

Chapter 32: RULES RELATING TO GAMES OF CHANCE

SUMMARY: This chapter describes all requirements that must be met 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. **Committee** “Committee” has the same meaning as set forth in 17 M.R.S. § 1832(1).
2. **Conducting a Game of Chance** “Conducting a Game of Chance” means engaging in any conduct necessary to operate a game of chance, including, but not limited to operating any equipment used during a game of chance, providing necessary supplies, handling money, tokens, tickets, or other things of value paid by game participants or offered as prizes, recording the game on behalf of the licensee, or redeeming winnings.
3. **Director** “Director” has the same meaning as set forth in 17 M.R.S. § 1831(2-A).
4. **Distributor** “Distributor” has the same meaning as set forth in 17 M.R.S. § 1831(3)
5. **Electronic Video Machine** “Electronic Video Machine” has the same meaning as set forth in 17 M.R.S. § 1831(4).
6. **Eligible Organization** “Eligible Organization” has the same meaning as set forth in 17 M.R.S. § 1832(2).
7. **Equipment.** “Equipment” means any and all articles, implements, or apparatuses essential to the operation and conduct of a game of chance.
8. **Gambling Control Unit** “Gambling Control Unit” or “Unit” has the same meaning as set forth in 17 M.R.S. § 1831(4-A)
9. **Game Night** “Game Night” is a once in a calendar year event authorized by 17 M.R.S. § 1832(2-B) and conducted according to 17 M.R.S. § 1835-B.
10. **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.

11. **Immediate family members** “immediate family members” means spouse, parents and children.
12. **Sealed ticket game.** “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.
13. **Progressive Sealed Ticket Game.** “Progressive sealed ticket game” means a sealed ticket game that is designed by the manufacturer to allow unwon jackpot prizes to carry over to subsequent games that use tickets or cards with the same form number.
14. **Special Event.** A special event is a one-time or infrequently occurring event outside normal programs or activities of the sponsoring or organizing body. Special events lasting more than 10 days require approval by the Director.

§ 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 5
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 with 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.
3. Each eligible organization shall submit to the Gambling Control Unit a description of its internal policies, procedures, administrative and accounting controls. Each such submission shall contain narrative (and diagrammatic where appropriate) representations of the policies, procedures, administrative and accounting controls to be utilized by the eligible organization and shall include, without limitation, the following:
 - A. A system of personnel and chain of command which permits senior members, members and employees to be held accountable for actions or omissions within their areas of responsibility.
 - B. The segregation of incompatible functions so that no member or employee is in a position both to commit an error or to perpetrate a fraud and to conceal the error or fraud in the normal course of their duties or responsibilities.

- C. Primary and secondary positions which permit the authorization of necessary transactions at all relevant times; and
 - D. Areas of responsibility which are not so extensive as to be impractical for one person to monitor.
- 4. 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.
 - 5. The Director shall approve the application based on the criteria outlined in 17 M.R.S. § 1832.
 - 6. Written authorization must be obtained in advance from the Director to permit the shipment of any electronic video machine or gambling equipment for game nights into, within, or out of Maine. Applications for written authorization to ship are available from the Unit.
 - 7. Electronic video machines must be certified by an independent laboratory, approved by the Director.
 - 8. 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 purchased or leased pursuant to Maine Revised Statute, Title 17, chapter 62, § 1840 except that prior approval by the Unit must be received when 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;
 - 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 Games

1. Registrants for a sealed ticket game shall meet the requirements of an eligible organization described in 17 M.R.S. § 1832(2).
2. Each 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 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. Sealed ticket games 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. Any additional rules of play beyond just purchase and peeling tickets must be included in the seal ticket application and posted.
6. Registrants of 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 sealed ticket game together with the tickets or cards to another sealed ticket game;
 - C. Not change the original odds in any manner;
 - D. Not realize a profit that exceeds the manufacturer's posted maximum deal profit amount for any sealed ticket game;
 - E. Display the placard associated with the serial number game being conducted;
 - F. Not allow individual(s) who conduct the game and their immediate family members to participate as a player or contestant in that 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 for a minimum of 3 years; and

- J. Maintain an accounting of each serial-numbered game for 3 years on a single monthly sealed ticket form MGCU-5475 for all closed games, regardless of their selling location within the organization which must be submitted to the unit by the 10th of each month for the previous month.

§5. Progressive sealed ticket games

1. Registrants offering a progressive sealed ticket game must meet the requirements for sealed ticket games in § 4.
2. Progressive sealed ticket games may only be played with deals having the same form number and game theme from the manufacturer.
3. Each deal in a progressive sealed ticket game must contribute to the manufacturer's listed amount towards the progressive jackpot. In the case where an organization has chosen a jackpot limit, time limit, or both no additional contribution may be made to the progressive jackpot once that limit has been reached. An organization may choose to have no time or jackpot limit.
4. Must include in the house rules an exit strategy for closing a progressive sealed ticket game that has not reached its natural jackpot win.
5. The holder of a sealed ticket that allows the player to be a potential jackpot winner must also complete a contact information form that includes the organization and game information, the holder's name, address, and telephone number, as well as the selected progressive jackpot window or windows to be opened or uncovered if the player is the sealed prize winner.
6. If the sealed prize winner is present, the winner must select a progressive jackpot window or windows to be opened or uncovered by the seller. If the winner is not present, the seller must open or uncover the window or windows the player has selected and recorded on the contact information form.
7. When a progressive jackpot of \$100 or more is won, the organization must:
 - A. Ensure the winner completes and signs a progressive sealed ticket jackpot prize receipt. If the winner is not present when the jackpot window or windows are opened or uncovered, the organization must send the prize receipt and notification letter to the winner by certified mail within two business days. If the jackpot winner does not claim the prize within 30 days of the date the certified letter was mailed, the prize will be forfeited by the player.
 - B. Furnish the winner with applicable federal and state tax forms, if any;
 - C. Collect completed federal and state tax forms, if any, from the winner;
 - D. After withholding taxes, if applicable, process payment; and
 - E. Pay the winner by check, cash, or a combination of check and cash within four business days of receipt of the signed prize receipt and all applicable federal and state tax forms, if any.

§6. 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; and
 - (3) Whether winners have to be present;
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 17 M.R.S. § 1837-C(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.

§7. Queen of Hearts

1. Registrants for a Queen of Hearts or similar game shall meet the requirements of an eligible organization described in 17 M.R.S. § 1832(2).
2. Each Queen of Hearts or similar game must contain 52 standard playing cards plus 2 jokers for a total of 54 individual cards or representation of cards.
3. Every Queen of Hearts or similar game must have a game board purchased from a licensed charitable distributor as defined under 17 M.R.S. § 1840(2). Each game board must have a unique serial number assigned by the manufacturer.
4. Registrants for a Queen of Hearts or similar game shall:
 - a. Post house rules in the area the game is played;
 - b. Post the time and date of when the game starts;
 - c. Post time, date, and location of all drawings;
 - d. Only draw weekly on the same day of each week;
 - e. Only draw one ticket per week;
 - f. Not charge more than \$5.00 per entry;
 - g. Not open the game to the public;
 - h. Not change the original odds in any manner;
 - i. Not allow individual(s) who conduct the game and their immediate family members to participate as a player or contestant in that game;
 - j. Not deceive a participant or contestant by misrepresenting in any way that a prize has been or has not been awarded;
 - k. Not begin a new game until the queen or similar winning card has been drawn in the current game;
 - l. Maintain the serial-numbered gameboard along with all the drawn tickets for a minimum of 3 years; and
 - m. Maintain an accounting of each Queen of Hearts or similar game for 3 years on a single monthly form MGCU-5476 for all drawings, which must be submitted to the unit by the 10th of each month for the previous month.
5. Minimum requirements for house rules:
 - a. Who is permitted to play i.e. members only or members and guests
 - b. Entry tickets must contain:
 1. The player's full legal name, nicknames shall not be permitted.
 2. The player's contact information
 3. The player's card selection
 - c. If a maximum prize limit has been established, that amount must be disclosed.
 - d. Whether or not a player must be present to win
 - e. Must include payout for all winning cards in addition to the Queen or similar

§ 8. 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 shall be offered during a special event;
 - 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.

§ 9. Game Nights

- 1. An eligible organization or a committee may conduct, once in a calendar year, a game night that may include the operation or conduct of card games and games of chance upon registration with the Unit.
- 2. Game nights must be held at a location owned, leased, or rented for the single event by the authorized eligible organization, and, if leased or rented, must be owned or leased by an independent third party. The venue cannot be a facility owned, leased, or rented, directly or indirectly, by a licensed Distributor, unless the Distributor leases or rents a specific venue for a Game Night only once per calendar year.
- 3. Game nights shall not be held simultaneously for multiple organizations at the same location.
- 4. Solid color non-denominational chips or tokens shall be used to play during game nights that have no value other than to the calculation to determine prize recipients, if any, in a manner consistent with the established rules of play set in advance by the organization or committee.
- 5. Applications, lease agreements, and shipment requests must be received by the Unit 10 business days prior to the event or delivery of equipment.

§10. 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 obtained by the entire organization from the licensed or registered 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 obtained from the entire organization 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. There must be a segregation of duties between the member(s) conducting a game of chance and the member reporting the financial outcome to the unit. The segregation of duties must be verified by dual signature on forms provided by the unit. At least one current Board member of the organization must be involved in conducting the game of chance or reporting the financial outcome.
4. Each licensee or registrant maintain records of financial transactions involving a game of chance for 3 years following the date the game of chance was held.
5. 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.

§ 11. 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, service agreements, copies of eligible organization or committee registrations or licenses approved by the Unit, and written authorization to make shipments must be received by the Gambling Control Unit at least 10 business days prior to the delivery of any gambling equipment or games of chance used for approval by the Director.
5. Lease agreements pertaining to gambling equipment leased to agricultural societies, or eligible organizations or committees, must be received by the Gambling Control Unit at least 10 business days prior to the delivery of any gambling equipment for approval by the Director, which shall include:
 - A. The name of the lessor;
 - B. Address of the lessor;
 - C. Name of the lessee;
 - D. Address of the lessee;

- E. Description of the gambling equipment;
- F. Serial number;
- G. Model name or number of the gambling equipment; and
- H. 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 or the game night under section 1832, subsection 2-B.

- 6. Gambling equipment for game nights must have a manufacturer serial number and be approved for shipment in a sealed container. Unit inspectors will break the seal, inspect and register the equipment. After the event, Unit inspectors will inspect and release the equipment and re-seal the container for shipment out of or within the State of Maine to the distributor's location for storage.

STATUTORY AUTHORITY: 17 M.R.S. Chapter 62, Section 1843

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