

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

S.P. 605 - L.D. 1490

An Act to Allow Nonprofit Organizations to Sell Progressive Sealed Ticket Games and to Offer Partner-assisted Beano

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

Whereas, current interpretation of sealed ticket games does not include games designed by the manufacturer to include a jackpot prize that is carried over to a subsequent series of tickets or cards with the same form number in the event that jackpot prize is not won, also known as progressive pull-tab games, despite historical practice allowing such games; and

Whereas, many eligible nonprofit organizations have already registered with the Department of Public Safety's Gambling Control Unit to offer such games and not being able to offer progressive pull-tab games will result in a negative financial impact; 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 §311, sub-§10 is enacted to read:

10. Sealed ticket game. "Sealed ticket game" has the same meaning as in section 1831, subsection 14-B.

Sec. 2. 17 MRSA §314-A, sub-§1, ¶A, as amended by PL 2017, c. 284, Pt. JJJJJ, §9, is further amended to read:

A. The Gambling Control Unit may also issue, to a federally recognized Indian tribe, licenses to sell ~~lucky seven or other similar~~ sealed ticket game tickets in accordance with section 324-A.

Sec. 3. 17 MRSA §314-A, sub-§1-A, as amended by PL 2017, c. 284, Pt. JJJJJ, §10, is further amended to read:

1-A. Sealed ticket game tickets. The Gambling Control Unit may also accept a registration from a federally recognized Indian tribe licensed under this section to sell ~~lucky seven or other similar~~ sealed ticket game tickets in accordance with section 324-A. The licensee may operate a dispenser to sell ~~the lucky seven or other similar~~ sealed ticket game tickets. As used in this subsection, "dispenser" means a mechanical or electrical device or machine that, upon the insertion of money, credit or something of value, dispenses printed ~~lucky seven or other similar~~ sealed ticket game tickets. The element of chance must be provided by the ticket itself, not by the dispenser. The Gambling Control Unit may adopt rules to facilitate the use of dispensers. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 4. 17 MRSA §315-A, sub-§5, as amended by PL 2017, c. 284, Pt. JJJJJ, §17, is further amended to read:

5. Sealed ticket game tickets. A limited dual beano registration does not authorize the registered organizations to sell sealed ticket game tickets jointly.

Sec. 5. 17 MRSA §324-A, sub-§2, ¶C, as amended by PL 2017, c. 284, Pt. JJJJJ, §25, is further amended to read:

C. ~~Lucky seven or similar sealed~~ Sealed ticket game tickets may be sold when that game of chance is registered with the Gambling Control Unit and when a valid license or registration certificate is properly displayed. Notwithstanding the other provisions of this section and section 312, ~~lucky seven games sealed ticket games~~ may be conducted during the period beginning 2 hours before and ending 2 hours after a "beano" game.

Notwithstanding any other rule, ~~lucky seven or other similar~~ sealed ticket game tickets may be sold that have a sale value of \$1 or less, and a person who sells or distributes "beano" cards or materials used to play "beano" prior to the conduct of "beano" as a volunteer, as provided in this section, is permitted to play in the "beano" game.

Sec. 6. 17 MRSA §326, sub-§1-A, as amended by PL 2017, c. 284, Pt. JJJJJ, §27, is further amended to read:

1-A. Payment of proceeds. An organization licensed or registered to operate beano or bingo and ~~Lucky 7 sealed ticket~~ games in conjunction with beano or bingo may use the proceeds or part of the proceeds to:

A. Pay salaries, wages or remuneration to any person directly involved in operating beano, bingo or ~~Lucky 7 sealed ticket~~ games;

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

(1) Used to purchase alcohol or to defray the cost of activities where alcohol is served; or

(2) Paid directly to organization members except as specifically allowed in this subsection; and

C. Defray the expenses or part of the expenses of a member, auxiliary member, officer or employee of the organization for a serious illness, injury or casualty loss if the licensee makes an application and the application is approved by the Gambling Control Unit.

(1) An application must be made in the form and contain the information the unit requires.

(a) In the case of serious illness or injury, the unit may require certification by a licensed physician setting out the facts in support of the application.

(b) In the case of a casualty loss, the unit may require statements or reports from a law enforcement agency, rescue or other emergency services personnel or an insurance agency to support the application.

(c) The licensing division may deny an application if it appears that the person who would receive the proceeds has adequate means of financial support, including, but not limited to, insurance or workers' compensation benefits.

Sec. 7. 17 MRSA §326, sub-§4, as amended by PL 2017, c. 284, Pt. JJJJJ, §27, is further amended to read:

4. Posting. An organization licensed or registered to operate beano or bingo and ~~Lucky-7 sealed ticket~~ games in conjunction with beano or bingo shall post in a conspicuous place in the room or hall where the licensed game is conducted a sign that states: the net revenue earned from the operation of those games in dollars and cents; the amount of charitable donations from that net revenue in dollars and cents; what percentage in dollars and cents of the net revenue that amount represents in donations to nonprofit activities; and what percentage of the net revenue was distributed from licensed games for the previous calendar year and the current calendar year.

Sec. 8. 17 MRSA §329, as enacted by PL 2003, c. 353, §1, is repealed and the following enacted in its place:

§329. Assistance for player

1. Restroom break. A person conducting or assisting in the conduct of beano may assist a player by playing that player's cards while the player takes a restroom break. This subsection does not apply to the conduct of high-stakes beano.

2. Partner-assisted beano. A person playing beano may play with another person playing beano as a partnered pair.

Sec. 9. 17 MRSA §1831, sub-§3, as amended by PL 2021, c. 136, §1, is further amended to read:

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

Sec. 10. 17 MRSA §1831, sub-§5, as amended by PL 2017, c. 284, Pt. KKKKK, §8, is further amended by amending the first blocked paragraph to read:

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 the purposes of this chapter, "game of chance" includes a sealed ticket game. 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.

Sec. 11. 17 MRSA §1831, sub-§14-B is enacted to read:

14-B. Sealed ticket game. "Sealed ticket game" means a game consisting of tickets or cards with preprinted symbols, numbers or other figures that are hidden by an opaque, removable material. Each ticket or card represents a chance to win a specific single prize, including a monetary prize, or specific set of prizes. A winning ticket or card contains a predetermined winning configuration of symbols, numbers or other figures. "Sealed ticket game" includes a sealed ticket game that is designed by the manufacturer to include a jackpot prize that is carried over to a subsequent series of tickets or cards with the same form number in the event that jackpot prize is not won. "Sealed ticket game" does not include the lottery under Title 8, chapter 14-A or 16.

Sec. 12. 17 MRSA §1836, sub-§4, as amended by PL 2023, c. 86, §1, is further amended to read:

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 high-hand competitions under subsection 7, ~~lucky seven or similar sealed tickets ticket games~~ and no more than one 50/50 raffle per tournament with a prize value up to \$2,000. All prizes awarded in accordance with this subsection must be paid in cash or by check.

Sec. 13. 17 MRSA §1838, sub-§1, ¶A, as enacted by PL 2009, c. 487, Pt. A, §2, is amended to read:

A. An organization, including a fair, licensed to operate beano, bingo or ~~lucky seven sealed ticket~~ games may use up to 20% of the gross revenue to compensate those who conduct the games.

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