

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

H.P. 683 - L.D. 1088

An Act to Update the Gambling Laws to Allow Once-annual Game Nights for Eligible Organizations and Registered Political Committees

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 17 MRSA §1832, sub-§1, as amended by PL 2021, c. 136, §5, is further amended to read:

1. License or registration required. Except as provided in sections 1837-A and 1837-B, a person, firm, corporation, committee, 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. For purposes of this section, "committee" means a party committee, political action committee or ballot question committee registered and required to file reports under Title 21-A, chapter 13.

Sec. 2. 17 MRSA §1832, sub-§2-B is enacted to read:

2-B. Once-annual game night registration. The Gambling Control Unit may accept a registration from an eligible organization described in subsection 2 or a committee to conduct once in a calendar year a game night, referred to in this section as "a game night," which may include the operation or conduct of card games and games of chance. The proceeds from the game night must be dedicated to a verifiable charitable purpose, except that, if the registrant is a committee, the proceeds must be for the purpose of fund-raising. An eligible organization or committee seeking to register to conduct a game night under this subsection shall register in the manner prescribed by the Gambling Control Unit and shall maintain records in the same manner as described under section 1839, except that disposition of funds reports for card games allowed under this subsection are not required to be submitted to the Gambling Control Unit but must be maintained in the same manner as other records.

Sec. 3. 17 MRSA §1832, sub-§3, as amended by PL 2017, c. 284, Pt. KKKKK, §15, is further amended to read:

3. Must be 18 years of age. The Gambling Control Unit may not accept a registration to conduct a game night, 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 or committee who is not 18 years of age or older.

Sec. 4. 17 MRSA §1832, sub-§4, as amended by PL 2017, c. 284, Pt. KKKKK, §15, is further amended to read:

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 or an eligible organization or committee registering to conduct a game night under subsection 2-B shall obtain written approval from the local governing authority where the game or the game night 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.

Sec. 5. 17 MRSA §1832, sub-§5-A is enacted to read:

5-A. Once-annual game night application. An eligible organization described in subsection 2 or committee seeking to register to conduct a game night 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 or committee. The application must include the full name and address of the eligible organization or committee, a full description of the card games or games of chance to be operated or conducted, the location where the game night is to be conducted and any other information determined necessary by the Gambling Control Unit for the issuance of a registration to conduct a game night, including but not limited to membership lists, bylaws, documentation showing the organization's nonprofit status or charitable designation, if applicable, documentation showing the committee's registration under Title 21-A, chapter 13, if applicable, and documentation verifying the purpose of the game night's proceeds. A game night must be conducted in accordance with section 1835-B. If the game night will be conducted, pursuant to section 1835-B, subsection 2, by employees of a distributor licensed under section 1840, the application must include the full name and address of the licensed distributor and any other information determined necessary by the Gambling Control Unit.

Sec. 6. 17 MRSA §1832, sub-§6, as amended by PL 2017, c. 284, Pt. KKKKK, §15, is further amended to read:

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, except that a registration issued under subsection 2-B for a game night may allow for multiple card games and games of chance to be operated or conducted simultaneously by the eligible organization or committee described in subsection 2-B without separate licenses or registrations.

Sec. 7. 17 MRSA §1834, sub-§4-A is enacted to read:

4-A. Once-annual game night. The fee for a registration to conduct a game night under section 1832, subsection 2-B is \$100.

Sec. 8. 17 MRSA §1835-B is enacted to read:

§1835-B. Conduct of once-annual game night

1. Wagers or entry fees; definitions. The following provisions apply to a game night registered under section 1832, subsection 2-B. For purposes of this section, "eligible organization" means an organization described in section 1832, subsection 2 and "committee" has the same meaning as in section 1832, subsection 1.

A. An eligible organization or committee registered to conduct a game night under section 1832, subsection 2-B may charge an entry fee to the game night, the proceeds of which must be used as described in section 1832, subsection 2-B and to cover the costs of conducting the game night.

B. Card games and games of chance operated or conducted at a game night must use tokens or other devices approved by the Gambling Control Unit by rule. No money or thing of value may be wagered on a card game or game of chance operated or conducted at a game night.

C. An eligible organization or committee may award prizes to an individual as a result of that individual's participation in card games and games of chance operated or conducted during the game night. Prior to the game night, the eligible organization or committee shall determine the available prizes and shall identify those prizes in its application for registration. The Gambling Control Unit may establish, as necessary, rules regarding acceptable prizes.

2. Conduct of once-annual game night. A game night must be conducted by members or employees of the eligible organization or committee conducting the game night or by employees of a distributor licensed under section 1840 who leases gambling apparatus or implements for the purposes of the game night. Any gambling apparatus or any other implements of gambling that are used in the operation or conduct of card games or games of chance during the game night must be leased by the eligible organization or committee from a distributor licensed under section 1840.

3. Persons under 18 years of age. An eligible organization or committee conducting a game night or the employees of a distributor licensed under section 1840 authorized to conduct the game night pursuant to subsection 2 may not permit a person under 18 years of age to take part in the game night.

4. Location; frequency. A registration issued for a game night must specify the location where the eligible organization or committee may operate the game night. An eligible organization or committee may conduct no more than one game night in any 12-month period.

5. "Donation" not to provide an exclusion. The word "donation" printed on any item associated with a game night does not exclude the sponsoring organization or committee from complying with this chapter.

Sec. 9. 17 MRSA §1840, sub-§2, as amended by PL 2017, c. 284, Pt. KKKKK, §28, is further amended by amending the first blocked paragraph to read:

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 or to eligible organizations and committees registered to conduct a game night under section 1832, subsection 2-B. 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.

Sec. 10. 17 MRSA §1840, sub-§5, as amended by PL 2017, c. 284, Pt. KKKKK, §28, is further amended to read:

5. ~~Agricultural societies; lease~~ Lease agreements. When a gambling apparatus or implement is leased as provided in subsection 2 to an agricultural society or to an eligible organization or committee registered under section 1832, subsection 2-B, the distributor shall forward to the Gambling Control Unit a copy of the lease agreement and shipment approval 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 or the game night under section 1832, subsection 2-B, 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 an eligible organization or committee under section 1832, subsection 2-B or 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

B. Must bear the name and address of the distributor.

Sec. 11. 21-A MRSA §1006 is enacted to read:

§1006. Proceeds of game night

A party committee, political action committee or ballot question committee registered under this chapter that conducts a game night pursuant to Title 17, section 1832, subsection 2-B shall report to the commission all proceeds from the game night in a manner prescribed by rule by the commission. Rules adopted under this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.