

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. [PL 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. [PL 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." [PL 2017, c. 284, Pt. JJJJJ, §1 (AMD).]

1-B. Chief of State Police.
[PL 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." [PL 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. [PL 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. [PL 2017, c. 284, Pt. JJJJJ, §1 (NEW).]

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

[PL 2017, c. 284, Pt. JJJJJ, §1 (AMD).]

5-A. 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.

[PL 2019, c. 56, §1 (NEW).]

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

[PL 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."

[PL 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."

[PL 1999, c. 74, §1 (NEW).]

7-B. Wild number beano.

[PL 2017, c. 284, Pt. JJJJJ, §1 (RP).]

8. Winner-take-all round.

[PL 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.

[PL 2017, c. 284, Pt. JJJJJ, §1 (NEW).]

SECTION HISTORY

PL 1975, c. 307, §2 (NEW). PL 1979, c. 272 (AMD). PL 1987, c. 197, §1 (AMD). PL 1991, c. 426, §1 (AMD). PL 1991, c. 796, §2 (AMD). PL 1999, c. 74, §1 (AMD). PL 1999, c. 419, §1 (AMD). PL 2001, c. 342, §1 (AMD). PL 2017, c. 284, Pt. JJJJJ, §1 (AMD). PL 2019, c. 56, §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.

[PL 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.

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

3. Restricted hours.

[PL 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.

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

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

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

SECTION HISTORY

PL 1975, c. 307, §2 (NEW). PL 1985, c. 449, §1 (AMD). PL 1991, c. 426, §2 (AMD). PL 2003, c. 452, §12 (RPR). PL 2003, c. 452, §X2 (AFF). PL 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. [PL 2017, c. 284, Pt. JJJJJ, §4 (AMD).]

SECTION HISTORY

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

§313-A. Exemption for elderly

(REPEALED)

SECTION HISTORY

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

§313-B. Exemption for campgrounds

(REPEALED)

SECTION HISTORY

PL 2017, c. 47, §1 (NEW). PL 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 for the exclusive benefit of the organization:

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

B. An agricultural fair association; [PL 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 [PL 2019, c. 24, §1 (AMD); PL 2019, c. 56, §2 (AMD).]

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. [PL 2017, c. 284, Pt. JJJJJ, §7 (NEW).]

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.

[PL 2019, c. 24, §1 (AMD); PL 2019, c. 56, §2 (AMD).]

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

- A. For up to a calendar week, the fee is \$12. [PL 2017, c. 284, Pt. JJJJJ, §7 (NEW).]
- B. For up to a calendar month, the fee is \$36. [PL 2017, c. 284, Pt. JJJJJ, §7 (NEW).]
- C. For up to a calendar year, the fee is \$400. [PL 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. [PL 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.

[PL 2017, c. 284, Pt. JJJJJ, §7 (NEW).]

3. Member must exercise exclusive control of game. An organization registered under this section may not conduct beano games unless a person at least 18 years of age, who has been a member of good standing of the registrant for at least 2 years, exercises exclusive control of each game played. Other individuals, who are not required to be members of the registrant, may assist the member in operating the game. For purposes of this subsection, a member exercises exclusive control if the member has the final decision-making authority to determine the winner of the game and to address any challenges to the operation of the game.

[PL 2019, c. 56, §3 (NEW).]

SECTION HISTORY

PL 2017, c. 284, Pt. JJJJJ, §7 (NEW). PL 2019, c. 24, §1 (AMD). PL 2019, c. 56, §§2, 3 (AMD).

§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. [PL 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.

[PL 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; [PL 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 [PL 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. [PL 2017, c. 284, Pt. JJJJJ, §7 (NEW).]

[PL 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; [PL 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 [PL 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. [PL 2017, c. 284, Pt. JJJJJ, §7 (NEW).]
[PL 2017, c. 284, Pt. JJJJJ, §7 (NEW).]

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; [PL 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 [PL 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. [PL 2017, c. 284, Pt. JJJJJ, §7 (NEW).]
[PL 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. [PL 2017, c. 284, Pt. JJJJJ, §7 (NEW).]

SECTION HISTORY

PL 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. [PL 2017, c. 284, Pt. JJJJJ, §7 (NEW).]

SECTION HISTORY

PL 2017, c. 284, Pt. JJJJJ, §7 (NEW).

§314. Issuance of license; fees

(REPEALED)

SECTION HISTORY

PL 1975, c. 307, §2 (NEW). PL 1977, c. 696, §365 (AMD). PL 1981, c. 395 (AMD). PL 1983, c. 610 (AMD). PL 1987, c. 197, §2 (AMD). PL 1991, c. 87, §§1,2 (AMD). PL 1991, c. 528, §H1 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §H1 (AMD). PL 1993, c. 45, §1 (AMD). PL 1995, c. 677, §4 (AMD). PL 1997, c. 684, §1 (AMD). PL 1999, c. 63, §1 (AMD). PL 2009, c. 487, Pt. B, §5 (AMD). PL 2013, c. 305, §1 (AMD). PL 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. [PL 2017, c. 284, Pt. JJJJJ, §9 (AMD).]

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

[PL 2017, c. 284, Pt. JJJJJ, §9 (AMD); PL 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.

[PL 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.

[PL 1987, c. 197, §§3, 7 (NEW); PL 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.

[PL 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.

[PL 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.

[PL 2003, c. 452, Pt. I, §5 (NEW); PL 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.

[PL 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.

[PL 2017, c. 233, §1 (AMD).]

5. Restrictions; penalty. A licensee may not:

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

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. [PL 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.

[PL 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.

[PL 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.

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

[PL 1987, c. 679, §1 (AMD); PL 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.

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

9. Exception.

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

SECTION HISTORY

PL 1987, c. 197, §3 (NEW). PL 1987, c. 197, §7 (RP). PL 1987, c. 547, §§1,2 (AMD). PL 1987, c. 679, §1 (AMD). PL 1989, c. 502, §§B63,B68 (AMD). PL 1991, c. 426, §§3-6 (AMD). PL 1991, c. 426, §§8-10 (AFF). PL 2001, c. 295, §1 (AMD). PL 2003, c. 452, §§13-7 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2007, c. 109, §1 (AMD). PL 2009, c. 347, §1 (AMD). PL 2009, c. 487, Pt. B, §§6, 7 (AMD). PL 2009, c. 505, §1 (AMD). PL 2009, c. 534, §1 (AMD). PL 2011, c. 410, §§1-3 (AMD). RR 2015, c. 1, §10 (COR). PL 2015, c. 24, §1 (AMD). PL 2015, c. 24, §2 (AFF). PL 2017, c. 233, §1 (AMD). PL 2017, c. 284, Pt. JJJJJ, §§9-13 (AMD). PL 2017, c. 284, Pt. KKKKK, §§2, 3 (AMD).

§314-B. Winner-take-all beano rounds

(REPEALED)

SECTION HISTORY

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

§314-C. Wild number beano**(REPEALED)**

SECTION HISTORY

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

§315. Seasonal licenses**(REPEALED)**

SECTION HISTORY

PL 1975, c. 307, §2 (NEW). PL 2011, c. 339, §1 (RPR). PL 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. [PL 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. [PL 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. [PL 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. [PL 2013, c. 305, §2 (NEW).]

4. Registration fee. The registration fee for a limited dual beano license is \$12. [PL 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. [PL 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. [PL 2017, c. 284, Pt. JJJJJ, §17 (AMD).]

SECTION HISTORY

PL 2013, c. 305, §2 (NEW). PL 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. [PL 2017, c. 284, Pt. JJJJJ, §18 (AMD).]

SECTION HISTORY

PL 1975, c. 307, §2 (NEW). PL 2001, c. 538, §1 (AMD). PL 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: [PL 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;"

[PL 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;

[PL 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.

[PL 1975, c. 307, §2 (NEW).]

SECTION HISTORY

PL 1975, c. 307, §2 (NEW). PL 1985, c. 180 (AMD). PL 1997, c. 684, §2 (AMD). PL 1999, c. 74, §2 (AMD). PL 2011, c. 301, §1 (AMD). PL 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; [PL 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; [PL 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; [PL 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; [PL 2001, c. 342, §2 (AMD).]

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

[PL 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.

[PL 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.

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

SECTION HISTORY

PL 1997, c. 684, §3 (NEW). PL 1999, c. 74, §3 (AMD). PL 2001, c. 342, §2 (AMD). PL 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. [PL 1975, c. 307, §2 (NEW).]

SECTION HISTORY

PL 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. [PL 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. [PL 2017, c. 284, Pt. JJJJJ, §21 (NEW).]

SECTION HISTORY

PL 1975, c. 307, §2 (NEW). PL 2017, c. 284, Pt. JJJJJ, §21 (RPR). PL 2019, c. 56, §4 (AMD).

§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.

[PL 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.

[PL 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.

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

SECTION HISTORY

PL 1975, c. 307, §2 (NEW). PL 1987, c. 197, §5 (AMD). PL 2003, c. 452, §18 (RPR). PL 2003, c. 452, §X2 (AFF). PL 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." [PL 1975, c. 307, §2 (NEW).]

SECTION HISTORY

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

SECTION HISTORY

PL 1975, c. 307, §2 (NEW). PL 1999, c. 74, §4 (AMD). PL 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. [PL 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. [PL 2017, c. 284, Pt. JJJJJ, §24 (AMD).]

SECTION HISTORY

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

§324. Games of chance prohibited at "Beano" locations

(REPEALED)

SECTION HISTORY

PL 1975, c. 307, §2 (NEW). PL 1987, c. 679, §2 (AMD). PL 1991, c. 426, §7 (AMD). PL 1997, c. 373, §8 (AMD). PL 2003, c. 452, §19 (RP). PL 2003, c. 452, §X2 (AFF).

§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.

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

B. Raffle tickets may be sold in accordance with chapter 62. [PL 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. [PL 2017, c. 284, Pt. JJJJJ, §25 (AMD).]

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

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

[PL 2003, c. 452, Pt. I, §10 (NEW); PL 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.

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

SECTION HISTORY

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

[PL 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 [PL 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. [PL 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.

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

SECTION HISTORY

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

§326. Proceeds

1. Payment of proceeds.

[PL 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; [PL 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 [PL 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.

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

[PL 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.

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

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

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

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

3. Rules.

[PL 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.

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

SECTION HISTORY

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

§327. Nonsmoking area**(REPEALED)**

SECTION HISTORY

PL 1997, c. 232, §1 (NEW). PL 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 an organization registered under section 313-C to hold, conduct or operate "Beano" or "Bingo" unless a commercial beano hall permit is obtained from the Gambling Control Unit.

[PL 2019, c. 24, §2 (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. [PL 1999, c. 74, §7 (NEW).]
[PL 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.

[PL 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.

[PL 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.

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

6. Membership in registered organization. The permittee or the permittee's employee may not be a member of an organization registered under section 313-C renting or leasing the commercial beano hall.

[PL 2019, c. 24, §3 (AMD).]

7. Rent or lease amount. The permittee shall charge a registrant under section 313-C fair market value and may not charge based on the percentage of profit that the registrant makes for the rent or lease of a commercial beano hall.

[PL 2019, c. 24, §3 (AMD).]

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. The requirements of this section do not apply to a veterans organization that leases its facility to another organization that is registered to operate "beano" or "bingo" games pursuant to section 313.

[PL 2019, c. 24, §4 (AMD).]

SECTION HISTORY

PL 1999, c. 74, §7 (NEW). PL 2017, c. 284, Pt. JJJJJ, §§29, 30 (AMD). PL 2019, c. 24, §§2-4 (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. [PL 2003, c. 353, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 353, §1 (NEW).

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