

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-A)
2. **Electronic Video Machine** “Electronic Video Machine” has the same meaning as set forth in 17 M.R.S. §1831(4)
3. **Eligible Organization** “Eligible Organization” has the same meaning as set forth in 17 M.R.S. §1832 (2).
4. **Equipment.** "Equipment" means any and all articles essential to the operation and conduct of a game of chance.
5. **Gambling Control Unit** “Gambling Control Unit” or “Unit” has the same meaning as set forth in 17 M.R.S. §1831(4-A)
6. **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.

7. **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.
8. **Distributor** “Distributor” has the same meaning as set forth in 17 M.R.S. §1831(3)

9. **Immediate family members** “immediate family members” means spouse, parents and children.

§ 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 and no earlier than 90 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. An applicant for a license to conduct a card game or tournament game must obtain written approval from the local governing authority where the game is to be operated or conducted. The local governing authority must:
 - A. Sign the application for the card game or tournament game or
 - B. Provide the applicant a letter that is addressed to the Gambling Control Unit, which the applicant shall attach to the applicable application(s). The letter must address the game(s) for which the local governing authority is providing consent. The letter must be dated and must have an expiration date that is no greater than 5 years from the issue date.
3. 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. The Director shall approve the application based on the criteria outlined in 17 M.R.S. §1832.
5. 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.
6. Electronic video machines must be certified by an independent laboratory, approved by the Director.
7. 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 electronic 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. The licensee or registrant operating a game of chance shall:
 - A. Not conduct a game of chance with any gambling equipment unless said equipment is owned absolutely, except for agricultural societies pursuant to Maine Revised Statute, Title 17, chapter 62, § 1840(5);
 - B. Not permit 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 operate a game of chance 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;
 - E. Make available to players a copy of the Maine Revised Statutes, Title 17, chapter 62, the rules adopted pursuant to that chapter 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 is sufficiently lighted at all times during the conduct of the game for public safety;
 - G. Ensure that all prizes are 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 are 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 is divided as equally as possible.
 - J. Ensure that all members of an organization who are involved in the conduct of games of chance are thoroughly familiar with the provisions of Maine Revised Statute, Title 17, chapter 62 pertaining to games of chance and the rules adopted pursuant to that chapter;
 - K. Comply with the following advertising standards:
 - (1) Advertising of any obscene or indecent nature is prohibited.
 - (2) False, misleading and deceptive advertising is prohibited.

- (3) Depictions of the use of alcohol and tobacco are prohibited.
 - (4) Depictions of persons under the age of 18 engaged in games of chance are prohibited.
 - (5) Guarantees of success, riches or games of chance winnings are prohibited.
 - (6) 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)."
 - (7) 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 free brochures from the Maine 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. Operate a game of chance only in a building or area approved for public use by state and local officials, including the State Fire Marshal's Office;
- N. Not permit person(s) involved in the conduct of a game of chance and their immediate family members to participate in the game of chance; and
- O. Develop and post rules of play for the game(s) of chance conducted. The rules of play must include at a minimum the following information:
- (1) Who may participate in the game of chance;
 - (2) The minimum bet limit and the maximum bet limit for the game of chance;
 - (3) How the game of chance is conducted; and
 - (4) How a winner is determined.

§4. Sealed Tickets

1. Registrants for a Lucky Seven or similar sealed ticket game shall meet the requirements of an eligible organization described in 17 M.R.S. §1832(2).
2. Each Lucky Seven or similar sealed ticket game must contain no more than 12,000 individual tickets or cards, none of which are attached in any way to any other ticket or card.

3. Every Lucky Seven or similar sealed ticket game must have a unique serial number per game assigned by the manufacturer that shall be plainly visible to the contestants, participants, or other interested persons.
4. Lucky Seven or similar sealed ticket game 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 are prohibited.
5. Operators of 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 being conducted;
 - E. Not allow individual(s) who conduct the game and their immediate family members to participate as a player or contestant in that game;
 - F. Be permitted to post the highest level of awards offered during the play of the game;
 - G. Not deceive a participant or contestant by misrepresenting in any way that a prize has been or has not been awarded;
 - H. Close a serial- numbered game, before starting a new serial-numbered game;
 - I. Maintain the placard for the serial-numbered game along with all the winning tickets of \$20 or more for a minimum of 2 months; and
 - J. Maintain an accounting of each serial-numbered game for 3 years on form MGCU-5475 which must be submitted to the unit by the 10th of each month for the previous month.

§5 Raffles

1. An application to conduct a raffle that is required to be registered with the Gambling Control Unit shall:
 - A. Submit an application on form MGCU-5425 at least 10 business days prior to the start of the event;
 - B. Include a complete list of prizes to be awarded along with the fair market value of those prizes; and
 - C. Provide rules for the raffle that include as a minimum;
 - (1) Payment method;

- (2) Date, time and location of drawing;
 - (3) Winners have to be present or not;
2. The registration period for a raffle starts on the first day of ticket sales and ends on the date of the drawing.
3. The use of a payment management system by an eligible organization must be registered on form MGCU-5425 if the total value of all prizes is \$10,000 or less with no fee.
4. Payment management systems must be presented to the director and be capable of the following:
 - A. Not permit the extension of credit to purchase a raffle chance or ticket;
 - B. Not permit providing payment by mail;
 - C. Ensures that a person who purchases a raffle chance or ticket is at least 18 years of age;
 - D. Includes geolocation technology to prevent a person from purchasing a raffle chance or ticket while the person is physically located in a state where the purchase of that raffle chance or ticket would not be legal under the laws of that state;
 - E. Provides for the immediate refund of the organization discovering that a person was under 18 years of age at the time of purchase or was physically located in a state where the raffle being conducted is not legally permitted at the time of purchase;
 - F. Providing adequate measures to protect the privacy and security of payment information by persons who purchase raffle chances or tickets; and
 - G. Enables the eligible organization to satisfy the record-keeping and reporting requirements in §1837-c, subsection 6.
5. A statement from the payment management systems provider that the system offered in Maine shall meet the requirements of above which shall be included with the application by the eligible organization.
6. Payment management system provider shall contact the unit within 48 hours of any refunds to purchasers under the legal age of 18 and those from states where raffles over the internet are not permitted by law.

§ 6. 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, that must be licensed or registered and conducted in accordance with the Maine Revised Statutes, Title 17, chapters 13-A or 62.
3. **Sanctions:** Any operator who conducts an unlicensed or unregistered game of chance may be subject to the penalties set forth in the Maine Revised Statutes, Title 17, chapters 13-A and 62 and Title 17-A, chapter 39.
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.

§ 7. Reports and Records Required

1. Within 10 business days after any period in which a licensed game of chance 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 is canceled. The form must be made under oath by an officer of the Licensee or by the member in charge of the conduct of the game. The form must include:
 - A. An exact account of all income from the licensed game of chance;
 - B. A list of all expenses related to the licensed game of chance, including, but not limited to, the cost of prizes, printing, licenses and administration; and
 - 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.
2. All records of financial transactions involving games of chance must be separate and distinguishable from all other financial records of the licensee/registrant.
3. Each licensee /registrant maintain records of financial transactions involving a game of chance for 3 years following the date the game of chance was held.
4. The Director or the Director's 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, operation and conduct of games of chance, and the licensee or registrant shall cooperate with the Director or the Director's 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.

§ 8. Distributor Licenses

1. An application for a distributor license must be received by the Gambling Control Unit 60 days prior to the requested licensing start date. A renewal application for a distributor license must be received by the Gambling Control 60 days prior to the expiration of the current license.
2. The application must list the names of all Maine sales personnel.
3. The licensed distributor shall file a report by the 10th day of each month regarding sales activity from the previous month. The licensee shall file with the Gambling Control Unit a sales activity report on forms MGCU-6200 and MGCU-6300, even if no activity took place.
4. Sales and service agreements must be received by the Gambling Control Unit at least 45 days prior to the delivery of any gambling machine for approval by the Director.
5. Lease agreements pertaining to gambling apparatus or implements leased to agricultural societies must be received by the Gambling Control Unit at least 45 days prior to the delivery of any gambling apparatus or implements for approval by the Director.

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