

Title 17: CRIMES
Chapter 62: Games of chance

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

§1831. DEFINITIONS

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

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

[2009, c. 487, Pt. A, §2 (NEW) .]

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

[2017, c. 284, Pt. KKKKK, §4 (NEW) .]

2. Chief of State Police.

[2017, c. 284, Pt. KKKKK, §5 (RP) .]

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

[2017, c. 284, Pt. KKKKK, §6 (NEW) .]

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

[2009, c. 487, Pt. A, §2 (NEW) .]

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

[2009, c. 487, Pt. A, §2 (NEW) .]

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

[2017, c. 1, §10 (COR) .]

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

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

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

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

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

[2009 , c. 487, Pt. A, §2 (NEW); 2017, c. 284, Pt. KKKKK, §8 (AMD) .]

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

[2009 , c. 487, Pt. A, §2 (NEW) .]

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

[2009 , c. 487, Pt. A, §2 (NEW) .]

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

[2017, c. 284, Pt. KKKKK, §9 (AMD) .]

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

[2009 , c. 487, Pt. A, §2 (NEW) .]

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

[2009 , c. 487, Pt. A, §2 (NEW) .]

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

[2009 , c. 487, Pt. A, §2 (NEW) .]

12. Printer.

[2017, c. 284, Pt. KKKKK, §10 (RP) .]

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

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

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

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

[2009, c. 599, §2 (AMD); 2017, c. 284, Pt. KKKKK, §11 (AMD) .]

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

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

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

[2009, c. 487, Pt. A, §2 (NEW) .]

14-A. Savings promotion raffle.

[2017, c. 284, Pt. KKKKK, §13 (RP) .]

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

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

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

[2009, c. 487, Pt. A, §2 (NEW) .]

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

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

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

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

[2009, c. 487, Pt. A, §2 (NEW) .]

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

[2009, c. 487, Pt. A, §2 (NEW) .]

SECTION HISTORY

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

§1832. LICENSES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[2009, c. 487, Pt. A, §2 (NEW) .]

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

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

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

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

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

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

SECTION HISTORY

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

§1833. LICENSE EXCEPTIONS FOR GAMES OF CHANCE

(REPEALED)

SECTION HISTORY

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

§1834. FEES

1. Original application fee.

[2017, c. 284, Pt. KKKKK, §16 (RP) .]

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

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

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

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

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

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

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

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

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

[2009, c. 487, Pt. A, §2 (NEW) .]

6. Printers.

[2017, c. 284, Pt. KKKKK, §16 (RP) .]

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

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

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

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

SECTION HISTORY

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

§1835. CONDUCT CARD GAMES

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

A. The maximum bet for a licensed card game in which bets are placed per hand or per deal is \$1.

[2017, c. 284, Pt. KKKKK, §17 (AMD).]

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

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

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

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

[2009, c. 652, Pt. C, §3 (AMD); 2009, c. 652, Pt. C, §4 (AFF); 2013, c. 218, §2 (AMD); 2017, c. 284, Pt. KKKKK, §17 (AMD) .]

2. Games conducted by members and bartenders of licensee only. A card game licensed pursuant to this chapter must be operated and conducted for the exclusive benefit of the licensee and must be operated and conducted only by duly authorized members of the licensee or by persons employed by the licensee as

bartenders, except that nonmembers employed by the licensee as bartenders may not operate or conduct any card game permitted under subsection 5, paragraph B. The requirements of this subsection do not apply to any agricultural society licensed to operate a card game.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[2009, c. 487, Pt. A, §2 (NEW) .]

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

[2009, c. 487, Pt. A, §2 (NEW) .]

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

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

SECTION HISTORY

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

§1835-A. CONDUCT OF GAMES OF CHANCE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION HISTORY

2017, c. 284, Pt. KKKKK, §18 (NEW).

§1836. TOURNAMENT GAMES

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

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

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

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

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

3. License.

[2011, c. 325, §2 (RP) .]

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

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

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

B. For tournament games that exceed 100 players:

- (1) Three hundred dollars for a tournament game with 101 to 150 players;
- (2) Four hundred dollars for a tournament game with 151 to 200 players;

(3) Five hundred dollars for a tournament game with 201 to 250 players; and

(4) Six hundred dollars for a tournament game with 251 to 300 players. [2011, c. 325, §3 (NEW) .]

[2013, c. 306, §1 (AMD) .]

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

[2013, c. 306, §2 (AMD) .]

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

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

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

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

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

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

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

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

4-B. Charitable cribbage tournament. The Gambling Control Unit shall accept a registration for a cribbage tournament to be conducted as prescribed by this subsection. For the purposes of this section, "cribbage" means a card game that uses a board and pegs to keep score and of which the characteristic feature is a crib into which players discard cards from their dealt hand to create a crib of 4 cards unseen by other

players that will be ultimately part of the dealer's hand. In a cribbage tournament, winners are determined by a process of elimination. A cribbage tournament may extend beyond a calendar day. A person may operate a cribbage tournament as registered by the Gambling Control Unit if the operator:

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

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

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

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

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

[2009, c. 487, Pt. A, §2 (NEW) .]

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

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

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

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

SECTION HISTORY

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

§1837. RAFFLES

(REPEALED)

SECTION HISTORY

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

§1837-A. RAFFLES

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

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

2. Raffle with a prize of \$2,500 or less. A person or organization is not required to register with the Gambling Control Unit to conduct a raffle in which the total value of the prize offered to the holder of the winning chance does not exceed \$2,500. If the raffle is conducted in a manner in which there are multiple winning chances, the total value of all prizes offered may not exceed a value of \$2,500.

[2017, c. 365, §1 (AMD) .]

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

[2017, c. 365, §1 (AMD) .]

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

[2017, c. 365, §1 (AMD) .]

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

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

SECTION HISTORY

2017, c. 284, Pt. KKKKK, §25 (NEW). 2017, c. 365, §1 (AMD).

§1838. REVENUE AND EXPENSES

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

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

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

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

2. Exception. Notwithstanding subsection 1, a licensee or registrant may use the proceeds of a game of chance, card game, tournament game or raffle to:

A. Defray the expenses or part of the expenses that further the purpose for which the organization is formed, except that the proceeds may not be:

- (1) Used to purchase alcohol or to defray the cost of activities where alcohol is served; or
- (2) Paid directly to organization members except as specifically allowed in this section; and [2009 , c. 487 , Pt. A , §2 (NEW) .]

B. Defray the expenses or part of the expenses of a member, auxiliary member, officer or employee of the organization for a serious illness, injury or casualty loss if the licensee makes an application pursuant to this section and the application is approved by the Gambling Control Unit. An application must be made in the form and contain the information the Gambling Control Unit requires.

- (1) In the case of serious illness or injury, the unit may require certification by a licensed physician in support of the application.
- (2) In the case of a casualty loss, the unit may require statements or reports from a law enforcement agency, rescue or other emergency services personnel or an insurance agency to support the application.
- (3) The unit may deny an application if it appears that the person who would receive the proceeds has adequate means of financial support, including, but not limited to, insurance or workers' compensation benefits. [2017 , c. 284 , Pt. KKKKK , §26 (AMD) .]

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

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

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

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

[2009 , c. 487 , Pt. A , §2 (NEW) .]

SECTION HISTORY

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

§1839. RECORDS AND REPORTS

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

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

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

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

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

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

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

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

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

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

6. Location. All records maintained by a licensee or registrant pursuant to this section and pursuant to the rules adopted under this chapter must be kept and maintained on the premises where the game has been conducted or at the primary business office of the licensee or registrant, which must be designated by the licensee in the license application or the registrant in the registration. These records must be open to

inspection by the Gambling Control Unit, and a licensee or registrant may not refuse the Gambling Control Unit permission to inspect or audit the records. Refusal to permit inspection or audit of the records does not constitute a crime under this chapter but constitutes grounds for revocation of license or registration.

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

SECTION HISTORY

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

§1840. DISTRIBUTORS; RECORDS AND REPORTS

1. Printers licensed.

[2017, c. 284, Pt. KKKKK, §28 (RP) .]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION HISTORY

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

§1841. PROHIBITED ACTS

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

[2009, c. 487, Pt. A, §2 (NEW) .]

2. Prohibited games. The following games are prohibited:

A. A game that uses objects that are constructed, designed or altered to be other than what they appear to be and to respond in a way other than that in which the average player would assume that they would respond, unless that construction, design or alteration is permitted in the rules governing that game and the construction, design or alteration meets the requirements of those rules; [2009, c. 487, Pt. A, §2 (NEW) .]

B. A game in which the operator either partially or entirely controls the outcome of the game by the operator's manner of operating or conducting the game; [2009, c. 487, Pt. A, §2 (NEW) .]

C. A game in which the outcome depends upon the word of the operator against the word of the player; and [2009, c. 487, Pt. A, §2 (NEW) .]

D. A game of skill that includes any mechanical or physical device that directly or indirectly impedes, impairs or thwarts the skill of the player. [2009, c. 487, Pt. A, §2 (NEW) .]

[2009, c. 487, Pt. A, §2 (NEW) .]

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

[2015, c. 166, §1 (AMD) .]

SECTION HISTORY

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

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

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

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

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

A. The distributor or its resident manager, superintendent or official representative made or caused to be made a false statement of material fact in obtaining a license under this chapter or in connection with service rendered within the scope of the license issued; [2017, c. 284, Pt. KKKKK, §29 (AMD) .]

B. The distributor or its resident manager, superintendent or official representative violated any provision of this chapter or any rule adopted by the Gambling Control Unit under section 1843.

(1) Except as provided in subparagraph (2), the Gambling Control Unit shall give written notice of any violation to the distributor who then has 14 days to comply. Failure to comply within the 14-day period is grounds for an action under this section.

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

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

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

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

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

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

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

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

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

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

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

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

4. Actions after notice and opportunity for hearing. The Gambling Control Unit shall notify the applicant, registrant or licensee in writing, before a license or registration is denied, suspended or revoked pursuant to subsection 3, paragraph B, of the intended denial or commencement date of the suspension or revocation, which may not be made any sooner than 96 hours after the licensee's or registrant's receipt of the notice, of the duration of the suspension or revocation and of the right to a hearing pursuant to this subsection. The applicant, licensee, person registering or registrant has the right to request a hearing before the Commissioner of Public Safety or the commissioner's designee. Upon the request for a hearing, the Commissioner of Public Safety shall provide a hearing. The hearing must comply with the Maine Administrative Procedure Act. The purpose of the hearing is to determine whether a preponderance of the evidence establishes that the applicant, person registering, applicant's or registering person's agent or employee or the licensee, registrant or licensee's or registrant's agent or employee violated a provision of this chapter or Title 17-A, chapter 39. A request for a hearing may not be made any later than 10 days after the applicant, licensee, person registering or registrant is notified of the proposed denial, suspension or revocation. The suspension or revocation must be stayed pending the hearing; the hearing may not be held any later than 30 days after the date the commissioner receives the request unless otherwise agreed by the parties or continued upon request of a party for cause shown.

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

5. Immediate suspension or revocation. A licensee or registrant whose license or registration is immediately suspended or revoked by the Gambling Control Unit pursuant to subsection 3, paragraph C must be notified in writing of the duration of the suspension or revocation and the licensee's or registrant's right to request a hearing before the Commissioner of Public Safety or the commissioner's designee. Upon the licensee's or registrant's request for a hearing, the Commissioner of Public Safety shall provide a hearing. The hearing must comply with the Maine Administrative Procedure Act. The purpose of the hearing is to determine whether a preponderance of the evidence establishes that the licensee, the registrant, the licensee's agent or employee or the registrant's agent or employee violated section 1832, subsection 8, paragraph C; section 1841, subsection 2; or a provision of Title 17-A, chapter 39. A request for a hearing may not be made any later than 48 hours after the licensee or registrant is notified of the suspension or revocation. A hearing may not be held any later than 10 days after the date the commissioner receives the request.

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

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

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

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

SECTION HISTORY

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

§1843. RULES

The Gambling Control Unit may adopt routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A necessary for the administration and enforcement of this chapter and for the licensing, registration, conduct and operation of games governed by this chapter. The Gambling Control Unit may regulate, supervise and exercise general control over the operation of such games. In establishing such rules,

the Gambling Control Unit shall, in addition to the standards set forth in other provisions of this chapter, set forth conduct, conditions and activity considered undesirable, including: [2017, c. 284, Pt. KKKKK, §30 (AMD).]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION HISTORY

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

§1844. VIOLATIONS

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

SECTION HISTORY

2009, c. 487, Pt. A, §2 (NEW).

§1845. ADMINISTRATION EXPENSES

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

SECTION HISTORY

2009, c. 487, Pt. A, §2 (NEW).

§1846. VENDING MACHINES

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

SECTION HISTORY

2009, c. 487, Pt. A, §2 (NEW).

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