

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out the title and substituting the following:

**'An Act To Enhance Fund-raising Opportunities
by Certain Nonprofit Organizations'**

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'**Sec. 1. 17 MRSA §332-A** is enacted to read:

§ 332-A. License exceptions for games of chance

Notwithstanding section 331, subsection 1, organizations that are eligible for a license to conduct games of chance may conduct games of chance without a license in accordance with this section.

1. Organizations eligible. An organization, other than an agricultural fair society, that raises less than \$15,000 in gross revenue in a calendar year from the operation of games of chance is eligible to conduct games of chance without a license. If an organization exceeds \$15,000 in gross revenue in a calendar year, the organization must submit an application as described in section 333 and any information and fees otherwise required for an application for licensure under this chapter. An organization that raised more than \$15,000 in revenue during the previous calendar year from the operation of licensed games of chance is not eligible to conduct games without a license in accordance with this section.

2. Limits. An organization that conducts a game of chance without a license in accordance with this section may not collect more than \$10,000 in gross revenue from any one event at which games of chance are conducted. If an organization exceeds \$10,000 in gross revenue at any one event, the organization must submit an application as described in section 333 and any information and fees otherwise required for an application for licensure under this chapter. An organization that exceeds \$10,000 in gross revenue at any one event is not eligible to conduct games of chance without a license as provided by this section within one calendar year of the event at which the revenue limit was exceeded.

3. Registration required. In order to conduct games of chance without a license in accordance with this section, an organization must register with the Chief of the State Police. Registrations made in accordance with this section are valid for one year. The registration must include the following:

- A. The name and tax identification number of the organization and the charitable purpose for which the games are being conducted;
- B. The names of the members of the organization who will be responsible for overseeing the operation of the games of chance;
- C. The date, time and location of the event at which games of chance will be conducted;
- D. The number and types of games to be conducted;

E. An oath and acknowledgement by the applicant that the information contained in the registration is true and accurate; and

F. A registration fee of \$30.

4. Licensed printers and distributors. Equipment used to conduct games of chance in accordance with this section must be provided by printers and distributors licensed as required by this chapter.

5. Other provisions applicable. An organization that conducts games of chance in accordance with this section is subject to applicable provisions of section 332, subsections 2, 3, 3-A and 4 and sections 334, 335, 340, 341, 345 and 346.

6. Revenue and disposition of funds report. An organization that conducts games of chance in accordance with this chapter shall file a disposition of funds form prescribed and furnished by the Chief of the State Police reporting the total revenue from games of chance conducted within 12 calendar months of the date when the first game conducted without a license took place and the amount of revenue spent to support the charitable purposes for which the games were conducted. Every statement in the report must be made under oath by an officer of the organization or by the member in charge of the conduct of the games.

7. Violation. If an organization that has registered to conduct games of chance is found to have violated any provision of this section, the net revenue from any games of chance conducted is forfeited to the Chief of the State Police. If an organization is found to have violated any provision of this section, the bureau is prohibited from accepting a registration as provided by this section from that organization or a person listed on the registration for that organization for a period of 10 years.

8. Repeal. This section is repealed January 1, 2012.

Sec. 2. Report. The Chief of the State Police shall report no later than January 1, 2011 to the joint standing committee of the Legislature having jurisdiction over legal affairs regarding the use of the registration privilege provided by the Maine Revised Statutes, Title 17, section 332-A including any recommended changes to the law.

Sec. 3. Chief of the State Police to implement within existing budgeted resources. The Chief of the State Police shall implement this Act within existing budgeted resources.'

SUMMARY

This amendment replaces the bill. It creates an exception to the requirement that organizations be licensed in order to conduct games of chance. An organization that is otherwise eligible for a license and will not raise more than \$15,000 in a calendar year from the conduct of games of chance and not more than \$10,000 at any one event may conduct games by registering with the Chief of the State Police and is not required to get a license. If an organization exceeds the yearly or per-event revenue limit, that organization is required to apply for a license retroactively. Any organization that raised more than

\$15,000 from licensed games of chance in the previous year is not eligible to register. Some requirements that apply to licensees would apply to registrants, including wager limits, age restrictions on those who conduct or play the games, prohibitions against schemes and the requirement to use licensed gaming printers and distributors. Other requirements regarding revenue and expenditure reporting and disposition of funds reports are also applicable to registrants. A registrant who violates the registration requirements is required to forfeit the revenue from those games conducted in violation and would be prohibited from using the registration privilege for 10 years.