





# HOUSE OF REPRESENTATIVES

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To the Joint Standing Committee on the Judiciary, I offer my thanks for taking the time to allow me to introduce LD 1086, "An Act to Remove State Requirements for Nonprofits on Raffles and Internet Raffles with Prizes of \$2,500 or Less". My name is Donny Ardell, and I represent House District 6.

The bill engages 17 MRSA §1837-A, which provides for regulations on gambling. The bill is not complex, and provides for the ability to conduct a raffle without having to engage the Gambling Control Unit if the total of the prizes does not exceed \$2,500, and the ability for a non-profit organization to hold an internet raffle if the total of the prizes does not exceed \$2,500.

This bill engages a couple ideas, generally. What is a 'gambling' or 'game of chance,' really? In this case a ticket of a fixed value is purchased, and a prize or prizes are promised based on a random drawing. But is it gambling? Were I gambling, I'd be wagering money on an event whose outcome was not predictable, *but on an event I'd be hoping to win, and hoping not to lose*, because the key and sole criteria of success in that scenario, actual gambling, is the 'win' or 'loss'.

With a non-profit raffle, however, the motivation is different, and goes beyond the 'win' or 'loss'. I can't tell you how many raffle tickets I've bought over the years on items I had little or no interest in the outcome of, or didn't even really know what the prizes even were!

As an example, in spring of 2022 I was loading bags of ag lime in front of the Tractor Supply and was engaged by a veterans' organization who was running a raffle. I picked up a few bucks of tickets, and months later met with a couple gentlemen with a set of wrenches in my driveway. I was happy with the wrenches, but never expected to win them, much less anything, because I considered the ticket purchased a donation; I trusted the organization from which I was giving the money to was a worthy one even if I received nothing, which is exactly what I expected.

Similarly, in a couple of consecutive years, I was fortunate enough to win the 50/50 at the annual St. Patrick's Day bazaar. On both occasions I chose not to take the prize and donated the money back, an act of charity I see in many, if not most, 50/50s. How many times have you seen a gambling winner give back his winnings to his bookie, or to the track?

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Or how many blackjack winners donate their winnings back to the table? None, because raffle tickets from a non-profit are fundamentally different.

I'm reasonably certain you'll soon be hearing someone representing the Maine Gambling Control Unit tell you all the reasons they need to continue to control raffles as gambling. But when you hear that presentation, I ask you to ask yourself this: "Are raffles *really* gambling? Or are they a fundamentally different fundraising mechanism than what gambling *actually* is?"

In closing, as legislators we are policy-makers who make these determinations, and decide both *what* policy we want the executive branch to execute, and to a certain extent *how* we want it executed. I hope this body agrees with me the fundamental difference between non-profit fundraising, a method of charitable giving and donation, is not actual gambling, and that we do not need to regulate it in the same way.

Thank you for your time, and careful consideration of this bill.

Sincerely,

Donald J. Ardell