324-A. [2017, c. 284, Pt. JJJJJ, §9 (AMD).]

The Gambling Control Unit may not issue more than one license under this section to a federally recognized Indian tribe for the same period.

B. In conjunction with the operation of high-stakes beano, federally recognized Indian tribes holding a license under this section may advertise and offer prizes for attendance with a value of up to \$25,000 under the terms prescribed for raffles in section 1837-A. Any prize awarded under this paragraph may be awarded only on the basis of a ticket of admission to

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the high-stakes beano game and may only be awarded to a person who holds an admission ticket. [2017, c. 284, Pt. KKKKK, §2 (AMD).]

[2017, c. 284, Pt. JJJJJ, §9 (AMD); 2017, c. 284, Pt. KKKKK, §2 (AMD) .]

1-A. Sealed tickets. The Gambling Control Unit may also accept a registration from a federally recognized Indian tribe licensed under this section to sell lucky seven or other similar sealed tickets in accordance with section 324-A. The licensee may operate a dispenser to sell the lucky seven or other similar tickets. As used in this subsection, "dispenser" means a mechanical or electrical device or machine that, upon the insertion of money, credit or something of value, dispenses printed lucky seven or other similar tickets. The element of chance must be provided by the ticket itself, not by the dispenser. The Gambling Control Unit may adopt rules to facilitate the use of dispensers. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[2017, c. 284, Pt. JJJJJ, §10 (AMD) .]

2. Limit on prizes. Notwithstanding section 317, there is no limit on the value of a single prize or total prizes awarded on any one occasion for high-stakes beano games operated under this section.

[1987, c. 197, §§3, 7 (NEW); 1991, c. 426, §8 (AFF) .]

2-A. Attendance prizes. In conjunction with the operation of high-stakes beano, a federally recognized Indian tribe holding a license under this section may advertise and offer prizes for attendance with a value of up to \$25,000 under the terms prescribed for raffles in section 1837-A. A prize awarded under this subsection may be awarded only on the basis of a ticket of admission to the high-stakes beano game and may be awarded only to a person who holds an admission ticket.

[2017, c. 284, Pt. KKKKK, §3 (AMD) .]

3. Twenty-seven weekends per year. An organization licensed under this section may operate high-stakes beano games on 27 weekends per year, whether or not consecutive. For purposes of this section, a weekend consists of Saturday and the immediately following Sunday. A high-stakes beano game licensed under this section and canceled for any reason may be rescheduled at any time, as long as 5 days prior notice of the new date is given to the Gambling Control Unit.

[2017, c. 284, Pt. JJJJJ, §11 (AMD) .]

3-A. Exception. Notwithstanding subsection 3, an organization licensed under this section may operate high-stakes beano or high-stakes bingo games on New Year's Eve and New Year's Day.

[2003, c. 452, Pt. I, §5 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

3-B. Games up to 100 days per year. An organization licensed under this section other than the Penobscot Nation, the Houlton Band of Maliseet Indians and the Aroostook Band of Micmacs may operate high-stakes beano games up to 100 days per year. A high-stakes beano game licensed under this section and canceled for any reason may be rescheduled at any time, as long as 5 days' prior notice of the new date is given to the Gambling Control Unit.

[2017, c. 284, Pt. JJJJJ, §12 (AMD) .]

4. Term of license; fees. A license issued under this section is valid for a period of one year. The annual license fee for a high-stakes beano license is \$5,000. License fees may be paid in advance in quarterly installments. All license fees must be paid to the Treasurer of State to be credited to the General Fund.

[2017, c. 233, §1 (AMD) .]

5. Restrictions; penalty. A licensee may not:

A. Transfer or assign a license issued under this section; [2003, c. 452, Pt. I, §6 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. Operate or conduct a beano game or high-stakes beano game on the same premises on the same date as another licensee; or [2003, c. 452, Pt. I, §6 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

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C. Conduct a game outside the Indian Territory of the licensed organization or for the Houlton Band of Maliseet Indians outside of the parcel of land listed in the Aroostook County Registry of Deeds Book 4302, page 168 except that the Passamaquoddy Tribe may conduct a game in the City of Calais as approved by the municipality. [2011, c. 410, §3 (AMD).]

A licensee who violates this subsection commits a civil violation for which a fine of not more than \$1,000 may be adjudged.

[2011, c. 410, §3 (AMD) .]

6. Applicability of chapter. Except when in direct conflict with this section or as specifically provided, all other provisions of this chapter and rules adopted under this chapter apply to licenses for high-stakes beano issued under this section. Any rule requiring operators calling the numbers to be seated on the same floor level as the players does not apply to high-stakes beano.

[1991, c. 426, §5 (AMD) .]

7. Payment for services. Except as provided in paragraph A, an organization licensed under this section may pay the persons operating the high-stakes beano games for the organization no more than 200% of the minimum wage as established by Title 26, chapter 7, subchapter III. The persons need not be members of an organization licensed under this section.

A. An organization licensed under this section may contract for provision of professional legal, advertising, accounting and auditing services. The persons employed under a contract entered into under this paragraph may receive reasonable professional fees at a rate higher than minimum wage. [1987, c. 197, §§3, 7 (NEW); 1991, c. 426, §8 (AFF).]

[1987, c. 679, §1 (AMD); 1991, c. 426, §§8-10 (AFF) .]

8. Report. A federally recognized Indian tribe licensed to conduct high-stakes beano under this section shall submit a quarterly report on the operation of high-stakes beano to the joint standing committee of the Legislature having jurisdiction over legal affairs. The report must include information on the number of persons playing high-stakes beano during the preceding calendar quarter, the funds collected for high-stakes beano, the total amount awarded in prizes, including prizes for attendance and any other information provided to the Gambling Control Unit regarding the operation of high-stakes beano.

[2017, c. 284, Pt. JJJJJ, §13 (AMD) .]

9. Exception.

[2003, c. 452, Pt. I, §7 (RP); 2003, c. 452, Pt. X, §2 (AFF) .]

SECTION HISTORY

1987, c. 197, §3 (NEW). 1987, c. 197, §7 (RP). 1987, c. 547, §§1,2 (AMD). 1987, c. 679, §1 (AMD). 1989, c. 502, §§B63,B68 (AMD). 1991, c. 426, §§3-6 (AMD). 1991, c. 426, §§8-10 (AFF). 2001, c. 295, §1 (AMD). 2003, c. 452, §§I3-7 (AMD). 2003, c. 452, SX2 (AFF). 2007, c. 109, §1 (AMD). 2009, c. 347, §1 (AMD). 2009, c. 487, Pt. B, §§6, 7 (AMD). 2009, c. 505, §1 (AMD). 2009, c. 534, §1 (AMD). 2011, c. 410, §§1-3 (AMD). RR 2015, c. 1, §10 (COR). 2015, c. 24, §1 (AMD). 2015, c. 24, §2 (AFF). 2017, c. 233, §1 (AMD). 2017, c. 284, Pt. JJJJJ, §§9-13 (AMD). 2017, c. 284, Pt. KKKKK, §§2, 3 (AMD).

§314-B. WINNER-TAKE-ALL BEANO ROUNDS

(REPEALED)

SECTION HISTORY

1987, c. 197, §4 (NEW). 2017, c. 284, Pt. JJJJJ, §14 (RP).

§314-C. WILD NUMBER BEANO

(REPEALED)

SECTION HISTORY

1999, c. 419, §2 (NEW). 2017, c. 284, Pt. JJJJJ, §15 (RP).

§315. SEASONAL LICENSES

(REPEALED)

SECTION HISTORY

1975, c. 307, §2 (NEW). 2011, c. 339, §1 (RPR). 2017, c. 284, Pt. JJJJJ, §16 (RP).

§315-A. LIMITED DUAL BEANO REGISTRATION

The Gambling Control Unit may issue a limited dual beano registration to 2 organizations eligible for a regular registration to conduct a game of beano. A limited dual beano registration permits 2 organizations to conduct beano jointly on the same date and at the same location. An organization may only conduct beano under the authority of a dual registration on 2 occasions during a calendar year. The following provisions apply to registration under this section. [2017, c. 284, Pt. JJJJJ, §17 (AMD).]

1. Application. The 2 organizations wishing to conduct beano jointly shall submit an application to the Gambling Control Unit in a manner prescribed by the unit.

[2017, c. 284, Pt. JJJJJ, §17 (AMD) .]

2. Lead registrant. One organization must be identified as the lead registrant and acknowledge responsibility for any violation of the laws or rules governing beano committed during the conduct of the game.

[2017, c. 284, Pt. JJJJJ, §17 (AMD) .]

3. Disposition of revenue. Revenue received from the conduct of the game must be divided in equal amounts between both organizations. Each organization shall file a disposition of funds report as if that organization had conducted beano independently.

[2013, c. 305, §2 (NEW) .]

4. Registration fee. The registration fee for a limited dual beano license is \$12.

[2017, c. 284, Pt. JJJJJ, §17 (AMD) .]

5. Sealed tickets. A limited dual beano registration does not authorize the registered organizations to sell sealed tickets jointly.

[2017, c. 284, Pt. JJJJJ, §17 (AMD) .]

6. Application of other laws. Unless otherwise provided by this section, the provisions of this chapter and rules adopted in accordance with this chapter apply to beano games conducted under a limited dual beano registration.

[2017, c. 284, Pt. JJJJJ, §17 (AMD) .]

SECTION HISTORY

2013, c. 305, §2 (NEW). 2017, c. 284, Pt. JJJJJ, §17 (AMD).

§316. EVIDENCE

The Gambling Control Unit may require such evidence as the unit may determine necessary to satisfy the unit that an applicant or organization licensed or registered to conduct beano conforms to the restrictions and other provisions of this chapter. Charters, organizational papers, bylaws or other such written orders of founding that outline or otherwise explain the

purpose for which organizations were founded must, upon request, be forwarded to the Gambling Control Unit. The Gambling Control Unit may require such evidence as the unit may determine necessary regarding the conduct of beano by a licensee or registrant to determine compliance with this chapter. [2017, c. 284, Pt. JJJJJ, §18 (AMD).]

SECTION HISTORY

1975, c. 307, §2 (NEW). 2001, c. 538, §1 (AMD). 2017, c. 284, Pt. JJJJJ, §18 (AMD).

§317. RULES AND REGULATIONS

The Gambling Control Unit may adopt rules, not inconsistent with law, that are necessary for the administration and enforcement of this chapter and for the licensing, registration, conduct and operation of "Beano" or "Bingo" and for the permitting and operation of commercial beano halls. The Gambling Control Unit may regulate, supervise and exercise general control over the operation of beano and commercial beano halls, including, but not limited to, the payment of prizes and the use of equipment. In establishing such rules, which are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A, the Gambling Control Unit 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: [2017, c. 284, Pt. JJJJJ, §19 (AMD).]

1. Fraud. The practice of any fraud or deception upon a participant in a game of "beano" or "bingo;"

[1975, c. 307, §2 (NEW) .]

2. Unsafe premises. The conduct of "beano" in, at or upon premises which may be unsafe due to fire hazard or other such conditions;

[1975, c. 307, §2 (NEW) .]

3. Advertising; solicitation and enticement. Advertising which is obscene, solicitation on a public way of persons to participate in "beano," charging admission or awarding prizes for attendance.

[1975, c. 307, §2 (NEW) .]

SECTION HISTORY

1975, c. 307, §2 (NEW). 1985, c. 180, (AMD). 1997, c. 684, §2 (AMD). 1999, c. 74, §2 (AMD). 2011, c. 301, §1 (AMD). 2017, c. 284, Pt. JJJJJ, §19 (AMD).

§317-A. INVESTIGATIONS; ACTIONS ON LICENSES AND REGISTRATIONS

1. Gambling Control Unit. The Gambling Control Unit may:

A. Investigate all aspects of this chapter including the direct and indirect ownership or control of any licenses, registrations or commercial beano hall permits; [2017, c. 284, Pt. JJJJJ, §20 (AMD).]

B. Suspend, revoke or refuse to issue a license or registration, after notice of the opportunity for a hearing, if the applicant, applicant's agent or employee, licensee, registrant or the licensee's or registrant's agent or employee violates a provision of this chapter or Title 17-A, chapter 39 or fails to meet the statutory requirements for licensure or registration pursuant to this chapter; [2017, c. 284, Pt. JJJJJ, §20 (AMD).]

C. Immediately suspend or revoke a license or registration if there is probable cause to believe that the licensee or the licensee's agent or employee or the registrant or the registrant's agent or employee violated a provision of Title 17-A, chapter 39; [2017, c. 284, Pt. JJJJJ, §20 (AMD).]

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; [2001, c. 342, §2 (AMD).]

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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; and [2001, c. 342, §2 (AMD).]

F. Issue a subpoena in the name of the Gambling Control Unit in accordance with Title 5, section 9060, except that this authority applies to any stage of an investigation under this chapter and is not limited to an adjudicatory hearing. This authority may not be used in the absence of reasonable cause to believe a violation has occurred. If a witness refuses to obey a subpoena or to give any evidence relevant to proper inquiry by the unit, the Attorney General may petition the Superior Court in the county where the refusal occurred to find the witness in contempt. The Attorney General shall cause to be served on that witness an order requiring the witness to appear before the Superior Court to show cause why the witness should not be adjudged in contempt. The court shall, in a summary manner, hear the evidence and, if it is such as to warrant the court in doing so, punish that witness in the same manner and to the same extent as for contempt committed before the Superior Court or with reference to the process of the Superior Court. [2017, c. 284, Pt. JJJJJ, §20 (AMD).]

[2017, c. 284, Pt. JJJJJ, §20 (AMD) .]

2. Action after notice and opportunity for hearing. The Gambling Control Unit shall notify the applicant, licensee, registrant or permittee in writing, before a license, registration or permit is denied, suspended or revoked pursuant to subsection 1, paragraph B or D, of the intended denial or commencement date of the suspension or revocation, which may not be made any sooner than 96 hours after the licensee's, registrant'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 applicant, licensee, registrant or permittee has the right to request a hearing before the Commissioner of Public Safety or the commissioner's designee. Upon the applicant's, licensee's, registrant'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 applicant, applicant's agent or employee, licensee or licensee's agent or employee or registrant or registrant'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 applicant, licensee, registrant or permittee is notified of the proposed denial, 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 director receives the request unless otherwise agreed by the parties or continued upon request of a party for cause shown.

[2017, c. 284, Pt. JJJJJ, §20 (AMD) .]

3. Immediate suspension or revocation. A licensee whose license or permittee whose permit is immediately suspended or revoked by the Gambling Control Unit 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 or registrant or registrant'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.

[2017, c. 284, Pt. JJJJJ, §20 (AMD) .]

SECTION HISTORY

1997, c. 684, §3 (NEW). 1999, c. 74, §3 (AMD). 2001, c. 342, §2 (AMD). 2017, c. 284, Pt. JJJJJ, §20 (AMD).

§318. EXPENSE OF ADMINISTRATION

The necessary expenses of administering this chapter shall be paid out of the fees received under this chapter. [1975, c. 307, §2 (NEW).]

SECTION HISTORY

1975, c. 307, §2 (NEW).

§319. PERSONS UNDER 16 YEARS OF AGE

Persons under 16 years of age are not permitted to take part in the conduct of, nor participate in, the game of "beano" or "bingo," nor may persons under 16 years of age be admitted to the playing area unless accompanied by a parent, guardian or other responsible person. [2017, c. 284, Pt. JJJJJ, §21 (NEW).]

"Beano" or "bingo" games licensed or registered under this chapter may not be conducted unless some person at least 18 years of age, who has been a member in good standing of the licensee or registrant for at least 2 years, exercises exclusive control of each game played. [2017, c. 284, Pt. JJJJJ, §21 (NEW).]

A license or registration for the conduct of "beano" or "bingo" may not be issued to any firm, association, corporation or group composed wholly or primarily of persons under 16 years of age. [2017, c. 284, Pt. JJJJJ, §21 (NEW).]

SECTION HISTORY

1975, c. 307, §2 (NEW). 2017, c. 284, Pt. JJJJJ, §21 (RPR).

§320. CONDUCT OF BEANO

1. Liquor prohibited. A licensee or registrant may not conduct "beano" or "bingo" in the same room where liquor is sold, served or consumed during the period of one hour before the conduct of the games.

[2017, c. 284, Pt. JJJJJ, §22 (AMD) .]

2. Disorderly persons prohibited. A licensee or registrant may not permit a disorderly person to enter or remain within the room or area where "beano" or "bingo" games are being conducted.

[2017, c. 284, Pt. JJJJJ, §22 (AMD) .]

3. Penalty. A person who violates this section commits a civil violation for which a fine of not more than \$1,000 may be adjudged.

[2003, c. 452, Pt. I, §8 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

SECTION HISTORY

1975, c. 307, §2 (NEW). 1987, c. 197, §5 (AMD). 2003, c. 452, §X2 (AFF). 2003, c. 452, §I8 (RPR). 2017, c. 284, Pt. JJJJJ, §22 (AMD).

§321. EFFECT OF OTHER LAWS

All acts and parts of acts inconsistent herewith shall be inoperative as to this chapter, and the share of the State stipend for aid and encouragement to agricultural societies shall not be withheld from any such society because of the conducting on the fair grounds of the game of "Beano" or "Bingo." [1975, c. 307, §2 (NEW).]

SECTION HISTORY

1975, c. 307, §2 (NEW).

§322. REPORTS

The Gambling Control Unit shall require from any organization licensed or registered 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 the unit determines necessary for the purpose of the administration and enforcement of this chapter. [2017, c. 284, Pt. JJJJJ, §23 (AMD).]

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SECTION HISTORY

1975, c. 307, §2 (NEW). 1999, c. 74, §4 (AMD). 2017, c. 284, Pt. JJJJJ, §23 (AMD).

§323. ACCESS TO PREMISES

An organization making application or submitting a registration to the Gambling Control Unit to conduct or operate "Beano" or "Bingo," 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 Gambling Control Unit or the unit's authorized representative. [2017, c. 284, Pt. JJJJJ, §24 (AMD).]

The licensee, registrant 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 premises. [2017, c. 284, Pt. JJJJJ, §24 (AMD).]

SECTION HISTORY

1975, c. 307, §2 (NEW). 1997, c. 728, §7 (AMD). 1999, c. 74, §5 (AMD). 2017, c. 284, Pt. JJJJJ, §24 (AMD).

§324. GAMES OF CHANCE PROHIBITED AT "BEANO" LOCATIONS

(REPEALED)

SECTION HISTORY

1975, c. 307, §2 (NEW). 1987, c. 679, §2 (AMD). 1991, c. 426, §7 (AMD). 1997, c. 373, §8 (AMD). 2003, c. 452, §X2 (AFF). 2003, c. 452, §I9 (RP).

§324-A. GAMES OF CHANCE PROHIBITED AT "BEANO" LOCATIONS

1. Games of chance where "beano" located. A person may not conduct a "beano" game at any location where a lottery or other game of chance is conducted.

[2003, c. 452, Pt. I, §10 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

2. Games of chance before "beano." A person may not conduct a lottery or other game of chance during the period of one hour before the conduct of any "beano" game at the specific location of the "beano" game, except that the following lotteries may be conducted during the period of one hour before the conduct of "beano" games.

A. Lottery tickets issued by the State Liquor and Lottery Commission may be sold when a valid license certificate issued by the commission is properly displayed. [2003, c. 452, Pt. I, §10 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

B. Raffle tickets may be sold in accordance with chapter 62. [2009, c. 487, Pt. B, §8 (AMD) .]

C. Lucky seven or similar sealed tickets may be sold when that game of chance is registered with the Gambling Control Unit and when a valid license or registration certificate is properly displayed. Notwithstanding the other provisions of this section and section 312, lucky seven games may be conducted during the period beginning 2 hours before and ending 2 hours after a "beano" game.

Notwithstanding any other rule, lucky seven or other similar sealed tickets may be sold that have a sale value of \$1 or less, and a person who sells or distributes "beano" cards or materials used to play "beano" prior to the conduct of "beano" as a volunteer, as provided in this section, is permitted to play in the "beano" game. [2017, c. 284, Pt. JJJJJ, §25 (AMD) .]

[2017, c. 284, Pt. JJJJJ, §25 (AMD) .]

3. Location defined. For purposes of this section, "location" means the location specified in the location permit.

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[2003, c. 452, Pt. I, §10 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

4. Penalty. A person who violates this section commits a civil violation for which a fine of not more than \$1,000 may be adjudged.

[2003, c. 452, Pt. I, §10 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

SECTION HISTORY

2003, c. 452, §110 (NEW). 2003, c. 452, §X2 (AFF). 2007, c. 110, §1 (AMD). 2009, c. 487, Pt. B, §8 (AMD). 2017, c. 284, Pt. JJJJJ, §25 (AMD).

§325. PENALTIES

1. Violation of chapter or rules; general penalty. Except as otherwise specifically provided, a person, firm, association or corporation that violates a provision of this chapter or a rule of the Gambling Control Unit prescribed by authority of this chapter commits a civil violation for which a fine of not more than \$1,000 may be adjudged.

[2017, c. 284, Pt. JJJJJ, §26 (AMD) .]

2. Commercial beano hall violations. A person, corporation, partnership or unincorporated association that rents or leases a building or facilities to hold, conduct or operate "beano" or "bingo" commits a Class E crime if that person, corporation, partnership or unincorporated association:

A. Rents or leases a building or facilities to hold, conduct or operate a "beano" or "bingo" game without a commercial beano hall permit issued by the Gambling Control Unit; or [2017, c. 284, Pt. JJJJJ, §26 (AMD) .]

B. Violates a provision of this chapter or a rule adopted by the Gambling Control Unit pursuant to this chapter. [2017, c. 284, Pt. JJJJJ, §26 (AMD) .]

Violation of this subsection is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

[2017, c. 284, Pt. JJJJJ, §26 (AMD) .]

SECTION HISTORY

1975, c. 307, §2 (NEW). 1999, c. 74, §6 (AMD). 2003, c. 452, §X2 (AFF). 2003, c. 452, §111 (RPR). 2017, c. 284, Pt. JJJJJ, §26 (AMD).

§326. PROCEEDS

1. Payment of proceeds.

[1993, c. 45, §2 (RP) .]

1-A. Payment of proceeds. An organization licensed or registered 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; [1993, c. 45, §3 (NEW) .]

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 [1993, c. 45, §3 (NEW) .]

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 Gambling Control Unit.

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

(a) In the case of serious illness or injury, the unit 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 unit 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. [2017, c. 284, Pt. JJJJJ, §27 (AMD).]

[2017, c. 284, Pt. JJJJJ, §27 (AMD) .]

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 Gambling Control Unit, at least quarterly, a form for the disposition of funds prescribed by the Gambling Control Unit detailing all payments made. Every statement on the form must be made under oath by an officer of the organization.

[2017, c. 284, Pt. JJJJJ, §27 (AMD) .]

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. The Gambling Control Unit may disallow any excessive payment of proceeds, may suspend an organization's license or registration for excessive payment of proceeds and may condition the restoration of an organization's license or registration on the repayment of an excessive payment of proceeds by the organization.

A. [1991, c. 590, (RP) .]

B. [1991, c. 590, (RP) .]

C. [1991, c. 590, (RP) .]

[2017, c. 284, Pt. JJJJJ, §27 (AMD) .]

3. Rules.

[1991, c. 590, (RP) .]

4. Posting. An organization licensed or registered to operate beano or bingo and Lucky 7 games in conjunction with beano or bingo shall post in a conspicuous place in the room or hall where the licensed game is conducted a sign that states: the net revenue earned from the operation of those games in dollars and cents; the amount of charitable donations from that net revenue in dollars and cents; what percentage in dollars and cents of the net revenue that amount represents in donations to nonprofit activities; and what percentage of the net revenue was distributed from licensed games for the previous calendar year and the current calendar year.

[2017, c. 284, Pt. JJJJJ, §27 (AMD) .]

SECTION HISTORY

1989, c. 825, §2 (NEW). 1991, c. 590, (RPR). 1993, c. 45, §§2-4 (AMD). 1997, c. 684, §4 (AMD). 2017, c. 284, Pt. JJJJJ, §27 (AMD).

§327. NONSMOKING AREA

(REPEALED)

SECTION HISTORY

1997, c. 232, §1 (NEW). 2017, c. 284, Pt. JJJJJ, §28 (RP).

§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 Gambling Control Unit.

[2017, c. 284, Pt. JJJJJ, §29 (AMD) .]

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 Gambling Control Unit for a commercial beano hall permit. The application must be on forms provided by the Gambling Control Unit, 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. [1999, c. 74, §7 (NEW) .]

[2017, c. 284, Pt. JJJJJ, §29 (AMD) .]

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 Gambling Control Unit of any change in ownership or management of the commercial beano hall. The Gambling Control Unit may require additional information or fingerprint submission subsequent to a change in ownership or management.

[2017, c. 284, Pt. JJJJJ, §29 (AMD) .]

4. Use of criminal history record. The Gambling Control Unit may use state and federal criminal history record information for the purpose of screening applicants. The Gambling Control Unit 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.

[2017, c. 284, Pt. JJJJJ, §29 (AMD) .]

5. Duration of permit and fee. The Gambling Control Unit may issue a commercial beano hall permit for a calendar year for a fee of \$500.

[2017, c. 284, Pt. JJJJJ, §29 (AMD) .]

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.

[1999, c. 74, §7 (NEW) .]

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.

[1999, c. 74, §7 (NEW) .]

8. Exception. The requirements of this section do not apply to an agricultural fair association that qualifies for registration and operates beano or bingo games pursuant to section 313.

[2017, c. 284, Pt. JJJJJ, §30 (AMD) .]

SECTION HISTORY

1999, c. 74, §7 (NEW). 2017, c. 284, Pt. JJJJJ, §§29, 30 (AMD).

§329. ASSISTANCE FOR PLAYER

A person conducting or assisting in the conduct of beano may assist a player by playing that player's cards while the player takes a restroom break. This section does not apply to the conduct of high-stakes beano. [2003, c. 353, §1 (NEW) .]

SECTION HISTORY

2003, c. 353, §1 (NEW) .

SUMMARY: This chapter provides the rules relating to the licensing and operation of Beano and/or Bingo games on Indian reservations by federally recognized Indian tribes pursuant to 17 M.R.S.A. §314-A, as enacted by Chapter 197 of the *Public Laws of 1987*. This chapter also details requirements for equipment and associated materials used in high-stakes Beano or Bingo.

§1. Definitions. As used in this chapter, the following terms have the following meanings:

1. **Director** “Director” has the same meaning as set forth in 17 M.R.S.A §311.
2. **Occasion** “Occasion” means a single gathering or session at which a series of successive Beano games are played.
3. **Blackout** “Blackout” also known as “coverall” means a bingo pattern that requires that every number on the tally card be covered.
4. **Electronic Beano Card Dauber** "Electronic beano card dauber" (herein after referred to as "Electronic Dauber") is an electronic appliance used by a player to identify beano cards that contain numbers or symbols input by a player. This device electronically stores preprinted beano cards purchased by a player, provides a means for a player to input numbers or symbols called by the licensee, compares the numbers or symbols input by the player to beano cards previously stored in an electronic database, and identifies to the player those stored beano cards that contain the numbers or symbols input by the player: provided, that player-owned devices, which are not directly interfaced with or connected to equipment used to conduct beano games or the electronic database in which electronically generated beano cards are stored in any manner, are not "electronic beano card daubers" for purposes of these Rules and Regulations.
5. **Electronic Beano Card Computer System** "electronic beano card computer system" is the computer hardware and software system that loads the electronic beano cards purchased by each electronic beano card player into the electronic dauber.
6. **Eligible Organization** “Organization” has the same meaning as set forth in 17 M.R.S. §314-A.
7. **Gambling Control Unit** “Gambling Control Unit” or “unit” has the same meaning as set forth in 17 M.R.S. §311.

§2. General Requirements

1. All games of Beano or Bingo shall be conducted in a building or area approved for public use by state and local officials, including the State Fire Marshal’s Office.
2. A commercial hall permittee shall conspicuously post the commercial beano hall permit at the leased or rented hall in the room or area where Beano is being conducted.

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3. All Beano license applications must be received by The Gambling Control Unit, 87 State House Station, 45 Commerce Drive, Augusta, Maine 04333-0087 at least 10 business days prior to the first date desired to operate. To the extent, if any, that information of a material nature supplied in the application or otherwise supplied by the applicant becomes outdated, inaccurate or incomplete, the applicant shall so notify the unit in writing as soon as it is aware that the information is inaccurate or incomplete, and shall at that time supply the information necessary to correct the timeliness, inaccuracy or incompleteness of the information.
4. House rules shall be developed and posted to include, at a minimum, no charges for admission, allow or disallow reserved seating and prizes for attendance according to M.R.S. Title 17, Chapter 13-A, §314-A(2-A).
5. A licensee may conduct only one occasion of Beano or Bingo on the same date.
6. A licensee conducting Beano or Bingo shall comply with the following advertising standards:
 - a) Advertising of any obscene or indecent nature is prohibited.
 - b) False, misleading and deceptive advertising is prohibited.
 - c) Depictions of the use of alcohol and tobacco are prohibited.
 - d) Depictions of persons under the age of 16 engaged in beano are prohibited.
 - e) Guarantees of success, riches or beano winnings are prohibited.
 - f) Advertising must include a disclaimer as follows: “Persons under 16 years of age are prohibited unless authorized under *Maine Revised Statutes*, Title 17, Chapter 13-A.”
 - g) Advertising must comply with all applicable Maine and federal laws.
7. Post or provide at each entrance or in a conspicuous place where Beano or Bingo are conducted, written materials concerning the nature and symptoms of problem gambling and the Maine 211 number or cost free brochures from Department of Health and Human Services, Maine Center for Disease Control and Prevention that provide information and referral services for problem gamblers. The provisions of this regulation are solely regulatory in nature and neither create a minimum standard of care toward the public nor establish a private cause of action for non-compliance.

§ 3. EQUIPMENT

1. Any electronic beano device or associated equipment designated for shipment within or to Maine must meet or exceed the standards outlined in Appendix A of the *State of Maine Beano/Bingo or Associated Equipment Standards*.
2. This rule incorporates by reference the *State of Maine Beano/Bingo or Associated Equipment Standards*, 2018 edition consisting of:
 - a) GLI-15, Electronic Bingo and Keno Systems, version 1.3,
 - b) GLI-11, Gaming Devices in Casinos, version 3.0,
 - c) GLI-13, On-Line Monitoring and Control Systems (MCS), and Validation Systems in Casinos, version 2.1
3. Electronic beano devices or associated equipment shall not be shipped into, within or out of Maine without first obtaining a written authorization for such transport from the Director. Written authorization shall be obtained from applications furnished by the Unit.
4. Equipment includes the electronic beano card computer system, which shall:

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- a) Be capable of printing hard copies of all beano cards purchased by electronic beano card players at the time of sale and before release of the electronic dauber to the player; and
 - b) Be capable of summarizing and printing at the completion of each beano occasion a record of the following:
 - i. The beginning and ending card numbers purchased by each player;
 - ii. The beginning and ending transaction numbers;
 - iii. The total number of cards sold;
 - iv. The total number of sales transactions;
 - v. The total dollar amount of sales; and
 - vi. The number and dollar amounts of all voids and overrings.
5. Each electronically-stored Beano card shall meet the requirements of section 4. herein and shall display a serial number. The Beano numbers on that electronically-stored card shall be identical to the numbers on the paper card displaying the same serial number.
6. Each Beano or tally card shall have twenty-five squares which are divided into five vertical and five horizontal rows, making five squares to a row. At the top of each vertical row will appear one letter of the word "Beano" beginning at the extreme left row with the letter "B" and continuing in sequence through "O" at the extreme right row. Each square shall be numbered making five numbers to a row, the exception being the center or third vertical row which has four numbers and a center space. (The most commonly used cards are those numbered 1 to 75 inclusive. In this series the numbers 1 to 15, inclusive, are used in the first vertical row; numbers 16 to 30, inclusive, in the second row; 31 to 45, inclusive, in the third row; 46 to 60, inclusive, in the fourth row; and 61 to 75, inclusive, in the fifth row. Each card may have a different combination of numbers either vertically, horizontally or diagonally).
7. One of the following methods shall be used in securing the numbers "called" in the conduct of the game:
- a) An electrically operated blower machine containing balls which the operator may take from the air one at a time while the blower is in operation or which provides a trap or other mechanical means for automatically catching no more than one ball at a time while the blower is in operation.
 - b) A mechanically or manually operated cage which provides a trap or other mechanical means for automatically catching no more than one ball at a time while the cage is in operation.
8. A chalkboard, dry erase board or electric flashboard must be used to display the numbers called in the conduct of the game

§ 4. Conduct of Beano

1. Before commencing the first game on any occasion at which a series of Beano games is to be held, all numbers shall be removed from the blower, or from such other mechanical means used to catch the numbers, and shall be placed in appropriate position to enable any interested person, or persons, to determine that all numbers 1 thru 75, are present.
2. All cards which have not been purchased and paid for shall be removed from the tables and the immediate vicinity of any player while the games are in progress.

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3. All players will be furnished a ticket, receipt or some other easily and quickly identifiable device indicating the maximum number of cards purchased and which may be played at any single game. At no time will a participant play more than the number of Beano cards actually purchased and identified by the furnished ticket, receipt or other identifiable device used by the Licensee organization to signify the maximum number of cards purchased. The device used to indicate the number of cards purchased will remain in full sight of any interested person to view during the game.
4. All players must be seated in the same area with the operator calling the numbers.
5. The Licensee shall conspicuously post the license to operate Beano, the Location Permit, and a copy of house and game rules in the room or area where Beano is being conducted.
6. The Licensee shall conspicuously post the price or combination of prices of all Beano cards in the room or area where Beano is being conducted.
7. The particular arrangement of numbers required to be covered in order to win the game shall be clearly described and announced to the players immediately before each game begins.
8. Each number shall remain within the blower or cage until ready to be called. Upon removal, said number shall be called without delay unless a Beano or Bingo is called, at which time no additional numbers will be called, and at which time the card shall be checked. If a number was removed from the blower or cage and had not been announced when the Beano was called, this number shall be placed back in the blower or cage. Each number as called must be clearly marked on a chalkboard, dry erase board or electric flashboard visible to all players, and must remain on such chalkboard, dry erase board or electric flashboard until after the winner or winners have been determined.
9. The player must notify the licensee when they have a winning pattern or "Beano".
10. The winner's card shall be checked against the numbers called by the licensee.
11. An organization may not operate a game to require the pre-announced or randomly marked number to appear at a specific place or in a specific order within the winning arrangement of numbers.
12. On each Beano/Bingo occasion all cards shall be purchased and winners determined. The prize shall be awarded at the conclusion of each game.
13. No person conducting or assisting in the conduct of Beano/Bingo may participate as a player, or assist any player by playing their cards, in any game of Beano/Bingo during the same occasion.
14. All members of the Licensee who are involved in the conduct of Beano/Bingo shall be thoroughly familiar with the provisions of the Statutes pertaining to Beano/Bingo and with these Rules.
15. All monetary prizes given to the winners shall be legibly recorded in a bonded log containing the date of the occasion, game number, amount won, winners name and address which shall be retained for not less than three (3) years and made available to the Gambling Control Unit upon request.
16. The registrant shall announce or describe the prize to the players before each game begins.

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17. When more than one player is found to be the winner in the same game, the Licensee shall divided the monetary prize among the winners as equally as possible.
18. When the division of a prize is non-monetary, the Licensee may;
 - a) Substitute prizes whose aggregate value does not exceed that permitted by these Rules, or may
 - b) Continue the play of the game until a single winner can be determined using the following method;
 - i. The tied players will each use the same card that was played during the tied game.
 - ii. Licensee will call the next number for the tied players.
 - iii. The first player to cover that next number called on that card shall be declared the winner of the prize.
 - c) If the tied game was a blackout game, the tied players will not have any remaining numbers on their cards available for play. In that instance, the Licensee shall break the tie and establish a single winner by returning all balls to the blower or cage. The first player who can match the next number called to any number on his card will be declared the single winner.

§ 5. Conduct of Electronic Beano

1. In addition to the rules under section 4 above, the following apply to the use of electronic beano card dauber and computer systems.
2. Electronic daubers shall not be reserved for any player. However, an electronic dauber may be reserved for a player with a disability that would restrict the ability to mark paper tally cards when such disability is consistent with definitions set forth in the Americans with Disabilities Act (ADA). If there are no requests for use of this reserved dauber prior to fifteen (15) minutes before the scheduled start of the occasion, it may be made available for use by any player.
3. At the time of sale of any electronic Beano cards and prior to releasing the electronic dauber to the player, the licensee must print a hard copy of any electronic cards purchased by the player. An electronic Beano card player cannot exchange the cards being played until completion of a Beano game. In order to exchange the cards being played, the player must return the electronic dauber, and the hard copy of any previously-purchased electronic Beano cards, to the licensee for loading and printing of the new cards.
4. No electronic dauber shall be programmed to play more than 54 Beano cards in a single game.
5. The electronic Beano card player must input each number called by the licensee into the memory of the electronic dauber by use of a separate dauber function. Automatic or global marking of numbers is prohibited.
6. After commencing the first game, and until the end of the occasion, there shall be no electronic communication from the electronic dauber to the electronic Beano card computer system or any other electronic destination or from the electronic Beano card computer system to any other electronic destination. However, the Bingo caller may advance the game and/or part of the game for the electronic daubers from the calling station.

§ 7. Expenditures

1. The Licensee may pay as compensation to a member of the Licensee, who has been in good standing as such for at least two years previous to application, an amount not to exceed 200% of the minimum wage as established by Title 17, Chapter 13-A, § 326 for advising, controlling and managing the conduct of Beano.
2. The Licensee may also pay as compensation to a member of the Licensee who has been in good standing for at least one year previous to application, an amount not to exceed 200% of the minimum wage as established by Title 17, Chapter 13-A, § 326, for assisting in the conduct of Beano.
3. The Licensee may pay as compensation to any member or employee an amount not to exceed 200% of the minimum wage as established by Title 17, Chapter 13-A, §326, for janitorial services.
4. The Licensee may also pay reasonable amounts for the use of suitable premises, furniture and goods, wares, or merchandise to be given as prizes.
5. All such payments shall be made from the respective Beano and Games of Chance accounts and reported on the respective Beano and Games of Chance disposition of funds reports.
6. At no time shall the payments made pursuant to this rule exceed 20% of the net revenue after deducting expenses for prizes, license fees and any other direct expense.
7. The Licensee shall, in addition to the other books and records required hereafter, maintain and keep a separate financial account in a reputable banking establishment.

§ 8. Reports and Records Required

1. Within ten (10) business days after any period in which Bingo or Beano is conducted, the Licensee shall file with the Gambling Control Unit a disposition of funds form prescribed and furnished by the Gambling Control Unit, even if the event canceled, which shall include:
 - a. An exact account of all income from Beano or Bingo;
 - b. A list of all expenses, including, but not limited to, the cost of all prizes, printing, licenses and administration; and
 - c. An exact account of the disposition of all other proceeds from Beano or Bingo, including, but not limited to, all gifts, grants and payments to any person, firm, corporation, association or organization for any purpose whatsoever, provided, however, that nothing in these Regulations shall be construed to prevent a Licensee from making a payment to the general fund of its respective Indian Nation or Tribe after all necessary expenditures entailed in its Beano/Bingo operation have been made. Every such statement shall be made under oath by the member in charge of such occasion.
2. All records of financial transactions involving Beano/Bingo shall be separate and distinguishable from all other financial records of the Licensee.
3. Each Licensee shall maintain and keep for a period of three (3) years following the date the

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occasion was held such books and records as may be necessary to substantiate the reports required thereafter.

4. The Director or their authorized representative may examine the books and records of any Licensee at any time, so far as those books and records relate to the transactions connected with the holding, operating and conducting of Beano/Bingo, and the Licensee shall cooperate with the Director or their representative by making such books and records available to them. The Gambling Control Unit may also examine any manager, officers, director, agent, member or employee of the licensee in relation to the conduct of a game of Beano/Bingo, or concerning the conduct of Beano/Bingo.

STATUTORY AUTHORITY: 17 M.R.S. §314-A.

Formerly filed under Department of Public Safety, Bureau of State Police, as 16-222 ch. 7:

EFFECTIVE DATE:

October 9, 1987 (EMERGENCY) – filing 87-360

EFFECTIVE DATE OF PERMANENT RULE:

March 2, 1988 – filing 88-66

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Transferred to 16-633, Department of Public Safety, Gambling Control Board, as 16-633 ch. 30:

AMENDED:

July 25, 2018 – filing 2018-140

SUMMARY: This chapter provides the rules relating to the registration and conduct of Beano and Bingo by eligible organizations. This chapter also details requirements for equipment and associated materials used in Beano or Bingo.

§1. Definitions As used in this chapter, the following terms have the following meanings:

1. **Director** “Director” has the same meaning as set forth in 17 M.R.S. §311
2. **Occasion** “Occasion” means a single gathering or session at which a series of successive Beano games are played.
3. **Blackout** “Blackout” also known as “coverall” means a bingo pattern that requires that every number on the tally card be covered.
4. **Electronic Beano Card Dauber** "Electronic beano card dauber" (herein after referred to as "Electronic Dauber") is an electronic appliance used by a player to identify beano cards that contain numbers or symbols input by a player. This device electronically stores preprinted beano cards purchased by a player, provides a means for a player to input numbers or symbols called by the licensee, compares the numbers or symbols input by the player to beano cards previously stored in an electronic database, and identifies to the player those stored beano cards that contain the numbers or symbols input by the player: provided, that player-owned devices, which are not directly interfaced with or connected to equipment used to conduct beano games or the electronic database in which electronically generated beano cards are stored in any manner, are not "electronic beano card daubers" for purposes of these Rules and Regulations.
5. **Electronic Beano Card Computer System** "electronic beano card computer system” is the computer hardware and software system that loads the electronic beano cards purchased by each electronic beano card player into the electronic dauber.
6. **Eligible Organization** “Organization” has the same meaning as set forth in 17 M.R.S. §313-C.
7. **Gambling Control Unit** “Gambling Control Unit” or “unit” has the same meaning as set forth in 17 M.R.S. §311.
8. **Registrant**”Registrant” has the same meaning as set forth in 17 M.R.S. §311 (9)
9. **Wild Number Beano.** "Wild Number Beano" means a beano occasion, game or series of beano games in which a number is picked or denoted as a wild number.
10. **Winner-take-all.** "Winner-take-all" means a beano game or series of beano games in which all the proceeds from the sale of the cards are paid to participants as prizes.

§2. General Requirements

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1. All games of Beano or Bingo shall be conducted in a building or area approved for public use by state and local officials, including the State Fire Marshal's Office.
2. A commercial hall permittee shall conspicuously post the commercial beano hall permit at the leased or rented hall in the room or area where Beano is being conducted.
3. All Beano registration applications must be received by The Gambling Control Unit, 87 State House Station, 45 Commerce Drive, Augusta, Maine 04333-0087 at least 10 business days prior to the first date desired to operate. To the extent, if any, that information of a material nature supplied in the application or otherwise supplied by the applicant becomes outdated, inaccurate or incomplete, the applicant shall so notify the unit in writing as soon as it is aware that the information is inaccurate or incomplete, and shall at that time supply the information necessary to correct the timeliness, inaccuracy or incompleteness of the information.
4. House rules shall be developed and posted, including, at a minimum, the following:
 - a. No charges for admission;
 - b. No prizes awarded for attendance;
 - c. Allow or disallow reserved seating; and
 - d. Use of Wild Number Beano.
5. A Registrant may conduct only one occasion of Beano or Bingo on the same date.
6. A registrant conducting Beano or Bingo shall comply with the following advertising standards:
 - h) Advertising of any obscene or indecent nature is prohibited.
 - i) False, misleading and deceptive advertising is prohibited.
 - j) Depictions of the use of alcohol and tobacco are prohibited.
 - k) Depictions of persons under the age of 16 engaged in beano are prohibited.
 - l) Guarantees of success, riches or beano winnings are prohibited.
 - m) Advertising must include a disclaimer as follows: "Persons under 16 years of age are prohibited unless authorized under 17 M.R.S., Chapter 13-A."
 - n) Advertising must comply with all applicable Maine and federal laws.
7. Post or provide at each entrance or in a conspicuous place where Beano or Bingo are conducted, written materials concerning the nature and symptoms of problem gambling and the Maine 211 number or cost free brochures from Department of Health and Human Services, Maine Center for Disease Control and Prevention that provide information and referral services for problem gamblers. The provisions of this regulation are solely regulatory in nature and neither create a minimum standard of care toward the public nor establish a private cause of action for non-compliance.

§ 3. EQUIPMENT

1. Any electronic beano device or associated equipment designated for shipment within or to Maine must meet or exceed the standards outlined in Appendix A of the State of Maine Beano/Bingo or Associated Equipment Standards.
2. This rule incorporates by reference the State of Maine Beano/Bingo or Associated Equipment Standards, 2018 edition consisting of:

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- a) GLI-15, Electronic Bingo and Keno Systems, version 1.3,
 - b) GLI-11, Gaming Devices in Casinos, version 3.0,
 - c) GLI-13, On-Line Monitoring and Control Systems (MCS), and Validation Systems in Casinos, version 2.1
3. Copies of this standard are available through the Maine Dept. of Public Safety, Gambling Control Unit, 45 Commerce Drive, Augusta, ME 04330.
 4. Electronic beano devices or associated equipment shall not be shipped into, within or out of Maine without first obtaining a written authorization for such transport from the Director to include a certificate of approval of the equipment from a recognized independent laboratory. Written authorization shall be obtained from application(s) furnished by the Unit.
 5. Be capable of printing hard copies of all beano cards purchased by electronic beano card players at the time of sale and before release of the electronic dauber to the player; and
 6. Be capable of summarizing and printing at the completion of each beano occasion a record of the following:
 - a) The beginning and ending card numbers purchased by each player;
 - b) The beginning and ending transaction numbers;
 - c) The total number of cards sold;
 - d) The total number of sales transactions;
 - e) The total dollar amount of sales; and
 - f) The number and dollar amounts of all voids and overrings.
 7. Each electronically-stored Beano card shall meet the requirements of section 8 herein and shall display a serial number. The Beano numbers on that electronically-stored card shall be identical to the numbers on the paper card displaying the same serial number.
 8. Each Beano or tally card shall have twenty-five squares which are divided into five vertical and five horizontal rows, making five squares to a row. At the top of each vertical row will appear one letter of the word "Beano" beginning at the extreme left row with the letter "B" and continuing in sequence through "O" at the extreme right row. Each square shall be numbered making five numbers to a row, the exception being the center or third vertical row which has four numbers and a center space. (The most commonly used cards are those numbered 1 to 75 inclusive. In this series the numbers 1 to 15, inclusive, are used in the first vertical row; numbers 16 to 30, inclusive, in the second row; 31 to 45, inclusive, in the third row; 46 to 60, inclusive, in the fourth row; and 61 to 75, inclusive, in the fifth row. Each card may have a different combination of numbers either vertically, horizontally or diagonally).

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9. One of the following methods shall be used in securing the numbers "called" in the conduct of the game:
 - a) An electrically operated blower machine containing balls which the operator may take from the air one at a time while the blower is in operation or which provides a trap or other mechanical means for automatically catching no more than one ball at a time while the blower is in operation.
 - b) A mechanically or manually operated cage which provides a trap or other mechanical means for automatically catching no more than one ball at a time while the cage is in operation.
10. A chalkboard, dry erase board or electric flashboard must be used to display the numbers called in the conduct of the game

§ 4. Conduct of Beano

1. Before commencing the first game on any occasion at which a series of Beano games is to be held, all numbers shall be removed from the blower, or from such other mechanical means used to catch the numbers, and shall be placed in appropriate position to enable any interested person, or persons, to determine that all numbers 1 thru 75, are present.
2. All cards which have not been purchased and paid for shall be removed from the tables and the immediate vicinity of any player while the games are in progress.
3. All players will be furnished a ticket, receipt or some other easily and quickly identifiable device indicating the maximum number of cards purchased and which may be played at any single game. At no time will a participant play more than the number of Beano cards actually purchased and identified by the furnished ticket, receipt or other identifiable device used by the registered organization to signify the maximum number of cards purchased. The device used to indicate the number of cards purchased will remain in full sight of any interested person to view during the game.
4. Beano shall be conducted in a building or area approved for public use by state and local officials, including the State Fire Marshal's Office.
5. All players must be seated in the same area with the operator calling the numbers.
6. The registrant shall conspicuously post the registration to operate Beano, the Location Permit, and a copy of house and game rules in the room or area where Beano is being conducted.
7. The registrant shall conspicuously post the price or combination of prices of all Beano cards in the room or area where Beano is being conducted.
8. The particular arrangement of numbers required to be covered in order to win the game shall be clearly described and announced to the players immediately before each game begins.
9. Each number shall remain within the blower or cage until ready to be called. Upon removal, said number shall be called without delay unless a Beano or Bingo is called, at which time no additional numbers will be called, and at which time the card shall be checked. If a number was removed from the blower or cage and had not been announced when the Beano was called, this number shall be placed back in the blower or cage. Each number as called must be clearly marked on a chalkboard, dry erase board or electric flashboard visible to all players, and

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must remain on such chalkboard, dry erase board or electric flashboard until after the winner or winners have been determined.

10. The player must notify the registrant when they have a winning pattern or "Beano".
11. The winner's card shall be checked against the numbers called by the registrant.
12. An organization may not operate a game to require the pre-announced or randomly marked number to appear at a specific place or in a specific order within the winning arrangement of numbers.
13. On each Beano occasion all cards shall be purchased and winners determined. The prize shall be awarded at the conclusion of each game.
14. No person conducting or assisting in the conduct of Beano may participate as a player, or assist any player by playing their cards, in any game of Beano during the same occasion.
15. All members of the registrant who are involved in the conduct of Beano shall be thoroughly familiar with the provisions of the Statutes pertaining to Beano and with these Rules.
16. All monetary prizes given to the winners shall be legibly recorded in a binded log containing the date of the occasion, game number, amount won, winners name and address which shall be retained for not less than three (3) years and made available to the Gambling Control Unit upon request.
17. The registrant shall announce or describe the prize to the players before each game begins.
18. When more than one player is found to be the winner in the same game, the registrant shall divide the monetary prize among the winners as equally as possible.
19. When the division of a prize is non-monetary, the registrant may;
20. Substitute prizes whose aggregate value does not exceed that permitted by these Rules, or may
21. Continue the play of the game until a single winner can be determined using the following method;
22. The tied players will each use the same card that was played during the tied game.
23. Registrant will call the next number for the tied players.
24. The first player to cover that next number called on that card shall be declared the winner of the prize.
25. If the tied game was a blackout game, the tied players will not have any remaining numbers on their cards available for play. In that instance, the Licensee shall break the tie and establish a single winner by returning all balls to the blower or cage. The first player who can match the next number called to any number on his card will be declared the single winner.

§ 5. Conduct of Electronic Beano

1. In addition to the rules under section 4 above, the following apply to the use of electronic beano card dauber and computer systems.

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2. Electronic daubers shall not be reserved for any player. However, an electronic dauber may be reserved for a player with a disability that would restrict the ability to mark paper tally cards when such disability is consistent with definitions set forth in the *Americans with Disabilities Act* (ADA). If there are no requests for use of this reserved dauber prior to fifteen (15) minutes before the scheduled start of the occasion, it may be made available for use by any player.
3. At the time of sale of any electronic Beano cards and prior to releasing the electronic dauber to the player, the licensee must print a hard copy of any electronic cards purchased by the player. An electronic Beano card player cannot exchange the cards being played until completion of a Beano game. In order to exchange the cards being played, the player must return the electronic dauber, and the hard copy of any previously-purchased electronic Beano cards, to the registrant for loading and printing of the new cards.
4. No electronic dauber shall be programmed to play more than 54 Beano cards in a single game.
5. The electronic Beano card player must input each number called by the registrant into the memory of the electronic dauber by use of a separate dauber function. Automatic or global marking of numbers is prohibited.
6. After commencing the first game, and until the end of the occasion, there shall be no electronic communication from the electronic dauber to the electronic Beano card computer system or any other electronic destination or from the electronic Beano card computer system to any other electronic destination. However, the Bingo caller may advance the game and/or any part of the game for the electronic daubers from the calling station.

§ 6. Maximum Prizes

1. No single prize awarded shall be in excess of \$400 in value.
2. No more than \$1,400.00 may be awarded during any one occasion.
3. \$2,000.00 may be awarded once a year for one occasion with (10) ten business day prior notification to the Unit.
4. Non-monetary prizes shall be determined by the retail cost of an equivalent article on the open market.
5. Credit towards greater prizes shall not be given.
6. No goods, wares or merchandise that exceeds the valuation permitted by regulation shall be exhibited among the prizes to be awarded the winner or winners of games.
7. Notwithstanding the prize limits in Title 17, Chapter 13, §313-E, an organization operating a winner-take-all shall pay all proceeds from each winner-take-all round as prizes, provided no winner receives more than \$500.

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§ 7 Expenditures

1. The registrant may pay as compensation to a member of the registrant, who has been in good standing as such for at least two years previous to application, an amount not to exceed 200% of the minimum wage as established by Title 17, Chapter 13-A, §326, for advising, controlling and managing the conduct of Beano.
2. The registrant may also pay as compensation to a member of the registrant who has been in good standing for at least one year previous to application, an amount not to exceed 200% of the minimum wage as established by Title 17, Chapter 13-A, § 326 for assisting in the conduct of Beano.
3. The registrant may pay as compensation to any member or employee an amount not to exceed 200% of the minimum wage as established by for janitorial services.
4. The registrant may also pay reasonable amounts for the use of suitable premises, furniture and goods, wares, or merchandise to be given as prizes.
5. All such payments shall be made from the respective Beano and Games of Chance accounts and reported on the respective Beano and Games of Chance disposition of funds reports.
6. At no time shall the payments made pursuant to this rule exceed 20% of the net revenue after deducting expenses for prizes, license fees and any other direct expense.
7. The registrant shall, in addition to the other books and records required hereafter, maintain and keep a separate financial account in a reputable banking establishment.

§ 8 Reports and Records Required

1. Within ten (10) business days after any period in which Bingo or Beano is conducted, with other than an annual registration, a Licensee shall file with the Gambling Control Unit a disposition of funds form prescribed and furnished by the Gambling Control Unit. Within ten (10) business days after each calendar month of an annual registration period during which Bingo or Beano is conducted, the registrant shall maintain on file disposition of funds form prescribed and furnished by the Unit even if the event is canceled, which shall include:
 - a) An exact account of all income from Beano or Bingo;
 - b) A list of all expenses, including, but not limited to, the cost of all prizes, printing, licenses and administration; and
 - c) An exact account of the disposition of all other proceeds from Beano or Bingo, including, but not limited to, all gifts, grants and payments to any person, firm, corporation, association or organization for any purpose whatsoever.
2. Every such statement shall be made under oath by an officer of the organization in charge of such occasion.
3. All records of financial transactions involving Beano or Bingo shall be separate and distinguishable from all other financial records of the organization.

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4. Each registrant shall maintain and keep for a period of three (3) years following the date the occasion was held such books and records as may be necessary to substantiate the reports required thereafter.
 5. The Director or his authorized representative may examine the books and records of any registrant at any time, so far as those books and records relate to the transactions connected with the holding, operating and conduct of Beano, and the registrant shall cooperate with the Director or his representative by making such books and records available to them. The Gambling Control Unit may also examine any manager, officers, director, agent, member or employee of the licensee in relation to the conduct of a game of Beano, or concerning the conduct of Beano.
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STATUTORY AUTHORITY: Title 17, Chapter 13-A, Section 317

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READOPTED under the new APA:

July 31, 1979 (filed July 31, 1979)

AMENDED:

August 31, 1983 - Sec. 1(B), 6(A), 7(C)
August 31, 1983 - Sec. 1(B), 3Q), 4(A), 6(A) & 7
September 25, 1985 - Sec. 4(A), 7(B)
July 10, 1988 - Sec. 3
November 19, 1988 - Sec. 3
July 18, 1989 - Sec. 5
June 2, 1992 - Sec. 5
June 29, 1994 - Sec. 3(H)
March 18, 1995 - Sec. 2 & 3
May 3, 1996 (EMERGENCY) - Sec. 3.01(F)

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Chapter 31: RULES RELATING TO BEANO

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Maine Revised Statutes
Title 17: CRIMES
Chapter 62: Games of chance

§1831. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.
[2009, c. 487, Pt. A, §2 (NEW) .]

1. Agricultural society. "Agricultural society" or "fair" means a nonprofit agricultural fair society eligible for a stipend under Title 7, chapter 4.

[2009, c. 487, Pt. A, §2 (NEW) .]

1-A. Card game. "Card game" means a game of chance conducted using one or more decks of cards, such as poker, blackjack or cribbage.

[2017, c. 284, Pt. KKKKK, §4 (NEW) .]

2. Chief of State Police.

[2017, c. 284, Pt. KKKKK, §5 (RP) .]

2-A. Director. "Director" means the Executive Director of the Gambling Control Unit.

[2017, c. 284, Pt. KKKKK, §6 (NEW) .]

3. Distributor. "Distributor" means a person, firm, corporation, association or organization that sells, markets or otherwise distributes sealed tickets, gambling apparatus or any other implements of gambling that may be used in the conduct of a game of chance.

[2009, c. 487, Pt. A, §2 (NEW) .]

4. Electronic video machine. "Electronic video machine" means a machine, however operated, that has a video screen featuring an electronically simulated game and delivers or entitles the person playing or operating it to receive the privilege of playing the electronic video machine without charge, but does not deliver or entitle the person playing or operating the electronic video machine to receive cash, premiums, merchandise, tickets or something of value other than the privilege of playing the electronic video machine without charge. An electronic video machine is a machine that may be licensed in accordance with section 1832, subsection 8. A machine that has a video screen featuring an electronically simulated slot machine as a game is not an electronic video machine, but is a machine as defined in subsection 9.

[2009, c. 487, Pt. A, §2 (NEW) .]

4-A. Gambling Control Unit. "Gambling Control Unit" or "unit" means the bureau within the Department of Public Safety under Title 25, section 2902, subsection 12 or an authorized representative of the Gambling Control Unit.

[2017, c. 1, §10 (COR) .]

5. Game of chance. "Game of chance" means a game, contest, scheme or device in which:

A. A person stakes or risks something of value for the opportunity to win something of value; [2009, c. 487, Pt. A, §2 (NEW) .]

B. The rules of operation or play require an event the result of which is determined by chance, outside the control of the contestant or participant; and [2009, c. 487, Pt. A, §2 (NEW) .]

C. Chance enters as an element that influences the outcome in a manner that cannot be eliminated through the application of skill. [2009, c. 487, Pt. A, §2 (NEW) .]

For the purposes of this subsection, "an event the result of which is determined by chance" includes but is not limited to a shuffle of a deck of cards, a roll of a die or dice or a random drawing or generation of an object that may include, but is not limited to, a card, a die, a number or simulations of any of these. A shuffle of a deck of cards, a roll of a die, a random drawing or generation of an object or some other event the result of which is determined by chance that is employed to determine impartially the initial order of play in a game, contest, scheme or device does not alone make a game, contest, scheme or device a game of chance. For purposes of this chapter, beano, bingo and table games as defined in Title 8, section 1001, subsection 43-A are not games of chance.

[2017, c. 284, Pt. KKKKK, §8 (AMD) .]

6. Game of skill. "Game of skill" means any game, contest, scheme or device in which a person stakes or risks something of value for the opportunity to win something of value and that is not a game of chance.

[2009, c. 487, Pt. A, §2 (NEW) .]

7. Gross revenue. "Gross revenue" means the total amount wagered in a game of chance less the prizes awarded.

[2009, c. 487, Pt. A, §2 (NEW) .]

8. Licensee. "Licensee" means a firm, corporation, association or organization licensed by the Gambling Control Unit to operate a game of chance.

[2017, c. 284, Pt. KKKKK, §9 (AMD) .]

9. Machine. "Machine" means any machine, including electronic devices, however operated, the internal mechanism or components of which when set in motion or activated and by the application of the element of chance may deliver or entitle the person playing or operating the machine to receive cash, premiums, merchandise, tickets or something of value as defined in subsection 17. A machine as defined by this subsection is not eligible to be licensed under this chapter.

[2009, c. 487, Pt. A, §2 (NEW) .]

10. Member. "Member" means a bona fide member of a firm, corporation, association, organization, department or class or a combination thereof who has been duly admitted as a member according to the laws, rules, regulations, ordinances or bylaws governing membership in the firm, corporation, association, organization, department, class or combination thereof.

[2009, c. 487, Pt. A, §2 (NEW) .]

11. Net revenue. "Net revenue" means gross revenue less allowable expenses as described in section 1838.

[2009, c. 487, Pt. A, §2 (NEW) .]

12. Printer.

[2017, c. 284, Pt. KKKKK, §10 (RP) .]

13. Raffle. "Raffle" means a game of chance in which:

A. A person pays or agrees to pay something of value for a chance, represented and differentiated by a number, to win a prize; [2009, c. 487, Pt. A, §2 (NEW) .]

B. One or more of the chances is to be designated the winning chance; and [2009, c. 487, Pt. A, §2 (NEW) .]

C. The winning chance is to be determined as a result of a drawing from a container holding numbers representative of all chances sold. [2009, c. 487, Pt. A, §2 (NEW) .]

[2017, c. 284, Pt. KKKKK, §11 (AMD) .]

13-A. Registrant. "Registrant" means a person or organization registered with the Gambling Control Unit to conduct a game of chance, a raffle or certain tournament games, for which a license is not required under this chapter.

[2017, c. 284, Pt. KKKKK, §12 (NEW) .]

14. Roulette. "Roulette" means a game of chance in which players bet on the compartment of a revolving wheel into which a small ball will come to rest.

[2009, c. 487, Pt. A, §2 (NEW) .]

14-A. Savings promotion raffle.

[2017, c. 284, Pt. KKKKK, §13 (RP) .]

15. Slot machine. "Slot machine" has the same meaning as provided under Title 8, section 1001, subsection 39.

[2017, c. 284, Pt. KKKKK, §14 (RPR) .]

16. Social gambling. "Social gambling" means a contest of chance in which the only participants are players and from which no person or organization receives or becomes entitled to receive something of value or any profit whatsoever, directly or indirectly, other than as a player, from any source, fee, remuneration connected with gambling or such activity as arrangements or facilitation of the game, permitting the use of premises or selling or supplying for-profit refreshments, food, drink service or entertainment to participants, players or spectators.

[2009, c. 487, Pt. A, §2 (NEW) .]

17. Something of value. "Something of value" means:

A. Any money or property; [2009, c. 487, Pt. A, §2 (NEW) .]

B. Any token, object or article exchangeable for money, property, amusement or entertainment; or [2009, c. 487, Pt. A, §2 (NEW) .]

C. Any form of credit or promise directly or indirectly contemplating transfer of money or property, or of any interest therein, or involving extension of a service, entertainment or a privilege of playing at a game or scheme without charge. [2009, c. 487, Pt. A, §2 (NEW) .]

[2009, c. 487, Pt. A, §2 (NEW) .]

18. Tokens. "Tokens" means distinctive objects, chips, tickets or other devices of no intrinsic value used as a substitute for cash in accounting for revenue from a game of chance.

[2009, c. 487, Pt. A, §2 (NEW) .]

SECTION HISTORY

2009, c. 487, Pt. A, §2 (NEW). 2009, c. 599, §1-3 (AMD). 2011, c. 420, Pt. A, §11 (AMD). RR 2017, c. 1, §10 (COR). 2017, c. 284, Pt. KKKKK, §§4-14 (AMD).

§1832. LICENSES

1. License or registration required. A person, firm, corporation, association or organization may not hold, conduct or operate a game of chance without a license issued by or, as applicable, without registering with the Gambling Control Unit in accordance with this section. A license is not required when a game of chance constitutes social gambling.

[2017, c. 284, Pt. KKKKK, §15 (AMD) .]

2. Eligible organizations; licenses. The Gambling Control Unit may issue a license to operate a card game and certain tournament games to an organization that submits a completed application as described in subsection 5 and has been founded, chartered or organized in this State for a period of not less than 2 consecutive years prior to applying for a license and is:

A. An agricultural society; [2009, c. 487, Pt. A, §2 (NEW) .]

B. A bona fide nonprofit charitable, educational, political, civic, recreational, fraternal, patriotic or religious organization; [2009, c. 487, Pt. A, §2 (NEW) .]

C. A volunteer fire department; or [2009, c. 487, Pt. A, §2 (NEW).]

D. An auxiliary of any of the organizations in paragraphs A to C. [2009, c. 487, Pt. A, §2 (NEW).]

[2017, c. 284, Pt. KKKKK, §15 (AMD) .]

2-A. Registration. The Gambling Control Unit may accept a registration from an eligible organization described in subsection 2 and other persons as specifically provided under section 1835-A, section 1836, subsection 4-B and section 1837-A to conduct games of chance, raffles and charitable cribbage tournaments. An eligible organization or person seeking to register to conduct a game of chance, raffle or charitable cribbage tournament shall register in the manner prescribed by the Gambling Control Unit and shall maintain records and reports in the same manner as described under section 1839, except that disposition of funds reports are not required to be submitted to the Gambling Control Unit but must be maintained in the same manner as other records.

[2017, c. 284, Pt. KKKKK, §15 (NEW) .]

3. Must be 18 years of age. The Gambling Control Unit may not accept a registration to conduct a game of chance, a raffle or certain tournament games or accept an application from or issue a license for card games and certain tournament games under this section to a person or representative of an eligible organization who is not 18 years of age or older.

[2017, c. 284, Pt. KKKKK, §15 (AMD) .]

4. Municipal approval required. An eligible organization described in subsection 2 applying for a license to conduct a card game and tournament games requiring a license shall obtain written approval from the local governing authority where the game is to be operated or conducted. This written approval must be submitted with the application to the Gambling Control Unit as described in subsection 5.

[2017, c. 284, Pt. KKKKK, §15 (AMD) .]

5. Application. An eligible organization described in subsection 2 seeking to obtain a license to conduct a card game or certain tournament games requiring a license shall submit an application to the Gambling Control Unit. The application must be in a form provided by the Gambling Control Unit and must be signed by a duly authorized officer of the eligible organization. The application must include the full name and address of the organization, a full description of the card game or tournament game, the location where the card game or tournament game is to be conducted and any other information determined necessary by the Gambling Control Unit for the issuance of a license to operate a card game or certain tournament games, including but not limited to membership lists, bylaws and documentation showing the organization's nonprofit status or charitable designation.

[2017, c. 284, Pt. KKKKK, §15 (AMD) .]

6. Multiple licenses. The Gambling Control Unit may issue more than one license or registration to conduct or operate a game governed by this chapter simultaneously to an eligible organization described in subsection 2. Each game governed by this chapter must have a separate license, the nature of which must be specified on the license.

[2017, c. 284, Pt. KKKKK, §15 (AMD) .]

7. Agricultural fairs. Notwithstanding any provision in this chapter to the contrary, in addition to games of chance, the Gambling Control Unit may accept a registration to conduct or operate games of chance known as "penny falls" or "quarter falls" at any agricultural fair, as long as the net revenue from those games is retained by the registered agricultural society.

[2017, c. 284, Pt. KKKKK, §15 (AMD) .]

8. Electronic video machines. The Gambling Control Unit may issue a license to operate an electronic video machine to any eligible organization described in subsection 2.

A. An electronic video machine licensed under this section may only be operated for the exclusive benefit of the licensee, except that up to 50% of the gross proceeds from the operation of the machine may be paid to the distributor as a rental fee and for service and repair of the machine. Notwithstanding other provisions of this chapter, a licensee may rent an electronic video machine from a distributor. [2009, c. 487, Pt. A, §2 (NEW).]

B. No more than 5 electronic video machines may be operated on the licensee's premises. A separate games of chance license is required for the operation of each electronic video machine. [2009, c. 487, Pt. A, §2 (NEW).]

C. A licensee may operate an electronic video machine only on the licensee's premises. [2009, c. 487, Pt. A, §2 (NEW).]

D. Two or more licensees may not share the use of any premises for the operation of electronic video machines. [2009, c. 487, Pt. A, §2 (NEW).]

E. A distributor or employee of the distributor may not be a member of the licensed organization. [2009, c. 487, Pt. A, §2 (NEW).]

F. An electronic video machine licensed under this subsection may not be operated in a manner that meets the definition of illegal gambling machine as described in Title 17-A, section 952, subsection 5-A. [2009, c. 487, Pt. A, §2 (NEW).]

[2017, c. 284, Pt. KKKKK, §15 (AMD) .]

SECTION HISTORY

2009, c. 487, Pt. A, §2 (NEW). 2017, c. 284, Pt. KKKKK, §15 (AMD).

§1833. LICENSE EXCEPTIONS FOR GAMES OF CHANCE

(REPEALED)

SECTION HISTORY

2009, c. 487, Pt. A, §2 (NEW). MRS A T. 17, §1833, sub-§8 (RP).

§1834. FEES

1. Original application fee.

[2017, c. 284, Pt. KKKKK, §16 (RP) .]

2. Operation of games of chance. Except for electronic video games as provided in this section, the registration fee to operate a game of chance is \$15 for each week computed on a Monday to Sunday basis or for a portion of a week. The fee for a license issued for a calendar month is \$60 and the fee for licenses issued for a calendar year is \$700.

The Gambling Control Unit may issue any combination of weekly or monthly licenses for the operation of games of chance. Registration to conduct any authorized game of chance may be issued for a period of up to 12 months on one application.

[2017, c. 284, Pt. KKKKK, §16 (AMD) .]

3. Operation of electronic video machines. The fee for a game of chance license to operate an electronic video machine in accordance with section 1832, subsection 8 is \$15 for each week computed on a Monday to Sunday basis or for a portion of a week. The fee for a license issued for a calendar month is \$60.

The Gambling Control Unit may issue any combination of weekly or monthly licenses for the operation of electronic video machines. A license or combination of licenses to operate an authorized electronic video machine may be issued for a period of up to 12 months.

[2017, c. 284, Pt. KKKKK, §16 (AMD) .]

4. Games of cards. The fee for a license issued to an organization to operate a game of cards, when the organization charges no more than a \$10 daily entry fee for participation in the games of cards and when no money or valuable thing other than the \$10 daily entry fee is gambled by any person in connection with the game of cards, is \$30 for each calendar year or portion of a calendar year. For card games that are played by placing the maximum bet of \$1 per hand or deal, the license fee for a calendar month is \$60 and the fee for licenses issued for a calendar year is \$700.

[2017, c. 284, Pt. KKKKK, §16 (AMD) .]

5. Distributors. The fee for a license issued to a distributor is \$625 for each calendar year or portion of a calendar year.

[2009, c. 487, Pt. A, §2 (NEW) .]

6. Printers.

[2017, c. 284, Pt. KKKKK, §16 (RP) .]

7. Application. A license to operate any authorized card game may be issued for a period of up to 12 months on one application. Authority to conduct a game of chance, a raffle or charitable cribbage tournament games pursuant to section 1836, subsection 4-B may be granted for a period of up to 12 months on one registration.

[2017, c. 284, Pt. KKKKK, §16 (AMD) .]

All fees required by this section must accompany a registration or an application for any license issued by authority of this chapter. [2017, c. 284, Pt. KKKKK, §16 (AMD).]

Fees submitted as license or registration fees must be refunded if the license is not issued or the registration is not accepted. Rebates may not be given for any unused license or registration or portion of an unused license or registration. If any license is suspended or revoked as provided by this chapter, fees paid for that license or registration may not be refunded. [2017, c. 284, Pt. KKKKK, §16 (AMD).]

SECTION HISTORY

2009, c. 487, Pt. A, §2 (NEW). 2009, c. 652, Pt. C, §2 (AMD). 2009, c. 652, Pt. C, §4 (AFF). 2013, c. 218, §1 (AMD). 2017, c. 284, Pt. KKKKK, §16 (AMD).

§1835. CONDUCT CARD GAMES

1. Wagers or entry fees for card games; exceptions. The following limits apply to a card game.

A. The maximum bet for a licensed card game in which bets are placed per hand or per deal is \$1. [2017, c. 284, Pt. KKKKK, §17 (AMD).]

B. Licensed card games that award part or all of the entry fees paid to participate in the game as prize money and in which no money or thing of value is wagered except for the entry fee are limited to a \$10 daily entry fee and no more than 60 players at any one time at any one location. [2013, c. 218, §2 (AMD).]

C. If the licensee operates card games for less than 3 total days in a calendar year and contributes 100% of the gross revenue from those games to charity, the amount wagered must be limited to:

- (1) A \$1 daily entry fee;
- (2) Fifty cents per game; or
- (3) Twenty-five cents per card received.

Prior to play of the game, the licensee shall determine which of the limits in subparagraphs (1), (2) and (3) is to be used and shall post the limit where the game is conducted. [2017, c. 284, Pt. KKKKK, §17 (AMD).]

[2017, c. 284, Pt. KKKKK, §17 (AMD) .]

2. Games conducted by members and bartenders of licensee only. A card game licensed pursuant to this chapter must be operated and conducted for the exclusive benefit of the licensee and must be operated and conducted only by duly authorized members of the licensee or by persons employed by the licensee as bartenders, except that nonmembers employed by the licensee as bartenders may not operate or conduct any card game permitted under subsection 5, paragraph B. The requirements of this subsection do not apply to any agricultural society licensed to operate a card game.

[2017, c. 284, Pt. KKKKK, §17 (AMD) .]

3. Games conducted at agricultural fair by members of the agricultural society or a bona fide nonprofit. Card games operated and conducted solely by members of an agricultural society or card games operated and conducted by

members of bona fide nonprofit organizations on the grounds of the agricultural society and during the annual fair of the agricultural society may use cash, tickets, tokens or other devices approved by the Gambling Control Unit by rule.

Notwithstanding any other provision of this section, the tickets, tokens or other devices approved by the Gambling Control Unit must be unique to the agricultural society and may be in denominations of 25¢, 50¢ or \$1. The tickets, tokens or devices approved by the Gambling Control Unit may be sold and redeemed only by a person who has been a member or active volunteer of the agricultural society for at least 2 fair seasons. The agricultural society has the burden of proof for demonstrating the qualification of members or active volunteers.

An agricultural society that uses tokens shall provide records and reports as required by section 1839.

[2017, c. 284, Pt. KKKKK, §17 (AMD) .]

4. Persons under 18 years of age. A licensee, game owner or operator may not permit a person under 18 years of age to take part in a card game.

A. [2017, c. 284, Pt. KKKKK, §17 (RP) .]

B. [2017, c. 284, Pt. KKKKK, §17 (RP) .]

[2017, c. 284, Pt. KKKKK, §17 (AMD) .]

5. Location. A license issued pursuant to this section must specify the location where the organization may operate the licensed card game. A licensee may not operate card games in more than one location at the same time.

A. An agricultural society or a bona fide nonprofit organization may operate a card game on the grounds of an agricultural society and during the annual fair of the agricultural society. [2017, c. 284, Pt. KKKKK, §17 (AMD) .]

B. No more than one licensee may operate a card game at a time on the same premises. In any room where a licensed card game is being conducted, there must be at least one member of the licensee present in that room for every 2 nonmembers who are present. That member must have been a member of the licensee for at least one year. A member of the licensee, either directly or through another member or guest, may not stake or risk something of value in the licensee's card game unless the member has been a member of the licensee for at least 14 days not including the day of admission into membership. [2017, c. 284, Pt. KKKKK, §17 (AMD) .]

A bona fide nonprofit organization may operate a licensed card game to which the general public has access once every 3 months for a period not to exceed 3 consecutive days. The licensed card game may be operated at any location described in the license and may be conducted only by members of the licensee.

[2017, c. 284, Pt. KKKKK, §17 (AMD) .]

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

[2009, c. 487, Pt. A, §2 (NEW) .]

7. "Donation" not to provide an exclusion. The word "donation" printed on a ticket does not exclude the sponsoring organization from complying with this chapter.

[2009, c. 487, Pt. A, §2 (NEW) .]

8. Wager limit exception. Notwithstanding subsection 1, an organization that is licensed to conduct games of chance in accordance with this chapter is permitted to accept wagers up to \$50 per hand for a poker run. The organization must inform the Gambling Control Unit 30 days in advance of the date when the organization intends to conduct a poker run with an increased wager limit. An organization is limited to 2 poker run events per calendar year in which wagers up to \$50 per hand are permitted. For the purposes of this subsection, "poker run" means a game of chance using playing cards that requires a player to travel from one geographic location to another in order to play the game.

[2017, c. 284, Pt. KKKKK, §17 (AMD) .]

SECTION HISTORY

2009, c. 487, Pt. A, §2 (NEW). 2009, c. 652, Pt. C, §3 (AMD). 2009, c. 652, Pt. C, §4 (AFF). 2013, c. 149, §1 (AMD). 2013, c. 218, §2 (AMD). 2017, c. 284, Pt. KKKKK, §17 (AMD).

§1835-A. CONDUCT OF GAMES OF CHANCE

1. Wagers or entry fees; exceptions. The following limits apply to games of chance.

A. The maximum bet for a licensed game of chance is \$1. [2017, c. 284, Pt. KKKKK, §18 (NEW).]

B. If the registrant operates games of chance for less than 3 total days in a calendar year and contributes 100% of the gross revenue from those games of chance to charity, the amount wagered must be limited to:

(1) A \$1 daily entry fee; or

(2) Fifty cents per game. [2017, c. 284, Pt. KKKKK, §18 (NEW).]

[2017, c. 284, Pt. KKKKK, §18 (NEW) .]

2. Games conducted by members and bartenders of registrant only. A game of chance registered pursuant to this chapter must be operated and conducted for the exclusive benefit of the registrant and must be operated and conducted only by duly authorized members of the registrant or by persons employed by the registrant as bartenders, except that nonmembers employed by the registrant as bartenders may not operate or conduct any game of chance permitted under subsection 5, paragraph B. The requirements of this subsection do not apply to any agricultural society registered to operate a game of chance.

[2017, c. 284, Pt. KKKKK, §18 (NEW) .]

3. Games conducted at agricultural fair by members of the agricultural society or a bona fide nonprofit. Games of chance operated and conducted solely by members of an agricultural society or games of chance operated and conducted by members of bona fide nonprofit organizations on the grounds of the agricultural society and during the annual fair of the agricultural society may use cash, tickets, tokens or other devices approved by the Gambling Control Unit by rule.

Notwithstanding any other provision of this section, the tickets, tokens or other devices approved by the Gambling Control Unit must be unique to the agricultural society and may be in denominations of 25¢, 50¢ or \$1. The tickets, tokens or devices approved by the Gambling Control Unit may be sold and redeemed only by a person who has been a member or active volunteer of the agricultural society for at least 2 fair seasons. The agricultural society has the burden of proof for demonstrating the qualification of members or active volunteers.

An agricultural society that uses tokens shall provide records and reports as required by section 1839.

[2017, c. 284, Pt. KKKKK, §18 (NEW) .]

4. Persons under 18 years of age; exception. Except as provided in section 1837-A, a registrant, game owner or operator may not permit a person under 18 years of age to take part in a game of chance. Notwithstanding any rule to the contrary, upon receiving an application on a form provided by the Gambling Control Unit and a determination by the director that a game of chance licensed to be conducted at a festival-style event is designed to attract players under 18 years of age and awards a nonmonetary prize valued at less than \$10 for every chance played, the Gambling Control Unit may permit:

A. Persons under 18 years of age to conduct or operate the game of chance; and [2017, c. 284, Pt. KKKKK, §18 (NEW).]

B. Persons under 18 years of age to play the game of chance without being accompanied by an adult. [2017, c. 284, Pt. KKKKK, §18 (NEW).]

Nothing in this subsection permits games of chance to be operated without being registered with the Gambling Control Unit.

[2017, c. 284, Pt. KKKKK, §18 (NEW) .]

5. Location. A registration for a game of chance must specify the location where the organization may operate the game. A registrant may not operate games of chance in more than one location at the same time.

A. An agricultural society or a bona fide nonprofit organization may operate a game of chance on the grounds of an agricultural society and during the annual fair of the agricultural society. [2017, c. 284, Pt. KKKKK, §18 (NEW) .]

B. No more than one registrant may operate a game of chance at a time on the same premises. In any room where a registered game of chance is being conducted, there must be at least one member of the organization registered to conduct games of chance present in that room for every 2 nonmembers who are present. That member must have been a member of the registered organization for at least one year. A member of the organization registered to conduct games of chance, either directly or through another member or guest, may not stake or risk something of value in the registrant's game of chance unless the member has been a member of the organization registered to conduct games of chance for at least 14 days not including the day of admission into membership. [2017, c. 284, Pt. KKKKK, §18 (NEW) .]

A bona fide nonprofit organization may operate a registered game of chance to which the general public has access once every 3 months for a period not to exceed 3 consecutive days. The game of chance may be operated at any location described in the organization's registration and may be conducted only by members of the registrant. This subsection does not apply to raffles conducted in accordance with section 1837-A.

[2017, c. 284, Pt. KKKKK, §18 (NEW) .]

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

[2017, c. 284, Pt. KKKKK, §18 (NEW) .]

7. "Donation" not to provide an exclusion. The word "donation" printed on a ticket does not exclude the sponsoring organization from complying with this chapter.

[2017, c. 284, Pt. KKKKK, §18 (NEW) .]

SECTION HISTORY

2017, c. 284, Pt. KKKKK, §18 (NEW) .

§1836. TOURNAMENT GAMES

The Gambling Control Unit may issue a license under this section to an organization eligible to conduct beano games under chapter 13-A and games of chance under this chapter to conduct up to 2 tournament games per month. For purposes of this section, "tournament game" means a game of chance played using a deck of cards with rules similar to poker or other card games. [2017, c. 284, Pt. KKKKK, §19 (AMD) .]

1. Local governing authority approval. An organization applying for a tournament game license must first receive approval by the local governing authority where the game is to be conducted. Proof of approval from the local governing authority must be provided to the Gambling Control Unit upon application for a tournament game license.

[2017, c. 284, Pt. KKKKK, §20 (AMD) .]

2. License application. An organization shall submit a license application to the Gambling Control Unit on a form provided by the Gambling Control Unit. The license application must specify one or more charitable organizations that the proceeds of the tournament game are intended to benefit. For the purposes of this section, "charitable organization" means a person or entity, including a person or entity in a foreign state as defined in Title 14, section 8502, that is or purports to be organized or operated for any charitable purpose or that solicits, accepts or obtains contributions from the public for any charitable, educational, humane or patriotic purpose.

[2017, c. 284, Pt. KKKKK, §20 (AMD) .]

3. License.

[2011, c. 325, §2 (RP) .]

3-A. License. The license fees for tournament game licenses are as follows:

A. For tournament games that do not exceed 100 players:

- (1) Seventy-five dollars per tournament license;
- (2) Two hundred dollars for a monthly license; and
- (3) Fifteen hundred dollars for an annual license; and [2013, c. 306, §1 (AMD).]

B. For tournament games that exceed 100 players:

- (1) Three hundred dollars for a tournament game with 101 to 150 players;
- (2) Four hundred dollars for a tournament game with 151 to 200 players;
- (3) Five hundred dollars for a tournament game with 201 to 250 players; and
- (4) Six hundred dollars for a tournament game with 251 to 300 players. [2011, c. 325, §3 (NEW).]

[2013, c. 306, §1 (AMD) .]

4. Tournament. The organization licensed to conduct a tournament game under this section shall display the rules of the tournament game and the license issued. The maximum number of players allowed is 100 unless the tournament game is held on premises owned by the licensee, in which case the maximum number of players allowed is 300. Winners are determined by a process of elimination. The use of currency is prohibited as part of tournament game play. The maximum entry fee to play in the tournament game is \$100, except the organization may add to the player entry fee to defray the cost of the license fee, as long as the total additional amount collected from all players does not exceed \$125. Only one entry fee is permitted per person. A tournament game must be completed within 48 hours. Other games of chance on the premises are prohibited during a tournament game, except for lucky seven or similar sealed tickets and no more than one 50/50 raffle per tournament with a prize value up to \$1,000. This subsection does not prohibit a licensee from conducting one winner-take-all hand per tournament game with a bet limit of \$5. The total number of bets received in a winner-take-all round must be awarded to the winner or in the case of multiple winners divided among them as evenly as possible. All prizes awarded in accordance with this subsection must be paid in cash.

[2013, c. 306, §2 (AMD) .]

4-A. Exception for super cribbage tournament. Notwithstanding any provision of this section to the contrary, the Gambling Control Unit may issue up to 15 licenses per year for the conduct of a super cribbage tournament. For the purposes of this subsection, "cribbage" means a card game that uses a board and pegs to keep score and of which the characteristic feature is a crib into which players discard cards from their dealt hand to create a crib of 4 cards unseen by other players that will be ultimately part of the dealer's hand. The license fee for a super cribbage tournament is \$75. A super cribbage tournament must be conducted in the same manner as prescribed for a tournament game by this section except as follows.

A. The super cribbage tournament may be conducted by a nationally chartered organization that organizes tournament-style cribbage games and that is exempt from taxation under the United States Internal Revenue Code, Section 501(c)(3) so long as the principal organizer has been a member of that organization for a period of not less than 3 years. [2015, c. 163, §1 (NEW).]

B. The minimum number of players required is 30. [2017, c. 182, §1 (AMD).]

C. The maximum entry fee allowed is \$100 per player. [2015, c. 163, §1 (NEW).]

D. The super cribbage tournament need not be held on premises owned by the licensee. [2015, c. 163, §1 (NEW).]

E. The super cribbage tournament may be conducted over a period of up to 72 hours. [2015, c. 163, §1 (NEW).]

F. Notwithstanding subsection 2, 50% of the proceeds of the super cribbage tournament after prizes are paid must be paid to a bona fide charitable organization, other than the licensee, listed on the tournament application submitted to the Gambling Control Unit. [2017, c. 284, Pt. KKKKK, §21 (AMD).]

[2017, c. 284, Pt. KKKKK, §21 (AMD) .]

4-B. Charitable cribbage tournament. The Gambling Control Unit shall accept a registration for a cribbage tournament to be conducted as prescribed by this subsection. For the purposes of this section, "cribbage" means a card game

that uses a board and pegs to keep score and of which the characteristic feature is a crib into which players discard cards from their dealt hand to create a crib of 4 cards unseen by other players that will be ultimately part of the dealer's hand. In a cribbage tournament, winners are determined by a process of elimination. A cribbage tournament may extend beyond a calendar day. A person may operate a cribbage tournament as registered by the Gambling Control Unit if the operator:

A. Is a restaurant licensed in accordance with Title 22, chapter 562 or a manufacturer licensed under Title 28-A, section 1355-A who offers complimentary samples or samples for a charge to the public at the licensee's manufacturing facility. For the purposes of this subsection, "restaurant" means a reputable place operated by responsible persons of good reputation that is regularly used for the purpose of providing food for the public and that has adequate and sanitary kitchen and dining room equipment and capacity for preparing and serving suitable food for the public; [2017, c. 284, Pt. KKKKK, §22 (NEW) .]

B. Limits play to the location of the licensed establishment and to patrons of the licensed establishment who are 21 years of age or older; and [2017, c. 284, Pt. KKKKK, §22 (NEW) .]

C. Charges an entry fee not to exceed \$25 per person for participation in the cribbage tournament. Notwithstanding section 1838, all entry fees must be awarded as prizes to winners of the tournament for which the entry fees were paid, except that the operator may donate all or a portion of the entry fees to a charitable organization. An operator may not charge a fee except for the entry fee and may not receive any portion of the proceeds from the operation of the cribbage tournament. [2017, c. 284, Pt. KKKKK, §22 (NEW) .]

[2017, c. 284, Pt. KKKKK, §22 (NEW) .]

5. Proceeds. No less than 75% of the entry fees under subsection 4 must be paid as prizes to the winners of the tournament game.

[2009, c. 487, Pt. A, §2 (NEW) .]

6. Cost of administration; surplus. The Gambling Control Unit may retain, from license fees collected in accordance with subsection 3-A, only an amount necessary to defray the costs of administering this section. All fees collected in excess of the amount necessary to defray the costs of administration must be allocated as follows:

A. Forty percent to the Fractionation Development Center; and [2009, c. 487, Pt. A, §2 (NEW) .]

B. Sixty percent to the General Fund. [2009, c. 487, Pt. A, §2 (NEW) .]

[2017, c. 284, Pt. KKKKK, §23 (AMD) .]

SECTION HISTORY

2009, c. 487, Pt. A, §2 (NEW). 2011, c. 325, §§1-5 (AMD). 2013, c. 306, §§1, 2 (AMD). 2015, c. 163, §1 (AMD). 2017, c. 182, §1 (AMD). 2017, c. 284, Pt. KKKKK, §§19-23 (AMD).

§1837. RAFFLES

(REPEALED)

SECTION HISTORY

2009, c. 487, Pt. A, §2 (NEW). 2011, c. 657, Pt. W, §6 (REV). 2017, c. 284, Pt. KKKKK, §24 (RP) .

§1837-A. RAFFLES

1. Registration required. Unless otherwise specified by this section, a person or organization may not conduct a raffle without registering with the Gambling Control Unit.

[2017, c. 284, Pt. KKKKK, §25 (NEW) .]

2. Raffle with a prize of \$2,000 or less. A person or organization is not required to register with the Gambling Control Unit to conduct a raffle in which the total value of the prize offered to the holder of the winning chance does not exceed

\$2,500. If the raffle is conducted in a manner in which there are multiple winning chances, the total value of all prizes offered may not exceed a value of \$2,500.

[2017, c. 284, Pt. KKKKK, §25 (NEW) .]

3. Raffle with a noncash prize of \$2,501 to \$10,000. A person or organization may conduct a raffle in which the total value of the prize offered to the holder of the winning chance is greater than \$2,501 and does not exceed \$10,000 upon the acceptance of a registration by the Gambling Control Unit. The Gambling Control Unit may not accept a registration for a raffle under this subsection unless the registration states a verifiable charitable purpose for which the proceeds of the raffle are dedicated to benefit. If the raffle is conducted in a manner in which there are multiple winning chances, the total value of all prizes offered may not exceed a value of \$10,000. A prize offered for a raffle conducted under this subsection may not be in the form of cash and may not be exchanged for cash.

[2017, c. 284, Pt. KKKKK, §25 (NEW) .]

4. Raffle with a noncash prize up to \$75,000 conducted by eligible organization; cash prizes up to \$20,000. An eligible organization as described in section 1832, subsection 2 may conduct a raffle in which the total value of the prize offered to the holder of the winning chance does not exceed \$75,000 upon the acceptance of a registration by the Gambling Control Unit. The registration must state a verifiable charitable purpose for which the proceeds of the raffle are dedicated to benefit. If the raffle is conducted in a manner in which there are multiple winning chances, the total value of all prizes offered may not exceed a value of \$75,000. A noncash prize for a raffle conducted under this subsection may not be exchanged for cash. The total amount of cash prizes that may be awarded for a raffle conducted under this subsection may not exceed \$20,000 with no more than one \$10,000 prize for the holder of the winning chance. An eligible organization may not conduct more than one raffle under this subsection in a 12-month period.

[2017, c. 284, Pt. KKKKK, §25 (NEW) .]

5. Raffle conducted by persons 18 years of age or older; exception. Raffle chances or tickets may not be sold by a person under 18 years of age, except for raffles conducted under subsections 2 and 3 designed to benefit activities of children at an event generally attended by persons under 18 years of age.

[2017, c. 284, Pt. KKKKK, §25 (NEW) .]

SECTION HISTORY

2017, c. 284, Pt. KKKKK, §25 (NEW) .

§1838. REVENUE AND EXPENSES

1. Compensation. Those who conduct games of chance, card games, tournament games or raffles may not be paid for such services except according to this subsection.

A. An organization including a fair licensed to operate beano, bingo or lucky seven games may use up to 20% of the gross revenue to compensate those who conduct the games. [2009, c. 487, Pt. A, §2 (NEW) .]

B. Each person who conducts a game of chance licensed to an agricultural society may be paid at a rate that does not exceed 3 times the State's minimum wage as established in Title 26, section 664, subsection 1, unless the game is one for which the limit in paragraph A applies. [2009, c. 487, Pt. A, §2 (NEW) .]

[2017, c. 284, Pt. KKKKK, §26 (AMD) .]

2. Exception. Notwithstanding subsection 1, a licensee or registrant may use the proceeds of a game of chance, card game, tournament game or raffle 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 [2009, c. 487, Pt. A, §2 (NEW) .]

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 Gambling Control Unit. An application must be made in the form and contain the information the Gambling Control Unit requires.

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

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

(3) The unit 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. [2017, c. 284, Pt. KKKKK, §26 (AMD).]

[2017, c. 284, Pt. KKKKK, §26 (AMD) .]

3. Rules. The Gambling Control Unit shall adopt routine technical rules in accordance with Title 5, chapter 375 to carry out this section.

[2017, c. 284, Pt. KKKKK, §26 (AMD) .]

4. Posting. An organization licensed to conduct a game of chance pursuant to section 1832 shall post in a conspicuous place in the room or hall where games of chance are conducted a sign that states the net revenue earned from the operation of the game in dollars and cents, the amount of charitable donations from that net revenue in dollars and cents, what percentage in dollars and cents of the net revenue that amount represents in donations to nonprofit activities and what percentage of the net revenue was distributed from licensed games for the previous calendar year and has been distributed in the current calendar year. For the purposes of this subsection, "calendar year" means January to December.

[2009, c. 487, Pt. A, §2 (NEW) .]

SECTION HISTORY

2009, c. 487, Pt. A, §2 (NEW). 2017, c. 284, Pt. KKKKK, §26 (AMD) .

§1839. RECORDS AND REPORTS

1. Records required. Each licensee or registrant shall keep a record of all financial transactions involving games operated under this chapter. The records must include an exact account of all gross revenue from the games, an itemization of all allowable expenses, including, but not limited to, the cost of prizes, printing, licenses and administration, and the disposition of all proceeds, including, but not limited to, all gifts, grants and payments to any person, firm, corporation, association or organization for any purpose whatsoever. All financial records involving games operated under this chapter must be separate and distinguishable from other records of the organization. Revenue from more than one game operated under this chapter may be entered into one account.

[2017, c. 284, Pt. KKKKK, §27 (AMD) .]

2. Records required for licensee or registrant employing tokens. If a licensee or registrant employs tokens to account for revenue from games operated under this chapter and if the licensee or registrant maintains direct control over the sale and redemption of the tokens and keeps accurate records of all tokens used, then the Gambling Control Unit may by rule alter or reduce the record-keeping requirements of subsection 1 to the extent the use of tokens renders those records unnecessary for adequate control of the licensee's or registrant's games.

[2017, c. 284, Pt. KKKKK, §27 (AMD) .]

3. Disposition of funds reports. Within 10 business days after the last day of any period during which a licensed game under this chapter is conducted, the licensee shall file with the Gambling Control Unit a disposition of funds form prescribed and furnished by the Gambling Control Unit, detailing for the period the total receipts and expenditures of the game and the disposition of funds. Every statement must be made under oath by an officer of the licensee or by the member in charge of the conduct of the game. A registrant who conducts games under this chapter shall maintain records of disposition of funds, which must be made available to the Gambling Control Unit upon request.

[2017, c. 284, Pt. KKKKK, §27 (AMD) .]

4. Disposition of funds reports from registrant using tokens. If tokens are employed to account for revenue from games operated under this chapter, then the registrant shall maintain a report of the number of tokens sold, the number redeemed and the disposition of funds from the proceeds of sale in addition to such other information as the Gambling Control Unit may require under subsection 3.

[2017, c. 284, Pt. KKKKK, §27 (AMD) .]

5. Records maintained for 3 years. Every licensee or registrant that has conducted a game under this chapter shall maintain and keep for a period of 3 years reports as may be necessary to substantiate the records and reports required by this section or by the rules adopted under this chapter.

[2017, c. 284, Pt. KKKKK, §27 (AMD) .]

6. Location. All records maintained by a licensee or registrant pursuant to this section and pursuant to the rules adopted under this chapter must be kept and maintained on the premises where the game has been conducted or at the primary business office of the licensee or registrant, which must be designated by the licensee in the license application or the registrant in the registration. These records must be open to inspection by the Gambling Control Unit, and a licensee or registrant may not refuse the Gambling Control Unit permission to inspect or audit the records. Refusal to permit inspection or audit of the records does not constitute a crime under this chapter but constitutes grounds for revocation of license or registration.

[2017, c. 284, Pt. KKKKK, §27 (AMD) .]

SECTION HISTORY

2009, c. 487, Pt. A, §2 (NEW). 2017, c. 284, Pt. KKKKK, §27 (AMD).

§1840. DISTRIBUTORS; RECORDS AND REPORTS

1. Printers licensed.

[2017, c. 284, Pt. KKKKK, §28 (RP) .]

2. Distributors licensed. A distributor may not sell, lease, market or otherwise distribute gambling apparatus or implements unless licensed by the Gambling Control Unit, except that a license is not required for the sale, marketing or distribution of raffle tickets when the holder of the winning chance receives something of value worth less than \$10,000.

A nonresident manufacturer or distributor of gambling apparatus or implements doing business in the State must have an agent in this State who is licensed as a distributor. A distributor may not sell, market or otherwise distribute gambling apparatus or implements to a person or organization, except to persons or eligible organizations described under section 1832, subsection 2 licensed or registered to operate or conduct games under this chapter or registered to conduct a special raffle under section 1837-A. A distributor may not lease or loan or otherwise distribute free of charge any gambling apparatus or implements to an organization eligible to operate a game under this chapter, except that a distributor may lease gambling apparatus or implements to an agricultural society registered to operate games of chance on the grounds of the agricultural society and during the annual fair of the agricultural society as long as the distributor does not charge the agricultural society an amount in excess of 50% of the gross revenue from any game conducted under this chapter.

A licensee or registrant shall acquire gambling apparatus and implements from a distributor licensed under this section, unless the gambling apparatus or implements are printed, manufactured or constructed by the licensed organization. At no time may any licensee print, manufacture or construct any gambling apparatus or implements for distribution to any other licensee. The applicant for a distributor's license or, if the applicant is a firm, corporation, association or other organization, its resident manager, superintendent or official representative shall file an application with the Gambling Control Unit on a form provided by the Gambling Control Unit. The Gambling Control Unit shall furnish to each applicant a current copy of this chapter and the rules adopted under section 1843 and to each licensee a copy of any changes or additions to this chapter and the rules adopted under section 1843.

[2017, c. 284, Pt. KKKKK, §28 (AMD) .]

3. Sales agreements. A distributor shall forward to the Gambling Control Unit, prior to delivery of any gambling machine to the purchaser, a copy of all sales agreements, sales contracts or any other agreements involving the sale of any gambling machine. The terms of the sales contract must include, but are not limited to, the name of seller, name of purchaser, address of seller, address of purchaser, description of the gambling machine including serial number and model name and number, total sale price, any arrangement or terms for payments and the date of final payment.

Any change, modification or alteration of these agreements must be reported to the Gambling Control Unit by the purchaser within 6 days of the change, modification or alteration.

[2017, c. 284, Pt. KKKKK, §28 (AMD) .]

4. Service agreements. With the sale of any gambling machine involving a service agreement, the distributor shall forward to the Gambling Control Unit a copy of the agreement prior to delivery of the machine. The terms of the service agreements must include, but are not limited to, the name of seller, name of purchaser, address of seller, address of purchaser, description of machine to be serviced including serial number and model name and number and all prices and payments for that service.

Any change, modification or alteration of the agreement must be reported to the Gambling Control Unit by the purchaser within 6 days of the change, modification or alteration.

[2017, c. 284, Pt. KKKKK, §28 (AMD) .]

5. Agricultural societies; lease agreements. When a gambling apparatus or implement is leased as provided in subsection 2 to an agricultural society, the distributor shall forward to the Gambling Control Unit a copy of the lease agreement prior to delivery of the gambling apparatus or implement. The terms of the lease must include, but are not limited to, the name of the lessor; address of the lessor; name of the lessee; address of the lessee; description of the gambling apparatus or implement; serial number, model name or number of the gambling apparatus or implement; and all prices and payments for the lease. Each lease must be for a specific period of time no longer than the duration of the annual fair of that lessee, and each gambling apparatus must have its own separate lease. Gambling apparatus or implements leased under this section:

A. May be operated only for the exclusive benefit of the agricultural society, except that the agricultural society may pay a distributor up to 50% of gross gaming revenue in accordance with subsection 2; and [2009, c. 487, Pt. A, §2 (NEW) .]

B. Must bear the name and address of the distributor. [2009, c. 487, Pt. A, §2 (NEW) .]

[2017, c. 284, Pt. KKKKK, §28 (AMD) .]

6. Reports. At the end of each calendar month, a distributor shall file with the Gambling Control Unit a report indicating:

A. The names and addresses of all persons or organizations to which the distributor has distributed equipment and the dates of the distribution; [2017, c. 284, Pt. KKKKK, §28 (AMD) .]

B. A description of the equipment distributed, including serial number and model name and number; and [2009, c. 487, Pt. A, §2 (NEW) .]

C. The quantities of any equipment distributed. [2009, c. 487, Pt. A, §2 (NEW) .]

[2017, c. 284, Pt. KKKKK, §28 (AMD) .]

7. Retention and inspection of records. A distributor shall maintain and keep for a period of 3 years, on the premises of the distributor, any records that may be necessary to substantiate the reports required by this section or by the rules adopted under this chapter. The records must be open to inspection, and a licensee or registrant may not refuse the Gambling Control Unit permission to inspect or audit the records. Refusal to permit inspection or audit of the records does not constitute a crime under this chapter but constitutes grounds for revocation of license or registration.

[2017, c. 284, Pt. KKKKK, §28 (AMD) .]

8. Reports generally. The Gambling Control Unit shall require from any licensed distributor, or from any organization authorized to operate a game under this chapter, whatever reports determined necessary by the unit for the purpose of the administration and enforcement of this chapter.

[2017, c. 284, Pt. KKKKK, §28 (AMD) .]

SECTION HISTORY

2009, c. 487, Pt. A, §2 (NEW). 2017, c. 284, Pt. KKKKK, §28 (AMD) .

§1841. PROHIBITED ACTS

1. Schemes prohibited. A license may not be issued under this chapter for the conduct or operation of a machine, a slot machine, roulette or games commonly known as policy or numbers, except that a license may be issued for an electronic video machine. An electronic video machine that constitutes a game of chance is fully governed by this chapter.

[2009, c. 487, Pt. A, §2 (NEW) .]

2. Prohibited games. The following games are prohibited:

- A. A game that uses objects that are constructed, designed or altered to be other than what they appear to be and to respond in a way other than that in which the average player would assume that they would respond, unless that construction, design or alteration is permitted in the rules governing that game and the construction, design or alteration meets the requirements of those rules; [2009, c. 487, Pt. A, §2 (NEW) .]
- B. A game in which the operator either partially or entirely controls the outcome of the game by the operator's manner of operating or conducting the game; [2009, c. 487, Pt. A, §2 (NEW) .]
- C. A game in which the outcome depends upon the word of the operator against the word of the player; and [2009, c. 487, Pt. A, §2 (NEW) .]
- D. A game of skill that includes any mechanical or physical device that directly or indirectly impedes, impairs or thwarts the skill of the player. [2009, c. 487, Pt. A, §2 (NEW) .]

[2009, c. 487, Pt. A, §2 (NEW) .]

3. Glass prohibited. The use of glass is prohibited in games of skill pursuant to Title 38, section 3118.

[2015, c. 166, §1 (AMD) .]

SECTION HISTORY

2009, c. 487, Pt. A, §2 (NEW). 2015, c. 166, §1 (AMD) .

§1842. INVESTIGATIONS AND ACTIONS ON LICENSES AND REGISTRATIONS; EVIDENCE

1. Investigation. The Gambling Control Unit shall investigate or cause to be investigated all complaints made to the unit and all violations of this chapter or the rules adopted pursuant to section 1843.

[2017, c. 284, Pt. KKKKK, §29 (AMD) .]

2. Refusal to issue, modify or renew; modification; suspension; revocation. Each of the following is grounds for an action to refuse to issue, modify or renew or to modify, suspend or revoke the license of a distributor licensed under this chapter:

- A. The distributor or its resident manager, superintendent or official representative made or caused to be made a false statement of material fact in obtaining a license under this chapter or in connection with service rendered within the scope of the license issued; [2017, c. 284, Pt. KKKKK, §29 (AMD) .]
- B. The distributor or its resident manager, superintendent or official representative violated any provision of this chapter or any rule adopted by the Gambling Control Unit under section 1843.
 - (1) Except as provided in subparagraph (2), the Gambling Control Unit shall give written notice of any violation to the distributor who then has 14 days to comply. Failure to comply within the 14-day period is grounds for an action under this section.

(2) If a distributor violates section 1840, subsection 2, the Gambling Control Unit is not required to give the notice or allow the compliance period provided in subparagraph (1); or [2017, c. 284, Pt. KKKKK, §29 (AMD) .]

C. The distributor or its resident manager, superintendent or official representative has been:

(1) Convicted of a crime under this chapter or Title 17-A, chapter 39; or

(2) Convicted within the prior 10 years of any crime for which imprisonment for more than one year may be imposed. [2017, c. 284, Pt. KKKKK, §29 (AMD) .]

[2017, c. 284, Pt. KKKKK, §29 (AMD) .]

3. Gambling Control Unit. The Gambling Control Unit may:

A. Investigate all aspects of this chapter including the direct and indirect ownership or control of any licenses or registrations; [2017, c. 284, Pt. KKKKK, §29 (AMD) .]

B. Suspend, revoke or refuse to issue a license or accept a registration, after notice and the opportunity for a hearing, if the applicant, applicant's agent or employee, licensee, licensee's agent or employee, or registrant, registrant's agent or employee or person registering violates a provision of this chapter or Title 17-A, chapter 39 or fails to meet the statutory requirements for licensure or registration pursuant to this chapter; [2017, c. 284, Pt. KKKKK, §29 (AMD) .]

C. Immediately suspend or revoke a license or registration if there is probable cause to believe that the licensee or the licensee's agent or employee or the registrant or the registrant's agent or employee violated section 1832, subsection 8, paragraph C; section 1841, subsection 2; or a provision of Title 17-A, chapter 39; [2017, c. 284, Pt. KKKKK, §29 (AMD) .]

D. Issue a subpoena in the name of the State Police in accordance with Title 5, section 9060, except that this authority applies to any stage of an investigation under this chapter and is not limited to an adjudicatory hearing. This authority may not be used in the absence of reasonable cause to believe a violation has occurred. If a witness refuses to obey a subpoena or to give any evidence relevant to proper inquiry by the unit, the Attorney General may petition the Superior Court in the county where the refusal occurred to find the witness in contempt. The Attorney General shall cause to be served on that witness an order requiring the witness to appear before the Superior Court to show cause why the witness should not be adjudged in contempt. The court shall, in a summary manner, hear the evidence and, if it is such as to warrant the court in doing so, punish that witness in the same manner and to the same extent as for contempt committed before the Superior Court or with reference to the process of the Superior Court; and [2017, c. 284, Pt. KKKKK, §29 (AMD) .]

E. Require such evidence as the unit determines necessary to satisfy the unit that an applicant or organization licensed or registered to conduct games under this chapter conforms to the restrictions and other provisions of this chapter. Charters, organizational papers, bylaws or other such written orders of founding that outline or otherwise explain the purpose for which an organization was founded must, upon request, be forwarded to the Gambling Control Unit. The Gambling Control Unit may require of any licensee, registrant or person registering or of any person operating, conducting or assisting in the operation of a game licensed or registered under this chapter, evidence as the unit may determine necessary to satisfy the unit that the person is a duly authorized member of the licensee, registrant or person registering or a person employed by the licensee, registrant or person registering as a bartender as required by section 1835, subsection 2 and section 1835-A, subsection 2. Upon request, this evidence must be forwarded to the Gambling Control Unit. The Gambling Control Unit may require such evidence as the unit may determine necessary regarding the conduct of games authorized under this chapter to determine compliance with this chapter. [2017, c. 284, Pt. KKKKK, §29 (AMD) .]

[2017, c. 284, Pt. KKKKK, §29 (AMD) .]

4. Actions after notice and opportunity for hearing. The Gambling Control Unit shall notify the applicant, registrant or licensee in writing, before a license or registration is denied, suspended or revoked pursuant to subsection 3, paragraph B, of the intended denial or commencement date of the suspension or revocation, which may not be made any sooner than 96 hours after the licensee's or registrant'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 applicant, licensee, person registering or registrant has the right to request a hearing before the Commissioner of Public Safety or the commissioner's designee. Upon the 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 applicant, person

registering, applicant's or registering person's agent or employee or the licensee, registrant or licensee's or registrant's agent or employee violated a provision of this chapter or Title 17-A, chapter 39. A request for a hearing may not be made any later than 10 days after the applicant, licensee, person registering or registrant is notified of the proposed denial, suspension or revocation. The suspension or revocation 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 unless otherwise agreed by the parties or continued upon request of a party for cause shown.

[2017, c. 284, Pt. KKKKK, §29 (AMD) .]

5. Immediate suspension or revocation. A licensee or registrant whose license or registration is immediately suspended or revoked by the Gambling Control Unit pursuant to subsection 3, paragraph C must be notified in writing of the duration of the suspension or revocation and the licensee's or registrant's right to request a hearing before the Commissioner of Public Safety or the commissioner's designee. Upon the licensee's or registrant'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, the registrant, the licensee's agent or employee or the registrant's agent or employee violated section 1832, subsection 8, paragraph C; section 1841, subsection 2; or a provision of Title 17-A, chapter 39. A request for a hearing may not be made any later than 48 hours after the licensee or registrant 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.

[2017, c. 284, Pt. KKKKK, §29 (AMD) .]

6. Access to premises. A person, firm, corporation, association or organization making application or registration to the Gambling Control Unit to conduct or operate a game under this chapter or any such person, firm, corporation, association or organization authorized under this chapter to conduct or operate a game shall permit inspection of any equipment, prizes, records or items and materials used or to be used in the conduct or operation of a game under this chapter by the Gambling Control Unit.

A firm, corporation, association or organization licensed or registered to conduct or operate a game under this chapter shall permit at any time the Department of Public Safety or the city or town fire inspectors of the municipality in which the licensed or registered game is being conducted to enter and inspect the premises where the game is being conducted.

[2017, c. 284, Pt. KKKKK, §29 (AMD) .]

SECTION HISTORY

2009, c. 487, Pt. A, §2 (NEW). 2017, c. 284, Pt. KKKKK, §29 (AMD) .

§1843. RULES

The Gambling Control Unit may adopt routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A necessary for the administration and enforcement of this chapter and for the licensing, registration, conduct and operation of games governed by this chapter. The Gambling Control Unit may regulate, supervise and exercise general control over the operation of such games. In establishing such rules, the Gambling Control Unit shall, in addition to the standards set forth in other provisions of this chapter, set forth conduct, conditions and activity considered undesirable, including: [2017, c. 284, Pt. KKKKK, §30 (AMD) .]

1. Fraud. The practice of any fraud or deception upon a participant in a game governed by this chapter;

[2017, c. 284, Pt. KKKKK, §30 (AMD) .]

2. Unsafe premises. The conduct of a game governed by this chapter in or at premises that may be unsafe due to fire hazard or other such conditions;

[2017, c. 284, Pt. KKKKK, §30 (AMD) .]

3. Advertising and solicitation. Advertising that is obscene or solicitation on a public way of persons to participate in a game governed by this chapter;

[2017, c. 284, Pt. KKKKK, §30 (AMD) .]

4. Organized crime. Infiltration of organized crime into the operation of games governed by this chapter or into the printing or distributing of gambling materials;

[2017, c. 284, Pt. KKKKK, §30 (AMD) .]

5. Disorderly persons. Presence of disorderly persons in a location where a game governed by this chapter is being conducted;

[2017, c. 284, Pt. KKKKK, §30 (AMD) .]

6. Leasing of equipment. Leasing of equipment by a licensee or registrant used in the operation of games governed by this chapter not in accordance with this chapter; and

[2017, c. 284, Pt. KKKKK, §30 (AMD) .]

7. Bona fide nonprofit organization. The establishment of organizations that exist primarily to operate games governed by this chapter and do not have a bona fide nonprofit charitable, educational, political, civic, recreational, fraternal, patriotic, religious or public safety purpose.

[2017, c. 284, Pt. KKKKK, §30 (AMD) .]

The Gambling Control Unit shall provide a mechanism for individuals and businesses to request a determination from the Gambling Control Unit as to whether a particular game, contest, scheme or device qualifies as a game of chance or a game of skill. [2017, c. 284, Pt. KKKKK, §30 (AMD).]

SECTION HISTORY

2009, c. 487, Pt. A, §2 (NEW). 2017, c. 284, Pt. KKKKK, §30 (AMD) .

§1844. VIOLATIONS

A person who violates this chapter or rules adopted in accordance with this chapter commits a Class D crime. [2009, c. 487, Pt. A, §2 (NEW).]

SECTION HISTORY

2009, c. 487, Pt. A, §2 (NEW) .

§1845. ADMINISTRATION EXPENSES

The expenses of administering this chapter must be paid out of the fees received in accordance with this chapter. [2009, c. 487, Pt. A, §2 (NEW).]

SECTION HISTORY

2009, c. 487, Pt. A, §2 (NEW) .

§1846. VENDING MACHINES

Nothing in this chapter applies to vending machines the primary purpose of which is to dispense beverages, candy, fruit or other food items when a coin or bills are inserted into the machine. [2009, c. 487, Pt. A, §2 (NEW).]

SECTION HISTORY

2009, c. 487, Pt. A, §2 (NEW) .

Maine Revised Statutes
Title 17-A: MAINE CRIMINAL CODE
Chapter 39: UNLAWFUL GAMBLING

16 **DEPARTMENT OF PUBLIC SAFETY**

633 **GAMBLING CONTROL UNIT**

Chapter 32: RULES RELATING TO GAMES OF CHANCE

SUMMARY: This chapter describes all requirements that must be met in order to register or be licensed to operate games of chance. This chapter also details requirements for equipment and associated materials used in games of chance.

§1. Definitions. As used in this chapter, the following terms have the following meanings:

1. **Director** “Director” has the same meaning as set forth in 17 M.R.S. §1831
2. **Eligible Organization** “Eligible Organization” has the same meaning as set forth in 17 M.R.S. §1832 (2).
3. **Equipment.** "Equipment" means any and all articles essential to the operation and conduct of a Game of Chance.
4. **Gambling Control Unit** “Gambling Control Unit” or “unit” has the same meaning as set forth in 17 M.R.S. §1831
5. **Game Promotion.** “Game promotion” includes, but is not limited to, any game, contest, sweepstakes, advertising scheme or plan, device, or promotion:
 - a) That is conducted in connection with the promotion of products or services;
 - b) In which a person may enter to win or become eligible to receive a prize with or without payment of something of value; and
 - c) Where the determination of a winner is based upon chance.

For the purpose of section 5, “operator” means any person, firm, corporation or association, or agent or employee thereof, who promotes, operates, or conducts a game promotion.

6. **Lucky seven or similar sealed ticket game.** “Lucky seven or similar sealed ticket game” means a game consisting of tickets or cards with preprinted symbols, numbers, or other figures that are hidden by an opaque removable material. Each ticket or card represents a chance to win a specific single prize or specific single set of prizes. A winning ticket or card contains a predetermined winning configuration of symbols, numbers, or other figures.

§ 2. License and Registration Applications

1. An applicant for a license, or as applicable, a registration to conduct or operate a game of chance shall apply on forms specified by the Unit. In addition to any information required by statute, application forms must be received by hand delivery or regular mail at least 10 business days prior to the first date desired to operate at:

Department of Public Safety
Gambling Control Unit
87 State House Station
45 Commerce Drive, Suite 3
Augusta, Maine 04333-0087
207/626-3900

2. To the extent, if any, that information of a material nature supplied in the application or otherwise supplied by the applicant becomes outdated, inaccurate or incomplete, the applicant shall so notify the unit in writing as soon as it is aware that the information is inaccurate or incomplete, and shall at that time supply the information necessary to correct the timeliness, inaccuracy or incompleteness of the information.
3. The Director shall approve the application based on the criteria outlined in 17 M.R.S. §1832.
4. Electronic video machines shall not be shipped into, within or out of Maine without first obtaining a written authorization for such transport from the Director. Written authorization shall be obtained from application(s) furnished by the Unit.
5. Each electronic video machine prior to being placed in operation in Maine shall have a registration decal approved by the Director, with a registration control number placed thereon, affixed to the machine. The placement of the decal represents that the machine has been registered, inspected, and approved for operation in Maine. Only authorized Unit staff may affix a registration decal. Once a registration decal has been affixed, no person other than authorized Unit staff may remove a registration decal. No video machine may be transported out of the State, within the State or in order to be destroyed until authorized Unit personnel have removed the decal containing the machine's registration control number.

§3. Conduct of Games of Chance

1. In addition to any information required by statute, games of chance shall:
 - a) Not be conducted with any gambling equipment unless said equipment is owned absolutely.
 - b) Not be conducted while permitting any disorderly or visibly intoxicated person to enter or remain within the room or area where any Games of Chance are being offered.
 - c) Not be conducted unless some responsible person at least 18 years of age, exercises exclusive control of each game played.
 - d) Conspicuously post the Games of Chance license or registration in an area near the entrance to a licensed or registered location in which the game is being conducted.

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- e) Make available to participants a copy of the Laws, Rules of Title 17, Chapter 62 and the rules of play in the room or area where a licensed or registered Game of Chance is being conducted.
- f) Ensure that any location or room where Games of Chance are being conducted shall be sufficiently lighted at all times during the conduct of the game for public safety.
- g) Ensure that all prizes shall be designated, announced, posted or indicated to the players prior to the start of each game.
- h) Ensure at the conclusion of each Game of Chance, winners will be determined and the prize(s) awarded. No prize or any values derived from a previous prize shall be credited toward a greater prize.
- i) Ensure that when more than one player is found to be the winner in the same game, the designated prize shall be divided as equally as possible.
- j) Ensure that all members of an organization who are involved in the conduct of Games of Chance shall be thoroughly familiar with the provisions of Title 17, Chapter 62, pertaining to Games of Chance and these Rules.
- k) Comply with the following advertising standards:
 - o) Advertising of any obscene or indecent nature is prohibited.
 - p) False, misleading and deceptive advertising is prohibited.
 - q) Depictions of the use of alcohol and tobacco are prohibited.
 - r) Depictions of persons under the age of 18 engaged in games of chance are prohibited.
 - s) Guarantees of success, riches or games of chance winnings are prohibited.
 - t) Advertising must include a disclaimer as follows: "Persons under 18 years of age are prohibited unless authorized under 17 M.R.S. §1835-A(4)."
 - u) Advertising must comply with all applicable Maine and federal laws.
- l) Post or provide at each entrance or in a conspicuous place where Games of Chance are conducted, written materials concerning the nature and symptoms of problem gambling and the Maine 211 number or cost free brochures from Department of Health and Human Services, Maine Center for Disease Control and Prevention that provide information and referral services for problem gamblers. The provisions of this regulation are solely regulatory in nature and neither create a minimum standard of care toward the public nor establish a private cause of action for non-compliance.
- m) Be conducted in a building or area approved for public use by state and local officials, including the State Fire Marshal's Office.

§4. Sealed Tickets

1. Registrants must meet the requirements of an eligible organization under 17 M.R.S. §1832(2).
2. Each Lucky Seven or similar sealed ticket game shall contain no more than twelve thousand individual tickets or cards, none of which are attached in any way to any other ticket or card.

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3. Every Lucky Seven or similar sealed ticket game shall be assigned a unique serial number per game by the manufacturer that shall be plainly visible to the contestants, participants, or other interested persons.
4. No Lucky Seven or similar sealed ticket game shall be conducted or operated in which the operator or registrant knows or can identify any winning ticket or card that has not been opened by the contestant or participant.
5. Lucky Seven or similar sealed ticket games shall:
 - a) Offer all the tickets or cards per game for sale,
 - b) Not mix or add any tickets or cards from one Lucky Seven or similar sealed ticket game together with the tickets or cards to another Lucky Seven or similar sealed ticket game.
 - c) Not change the original odds in any manner,
 - d) Display the placard associated with the serial number game,
 - e) Not participate as a player or contestant in that game,
 - f) Elect to post whether prizes have been awarded or not in that game immediately following the award of the prize and shall include all prizes for that game, and
 - g) Not deceive a participant or contestant by misrepresenting in any way that a prize has been or has not been awarded.

§5. Game promotions

1. **Criteria:** A game promotion is not a game of chance if:
 - a) No entry fee, payment, donation, or proof of purchase is required as a condition of entering to win or becoming eligible to receive a prize;
 - b) The game promotion is occasional and of limited duration;
 - c) During periods when a game promotion is not being conducted, the products or services promoted are offered for sale to the public and the purchase price of these products or services has not been increased to correspond with the period during which the game promotion is being conducted; and
 - d) A demand for the products or services exists independent of the demand for the game promotion and the chance to win its prize.
2. **License or Registration required:** Any game promotion that satisfies the criteria listed in subsection A is not a game of chance, which must be licensed or registered and conducted in accordance with Title 17, Chapters 13-A or 62 of the *Maine Revised Statutes*.
3. **Sanctions:** Any operator who conducts an unlicensed game of chance may be subject to the penalties set forth in Title 17, Chapters 13-A and 62 and Title 17-A, Chapter 39 of the *Maine Revised Statutes*.
4. **Limitation:** Nothing in this section is meant to limit any game, contest, advertising scheme or plan, device, or promotion that is authorized by Maine law.

§ 6. Reports and Records Required

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1. Within (10) business days after any period in which a licensed game of chance is conducted by a Licensee, the Licensee shall file with the Gambling Control Unit a disposition of funds form prescribed and furnished by the Gambling Control Unit, even if the event is canceled, which shall include:
 - a) An exact account of all income from the licensed Game of Chance;
 - b) A list of all expenses, including, but not limited to, the cost of all prizes, printing, licenses and administration;
 - c) An exact account of the disposition of all proceeds from the licensed Game of Chance, including, but not limited to, all gifts, grants and payments to any person, firm, corporation, association or organization for any purpose whatsoever; and
 - d) Every such statement shall be made under oath by an officer of the organization in charge of such occasion.
 2. All records of financial transactions involving Games of Chance shall be separate and distinguishable from all other financial records of the organization.
 3. Each licensee /registrant shall maintain and keep for a period of (3) years following the date a game of chance was held such books and records.
 4. The Director or his authorized representative may examine the books and records of any licensee or registrant at any time, so far as those books and records relate to the transactions connected with the holding, operating and conduct of Games of Chance, and the licensee or registrant shall cooperate with the Director or his representative by making such books and records available to them. The Gambling Control Unit may also examine any manager, officers, director, agent, member or employee of the licensee or registrant in relation to the conduct of a game of chance, or concerning the conduct of a game of chance.
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STATUTORY AUTHORITY: 17 M.R.S. Chapter 62, Section 1843

Formerly filed under Department of Public Safety, Bureau of State Police, as 16-222 ch. 2:

EFFECTIVE DATE:

June 1, 1978

READOPTED:

July 31 1979

AMENDED:

December 27, 1995 (EMERGENCY) - Sec. 2.01, 2.04

EFFECTIVE DATE (ELECTRONIC CONVERSION):

May 15, 1996

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AMENDED:

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AMENDED:

July 25, 2018 – filing 2018-142

Maine Revised Statutes
Title 17-A: MAINE CRIMINAL CODE
Chapter 39: UNLAWFUL GAMBLING

§951. INAPPLICABILITY OF CHAPTER

Any person licensed or registered by the Gambling Control Unit as provided in Title 17, chapter 13-A or chapter 62, or authorized to operate or conduct a raffle pursuant to Title 17, section 1837-A, is exempt from the application of the provisions of this chapter insofar as that person's conduct is within the scope of the license or registration. [2017, c. 284, Pt. KKKKK, §32 (AMD).]

SECTION HISTORY

1975, c. 499, §1 (NEW). 1975, c. 740, §93 (AMD). 1989, c. 502, §A48 (AMD). 2009, c. 487, Pt. B, §10 (AMD). 2017, c. 284, Pt. KKKKK, §32 (AMD).

§952. DEFINITIONS

As used in this chapter, the following definitions apply: [1975, c. 499, §1 (NEW).]

1. "Advance gambling activity." A person "advances gambling activity" if, acting other than as a player or a member of the player's family residing with a player in cases in which the gambling takes place in their residence, he engages in conduct that materially aids any form of gambling activity. Conduct of this nature includes, but is not limited to, bookmaking, conduct directed toward the creation or establishment of the particular game, contest, scheme, device or activity involved, toward the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor, toward the solicitation or inducement of persons to participate therein, toward the actual conduct of the playing phases thereof, toward the arrangement of any of its financial or recording phases, or toward any other phase of its operation. A person also advances gambling activity if, having substantial proprietary control or other authoritative control over premises being used with his knowledge for purposes of gambling activity, he permits that activity to occur or continue, or makes no effort to prevent its occurrence or continuation.

[1975, c. 499, §1 (NEW) .]

2. "Bookmaking" means advancing gambling activity by unlawfully accepting bets from members of the public as a business, rather than in a casual or personal fashion, upon the outcomes of future contingent events.

[1975, c. 499, §1 (NEW) .]

3. Contest of chance. "Contest of chance" means any game, contest, scheme or device in which:

A. A person stakes or risks something of value for the opportunity to win something of value; [1995, c. 674, §4 (NEW) .]

B. The rules of operation or play require an event the result of which is determined by chance, outside the control of the contestant or participant; and [1995, c. 674, §4 (NEW) .]

C. Chance enters as an element that influences the outcome in a manner that can not be eliminated through the application of skill. [1995, c. 674, §4 (NEW) .]

For the purposes of this subsection, "an event the result of which is determined by chance" includes but is not limited to a shuffle of a deck or decks of cards, a roll of a die or dice or a random drawing or generation of an object or objects that may include, but are not limited to, a card or cards, a die or dice, a number or numbers or simulations of any of these. A shuffle of a deck or decks of cards, a roll of a die or dice, a random drawing or generation of an object or objects or some other event the result of which is determined by chance that is employed to determine impartially the initial order of play in a game, contest, scheme or device does not alone make a game, contest, scheme or device a game of chance.

[1995, c. 674, §4 (RPR) .]

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4. "Gambling." A person engages in gambling if he stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his control or influence, upon an agreement or understanding that he or someone else will receive something of value in the event of a certain outcome. Gambling does not include bona fide business transactions valid under the law of contracts, including but not limited to contracts for the purchase or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of chance, including but not limited to contracts of indemnity or guaranty and life, health or accident insurance.

[1975, c. 499, §1 (NEW) .]

5. "Gambling device" means any device, machine, paraphernalia or equipment that is used or usable in the playing phases of any gambling activity, whether that activity consists of gambling between persons or gambling by a person involving the playing of a machine. However, lottery tickets and other items used in the playing phases of lottery schemes are not gambling devices within this definition.

[1975, c. 499, §1 (NEW) .]

5-A. "Illegal gambling machine" means any machine, including electronic devices, however operated:

A. The internal mechanism or components of which when set in motion or activated may deliver or entitle the person playing or operating the machine to receive cash, premiums, merchandise, tickets or something of value; [2001, c. 461, §1 (NEW) .]

B. That is used to advance gambling activity; [2003, c. 687, Pt. A, §6 (AMD); 2003, c. 687, Pt. B, §11 (AFF) .]

C. That is not a machine that a person may lawfully operate pursuant to a license that has been issued under Title 17, chapter 62 or that is operated by the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations; and [2009, c. 487, Pt. B, §11 (AMD) .]

D. That is not a slot machine registered pursuant to Title 8, section 1020 and owned by a slot machine distributor licensed pursuant to Title 8, section 1013. [2003, c. 687, Pt. A, §7 (NEW); 2003, c. 687, Pt. B, §11 (AFF) .]

[2009, c. 487, Pt. B, §11 (AMD) .]

6. "Lottery" means an unlawful gambling scheme in which:

A. The players pay or agree to pay something of value for chances, represented and differentiated by numbers or by combinations of numbers or by some other medium, one or more of which chances are to be designated the winning ones; and [1975, c. 499, §1 (NEW) .]

B. The winning chances are to be determined by a drawing or by some other method based on an element of chance; and [1975, c. 499, §1 (NEW) .]

C. The holders of the winning chances are to receive something of value. [1975, c. 499, §1 (NEW) .]

[1975, c. 499, §1 (NEW) .]

7. "Mutuel" means a form of lottery in which the winning chances or plays are not determined upon the basis of a drawing or other act on the part of persons conducting or connected with the scheme, but upon the basis of the outcome or outcomes of a future contingent event or events otherwise unrelated to the particular scheme.

[1975, c. 499, §1 (NEW) .]

8. "Player" means a person who engages in social gambling solely as a contestant or bettor on equal terms with the other participants therein without receiving or becoming entitled to receive something of value or any profit therefrom other than his personal gambling winnings. "Social gambling" is gambling, or a contest of chance, in which the only participants are players and from which no person or organization receives or becomes entitled to receive something of value or any profit whatsoever, directly or indirectly, other than as a player, from any source, fee, remuneration connected with said gambling, or such activity as arrangements or facilitation of the game, or permitting the use of premises, or selling or supplying for profit refreshments, food, drink service or entertainment to participants, players or spectators. A person who engages in "bookmaking" as defined in subsection 2 is not a "player."

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[1975, c. 499, §1 (NEW) .]

9. "Profit from gambling activity." A person "profits from gambling activity" if, other than as a player, he accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he participates or is to participate in the proceeds of gambling activity.

[1975, c. 499, §1 (NEW) .]

10. "Something of value" means any money or property, any token, object or article exchangeable for money or property, or any form of credit or promise directly or indirectly contemplating transfer of money or property, or of any interest therein, or involving extension of a service, entertainment or a privilege of playing at a game or scheme without charge.

[1975, c. 499, §1 (NEW) .]

11. "Unlawful" means not expressly authorized by statute. An activity not expressly authorized by statute does not cease to be unlawful solely because it is authorized under federal law or the laws of another state or jurisdiction.

[2011, c. 630, §2 (AMD) .]

SECTION HISTORY

1975, c. 499, §1 (NEW). 1995, c. 674, §4 (AMD). 2001, c. 461, §1 (AMD). 2003, c. 687, §§A6,7 (AMD). 2003, c. 687, §B11 (AFF). 2009, c. 487, Pt. B, §11 (AMD). 2011, c. 630, §2 (AMD).

§953. AGGRAVATED UNLAWFUL GAMBLING

1. A person is guilty of aggravated unlawful gambling if he intentionally or knowingly advances or profits from unlawful gambling activity by:

A. Engaging in bookmaking to the extent that the person receives or accepts in any 24-hour period more than 5 bets totaling more than \$500; or [1995, c. 224, §9 (AMD).]

B. Receiving in connection with a lottery or mutuel scheme or enterprise, money or written records from a person other than a player whose chances or plays are represented by such money or records; or [1975, c. 499, §1 (NEW) .]

C. Receiving in connection with a lottery, mutuel or other gambling scheme or enterprise more than \$1,000 in any 24-hour period played in the scheme or enterprise. [1995, c. 224, §10 (AMD).]

[1995, c. 224, §§9, 10 (AMD) .]

2. Aggravated gambling is a Class B crime.

[1975, c. 499, §1 (NEW) .]

SECTION HISTORY

1975, c. 499, §1 (NEW). 1975, c. 740, §94 (AMD). 1977, c. 55, (AMD). 1995, c. 224, §§9,10 (AMD).

§954. UNLAWFUL GAMBLING

1. Any person is guilty of unlawful gambling if that person intentionally or knowingly advances or profits from unlawful gambling activity.

[2005, c. 663, §13 (AMD) .]

Chapter 39: UNLAWFUL GAMBLING

1-A. A person is guilty of unlawful gambling if the person is under 21 years of age and plays a slot machine as defined in Title 8, section 1001, subsection 39.

[2005, c. 663, §13 (NEW) .]

2. Unlawful gambling is a Class D crime.

[1975, c. 499, §1 (NEW) .]

3. A person convicted of a violation under this section must forfeit to the State all income associated with that violation.

[2005, c. 663, §13 (NEW) .]

SECTION HISTORY

1975, c. 499, §1 (NEW). 1975, c. 740, §95 (AMD). 2005, c. 663, §13 (AMD).

§955. POSSESSION OF GAMBLING RECORDS

1. A person is guilty of possession of gambling records if, other than as a player, he knowingly possesses any writing, paper, instrument or article, which is being used or is intended by him to be used in the operation of unlawful gambling activity, as defined in this chapter.

[1975, c. 499, §1 (NEW) .]

2. Possession of gambling records is a Class D crime.

[1975, c. 499, §1 (NEW) .]

SECTION HISTORY

1975, c. 499, §1 (NEW) .

§956. POSSESSION OF GAMBLING DEVICES

1. A person is guilty of possession of gambling devices if he manufactures, sells, transports, places, possesses or conducts or negotiates any transaction affecting or designed to affect ownership, custody or use of any gambling device, knowing it is to be used in the advancement of unlawful gambling activity, as defined in this chapter.

[1975, c. 499, §1 (NEW) .]

2. Possession of gambling devices is a Class D crime.

[1975, c. 499, §1 (NEW) .]

SECTION HISTORY

1975, c. 499, §1 (NEW) .

§957. OUT-OF-STATE GAMBLING

In any prosecution under this chapter it is not a defense that the gambling activity, including the drawing of a lottery, which is involved in the illegal conduct takes place outside this State and is not in violation of the laws of the jurisdiction in which the lottery or other activity takes place. [1975, c. 499, §1 (NEW) .]

SECTION HISTORY

1975, c. 499, §1 (NEW) .

Chapter 39: UNLAWFUL GAMBLING

§958. INJUNCTIONS; RECOVERY OF PAYMENTS

1. When it appears to the Attorney General that any person has formed or published a lottery, or taken any measures for that purpose, or is engaged in selling or otherwise distributing tickets, certificates, shares or interests therein, whether such lottery originated in this State or not, he shall immediately make complaint in the name of the State to the Superior Court for an injunction to restrain such person from further proceedings therein. If satisfied that there is sufficient ground therefor, such court shall forthwith issue such injunction and thereupon it shall order notice to be served on the adverse party to appear and answer to said complaint. Such court, after a full hearing, may dissolve, modify or make perpetual such injunction, make all orders and decrees necessary to restrain and suppress such unlawful proceedings and, if the adverse party neglects to appear, or the final decree of the court is against him, judgment shall be rendered against him for all costs, fees and expenses incurred in the case and for such compensation to the Attorney General for his expenses, as the court deems reasonable.

[1975, c. 499, §1 (NEW) .]

2. Payments, compensations and securities of every description, made directly or indirectly in whole or in part, for any such lottery or ticket, certificate, share or interest therein, are received without consideration and against law and equity, and may be recovered.

[1975, c. 499, §1 (NEW) .]

SECTION HISTORY

1975, c. 499, §1 (NEW) .

§959. ILLEGAL GAMBLING MACHINES; FORFEITURE

1. An illegal gambling machine, including any monetary contents and any associated proceeds, is subject to forfeiture to the State.

[2003, c. 687, Pt. A, §8 (AMD); 2003, c. 687, Pt. B, §11 (AFF) .]

2. An illegal gambling machine, any monetary contents and any associated proceeds may be declared forfeited under this section by any court that has jurisdiction over the illegal gambling machine or final jurisdiction over any related criminal proceeding brought under this chapter or by the Superior Court for Kennebec County. Property subject to forfeiture may be kept or stored at any location within the territorial boundaries of the State and is subject to the authority of any court in which a petition seeking the forfeiture of that property is filed.

[2003, c. 687, Pt. A, §8 (AMD); 2003, c. 687, Pt. B, §11 (AFF) .]

3. Forfeitures under this section must be accomplished by the following procedure.

A. A district attorney or the Attorney General may petition the Superior Court in the name of the State in the nature of a proceeding in rem to order forfeiture of an illegal gambling machine, any monetary contents and any associated proceeds. The petition must be filed in the court having jurisdiction over the property. [2005, c. 207, §2 (AMD) .]

B. The proceeding under paragraph A is an in rem civil action, in which the State has the burden of proving all material facts by a preponderance of the evidence. [2001, c. 461, §2 (NEW) .]

C. A court shall order the State to give notice of the pendency of the action and the right to be heard by certified or registered mail or through hand delivery by a deputy sheriff to any person who appears to have an interest in the illegal gambling machine, any monetary contents and any associated proceeds. Receipt by a person then licensed to operate a motor vehicle in the State is presumed when notice is mailed to the last known address of that person on file with the Department of the Secretary of State, Bureau of Motor Vehicles. [2005, c. 207, §2 (AMD) .]

D. A court shall hold a hearing on the petition after an answer is filed by a person served with notice under paragraph C. At the hearing, the court shall hear evidence and make findings of fact and enter conclusions of law. [2011, c. 559, Pt. A, §20 (AMD) .]

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E. Based on the findings and conclusions, the court shall issue a final order, from which the parties have a right of appeal. The final order must provide for disposition of the illegal gambling machine, any monetary contents and any associated proceeds by the State. Any revenue generated by the disposition of the illegal gambling machine, any monetary contents of the machine and any associated proceeds must be used to pay the reasonable expenses of the forfeiture proceedings, seizure, storage, maintenance of custody, advertising and notice. The balance, if any, must be deposited in the General Fund. [2005, c. 207, §2 (AMD) .]

[2011, c. 559, Pt. A, §20 (AMD) .]

4. Any law enforcement officer, department or agency having custody of an illegal gambling machine, any monetary contents of an illegal gambling machine or any associated proceeds or having disposed of the illegal gambling machine, any monetary contents or any associated proceeds shall keep and maintain during the pendency of the action full and complete records in accordance with this subsection. Upon issuance by the court of a final order ordering the disposition, destruction or return of the illegal gambling machine, any monetary contents or any associated proceeds, the officer, department or agency must transmit a copy of those records to the Department of Public Safety for inclusion into a centralized record.

A. The records must show:

- (1) From whom the illegal gambling machine, any monetary contents and any associated proceeds were received;
- (2) Under what authority the illegal gambling machine, any monetary contents and any associated proceeds are held, received or disposed of;
- (3) To whom the illegal gambling machine, any monetary contents and any associated proceeds are delivered;
- (4) The date and manner of destruction or disposition of the illegal gambling machine; and
- (5) The exact kinds, quantities and forms of illegal gambling machines, the exact amount of any monetary contents of any machine and the exact amount of any associated proceeds held in custody or disposed of. [2005, c. 207, §2 (AMD) .]

B. The records must be open to inspections by all federal and state officers authorized by the laws of the United States, a state or territory of the United States or a foreign nation to investigate or prosecute gambling laws. [2001, c. 461, §2 (NEW) .]

C. The Department of Public Safety is responsible for maintaining a centralized record of illegal gambling machines seized. At least quarterly, the department shall provide a report of the disposition of property previously held by the department to the Commissioner of Administrative and Financial Services and the legislative Office of Fiscal and Program Review for review. These records must include an estimate of the fair market value of items seized. [2001, c. 461, §2 (NEW) .]

[2005, c. 207, §2 (AMD) .]

5. Persons making final disposition or destruction of an illegal gambling machine, its monetary contents or any associated proceeds under court order shall report, under oath, to the court the exact circumstances of the destruction or disposition.

[2005, c. 207, §2 (AMD) .]

6. An illegal gambling machine together with any monetary contents and any associated proceeds is contraband and may be seized by any law enforcement officer pursuant to subsection 7 or 8.

[2005, c. 207, §2 (AMD) .]

7. At the request of the State ex parte, a court may issue any preliminary order or process necessary to seize or secure the property for which forfeiture is sought and provide for its custody.

A. Process for seizure of the property for which forfeiture is sought under this section may issue only upon a showing of probable cause. The application for process for seizure of the property and the issuance, execution and return of the process are subject to the provisions of applicable state law. [2001, c. 461, §2 (NEW) .]

B. Any property subject to forfeiture under this section may be seized upon process. [2001, c. 461, §2 (NEW) .]

[2001, c. 461, §2 (NEW) .]

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8. Seizure of property forfeited under this section without process may be made when seizure is incident to a legal search or inspection if a law enforcement officer has probable cause to believe the property seized is an illegal gambling machine.

[2001, c. 461, §2 (NEW) .]

SECTION HISTORY

2001, c. 461, §2 (NEW). 2003, c. 687, §A8 (AMD). 2003, c. 687, §B11 (AFF). 2005, c. 207, §2 (AMD). 2011, c. 559, Pt. A, §20 (AMD).

§960. CRIMINAL FORFEITURE

1. A person convicted of a violation of this chapter forfeits to the State all rights, privileges, interests and claims to property that is subject to forfeiture pursuant to section 959. All rights, privileges, interest and title in property subject to forfeiture under this section vest in the State upon the commission of the act giving rise to forfeiture pursuant to section 959.

[2001, c. 461, §2 (NEW) .]

2. Property subject to forfeiture that is not yet the subject of a final order pursuant to section 959 may be proceeded against by indictment or superseding indictment of a grand jury in any related criminal proceeding in which one or more persons with an interest in the property have been simultaneously indicted for one or more violations of this chapter. At any time prior to trial, the State, with the consent of the court and any defendant with an interest in the property, may file an ancillary charging instrument or information alleging that that property is subject to criminal forfeiture. Upon commencement of a criminal forfeiture by indictment or information of any property that may be the subject of any pending civil action commenced pursuant to section 959, the civil action must be immediately stayed and subrogated to the criminal forfeiture action. Discovery in the criminal action must be as provided by the Maine Rules of Unified Criminal Procedure.

[2015, c. 431, §36 (AMD) .]

3. Property subject to forfeiture that has not already been seized but has been indicted by a grand jury pursuant to this section may also be ordered seized based upon the grand jury's finding of probable cause pursuant to section 959.

[2001, c. 461, §2 (NEW) .]

4. Trial against property charged by indictment or information may be by jury and must be held in a single proceeding together with the trial of the related criminal violation. Forfeiture of the property must be proved by the State by a preponderance of the evidence. The court, in its discretion, may allow any defendant with an interest in property indicted pursuant to this section to waive the right to trial by jury as against the property while preserving the right to trial by jury of any crime alleged. At trial by jury, the court, upon motion of a defendant or the State, may separate the trial of the matter against the defendant from the trial of the matter against the property subject to criminal forfeiture. If the court bifurcates the jury trial, the court shall first instruct and submit to the jury the issue of the guilt or innocence of defendants to be determined by proof beyond a reasonable doubt and shall restrict argument of counsel to those issues. After a verdict upon the guilt or innocence of all defendants, the court shall instruct and submit to the jury the issue of the forfeiture of the property to be determined by proof by a preponderance of the evidence and the court shall restrict argument to those issues. A special verdict must be returned as to the extent of the interest in property subject to forfeiture, if any.

[2001, c. 461, §2 (NEW) .]

5. A person not charged in an indictment under this section may not intervene in the criminal action. Following the entry of a verdict of forfeiture of property pursuant to this section or the entry of a guilty plea in open court on the record, the State shall provide written notice of its intent to dispose of the property to any person known to have alleged an interest in the property. The notice may be by certified, return receipt mail or as otherwise ordered by the court. Receipt by a person then licensed to operate a motor vehicle in the State is presumed when notice is mailed to the last known address of that person on file with the Department of the Secretary of State, Bureau of Motor Vehicles. A person other than the defendant asserting a legal interest in the property within 30 days of the date of receipt of the notice may petition the court for a hearing to adjudicate the validity of any alleged interest in the property. The hearing must be held before the court without jury. The request for the hearing must be signed by the petitioner under penalty of perjury and must state the nature and extent of the petitioner's right, title or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title or

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interest in the property, any additional facts supporting the petitioner's claim and the relief sought. The court shall issue or amend a final order of forfeiture in accordance with its determination if, after the hearing, the court determines that the petitioner has established by a preponderance of the evidence that:

A. The petitioner has a legal right, title or interest in the property and the right, title or interest renders the order of forfeiture invalid in whole or in part because the right, title or interest was vested in the petitioner rather than any defendant or was superior to any right, title or interest to the exclusion of any defendant at the time of the commission of the acts that gave rise to the forfeiture of the property under this section; and [2001, c. 461, §2 (NEW).]

B. The petitioner is a bona fide purchaser for value of the right, title or interest in the property and was at the time of purchase reasonably without cause to believe that the property was subject to forfeiture under this section. [2001, c. 461, §2 (NEW).]

[2011, c. 559, Pt. A, §21 (AMD) .]

6. Following the entry of a verdict of forfeiture of property pursuant to this section or the entry of a guilty plea in open court on the record, the State has clear title to property that is the subject of the indictment or information and order of forfeiture and may order all or a portion of the property forfeited to the State to be disposed of pursuant to section 959.

[2001, c. 461, §2 (NEW) .]

SECTION HISTORY

2001, c. 461, §2 (NEW). 2011, c. 559, Pt. A, §21 (AMD). 2015, c. 431, §36 (AMD).

§961. CONSTRUCTION

Sections 959 and 960 must be liberally construed to effectuate their remedial purposes. [2001, c. 461, §2 (NEW) .]

SECTION HISTORY

2001, c. 461, §2 (NEW) .

ALL CORRESPONDENCE SHOULD BE FORWARDED TO:

DEPARTMENT OF PUBLIC SAFETY
GAMBLING CONTROL UNIT
87 STATE HOUSE STATION
AUGUSTA, ME 04333-0087

PHYSICAL ADDRESS:

DEPARTMENT OF PUBLIC SAFETY
GAMBLING CONTROL UNIT
45 COMMERCE DRIVE, SUITE 3
AUGUSTA, MAINE 04333-0087