

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND NINETEEN

H.P. 843 - L.D. 1154

An Act To Increase the Betting Limit on Games of Chance at Fairs and Festivals and To Expand Allowed Operation

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the changes proposed in this legislation affecting the operation of card games and games of chance conducted at agricultural fairs must take effect prior to the commencement of this year's agricultural fair season; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 17 MRSA §1834, sub-§4, as amended by PL 2017, c. 284, Pt. KKKKK, §16, is further amended to read:

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~~ \$5 per hand or per deal, inclusive of any raises made during the hand or deal, the license fee for a calendar month is \$60 and the fee for licenses issued for a calendar year is \$700.

Sec. 2. 17 MRSA §1835, sub-§§1 and 3, as amended by PL 2017, c. 284, Pt. KKKKK, §17, are further amended to read:

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 ~~\$4~~ \$5, inclusive of any raises made during the hand or deal.

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.

C. ~~If~~ Notwithstanding paragraph A, 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.

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 or \$5. 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.

Sec. 3. 17 MRSA §1835, sub-§5, as amended by PL 2017, c. 284, Pt. KKKKK, §17, is further amended to read:

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.

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.

A bona fide nonprofit organization may operate a licensed card game to which the general public has access ~~once every 3 months~~ no more than 4 times in a calendar year for a period not to exceed ~~3~~ 4 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.

Sec. 4. 17 MRSA §1835-A, sub-§1, ¶¶A and B, as enacted by PL 2017, c. 284, Pt. KKKKK, §18, are amended to read:

A. The maximum bet for a licensed game of chance is ~~\$4~~ \$5.

B. If Notwithstanding paragraph A, 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.

Sec. 5. 17 MRSA §1835-A, sub-§3, as enacted by PL 2017, c. 284, Pt. KKKKK, §18, is amended to read:

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 or \$5. 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.

Sec. 6. 17 MRSA §1835-A, sub-§5, as enacted by PL 2017, c. 284, Pt. KKKKK, §18, is amended to read:

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.

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.

A bona fide nonprofit organization may operate a registered game of chance to which the general public has access ~~once every 3 months~~ no more than 4 times in a calendar year for a period not to exceed ~~3~~ 4 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.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.