CHAPTER 39

UNLAWFUL GAMBLING

§951. Inapplicability of chapter

Any person licensed or registered by the Gambling Control Unit as provided in Title 17, chapter 13-A or chapter 62 or authorized to operate or conduct a raffle pursuant to Title 17, section 1837-A or licensed to operate sports wagering pursuant to Title 8, chapter 35 or Internet gaming pursuant to Title 8, chapter 39 is exempt from the application of the provisions of this chapter insofar as that person's conduct is within the scope of the license or registration. [PL 2025, c. 538, §6 (AMD).]

SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1975, c. 740, §93 (AMD). PL 1989, c. 502, §A48 (AMD). PL 2009, c. 487, Pt. B, §10 (AMD). PL 2017, c. 284, Pt. KKKKK, §32 (AMD). PL 2021, c. 681, Pt. J, §7 (AMD). PL 2025, c. 538, §6 (AMD).

§952. Definitions

As used in this chapter, the following definitions apply: [PL 1975, c. 499, §1 (NEW).]

1. Advance gambling activity. A person "advances gambling activity" if, acting other than as a player or a member of the player's family residing with a player in cases in which the gambling takes place in their residence, that person engages in conduct that materially aids any form of gambling activity. Conduct of this nature includes, but is not limited to, bookmaking, conduct directed toward the creation or establishment of the particular game, contest, scheme, device or activity involved, toward the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor, toward the solicitation or inducement of persons to participate therein, toward the actual conduct of the playing phases thereof, toward the arrangement of any of its financial or recording phases or toward any other phase of its operation. A person also advances gambling activity if, having substantial proprietary control or other authoritative control over premises being used with that person's knowledge for purposes of gambling activity, that person permits that activity to occur or continue or makes no effort to prevent its occurrence or continuation.
[RR 2025, c. 2, Pt. F, §58 (COR).]

2. "Bookmaking" means advancing gambling activity by unlawfully accepting bets from members of the public as a business, rather than in a casual or personal fashion, upon the outcomes of future contingent events.
[PL 1975, c. 499, §1 (NEW).]

3. Contest of chance. "Contest of chance" means any game, contest, scheme or device in which:

A. A person stakes or risks something of value for the opportunity to win something of value; [PL 1995, c. 674, §4 (NEW).]

B. The rules of operation or play require an event the result of which is determined by chance, outside the control of the contestant or participant; and [PL 1995, c. 674, §4 (NEW).]

C. Chance enters as an element that influences the outcome in a manner that can not be eliminated through the application of skill. [PL 1995, c. 674, §4 (NEW).]

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 or decks of cards, a roll of a die or dice or a random drawing or generation of an object or objects that may include, but are not limited to, a card or cards, a die or dice, a number or numbers or simulations of any of these. A shuffle of a deck or decks of cards, a roll of a

die or dice, a random drawing or generation of an object or objects 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.
[PL 1995, c. 674, §4 (RPR).]

4. Gambling. A person engages in gambling if that person stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under that person's control or influence, upon an agreement or understanding that that person or someone else will receive something of value in the event of a certain outcome. "Gambling" does not include bona fide business transactions valid under the law of contracts, including but not limited to contracts for the purchase or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of chance, including but not limited to contracts of indemnity or guaranty and life, health or accident insurance.
[RR 2025, c. 2, Pt. F, §59 (COR).]

5. "Gambling device" means any device, machine, paraphernalia or equipment that is used or usable in the playing phases of any gambling activity, whether that activity consists of gambling between persons or gambling by a person involving the playing of a machine. However, lottery tickets and other items used in the playing phases of lottery schemes are not gambling devices within this definition.
[PL 1975, c. 499, §1 (NEW).]

5-A. "Illegal gambling machine" means any machine, including electronic devices, however operated:

A. The internal mechanism or components of which when set in motion or activated may deliver or entitle the person playing or operating the machine to receive cash, premiums, merchandise, tickets or something of value; [PL 2001, c. 461, §1 (NEW).]

B. That is used to advance gambling activity; [PL 2003, c. 687, Pt. A, §6 (AMD); PL 2003, c. 687, Pt. B, §11 (AFF).]

C. That is not a machine that a person may lawfully operate pursuant to a license that has been issued under Title 17, chapter 62 or that is operated by the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations; and [PL 2009, c. 487, Pt. B, §11 (AMD).]

D. That is not a slot machine registered pursuant to Title 8, section 1020 and owned by a slot machine distributor licensed pursuant to Title 8, section 1013. [PL 2003, c. 687, Pt. A, §7 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]
[PL 2009, c. 487, Pt. B, §11 (AMD).]

6. "Lottery" means an unlawful gambling scheme in which:

A. The players pay or agree to pay something of value for chances, represented and differentiated by numbers or by combinations of numbers or by some other medium, one or more of which chances are to be designated the winning ones; and [PL 1975, c. 499, §1 (NEW).]

B. The winning chances are to be determined by a drawing or by some other method based on an element of chance; and [PL 1975, c. 499, §1 (NEW).]

C. The holders of the winning chances are to receive something of value. [PL 1975, c. 499, §1 (NEW).]
[PL 1975, c. 499, §1 (NEW).]

7. "Mutuel" means a form of lottery in which the winning chances or plays are not determined upon the basis of a drawing or other act on the part of persons conducting or connected with the scheme,

but upon the basis of the outcome or outcomes of a future contingent event or events otherwise unrelated to the particular scheme.
[PL 1975, c. 499, §1 (NEW).]

8. "Player" means a person who engages in social gambling solely as a contestant or bettor on equal terms with the other participants in social gambling without receiving or becoming entitled to receive something of value or any profit from social gambling other than that person's personal gambling winnings. "Social gambling" is gambling or a contest of chance in which the only participants are players and from which no person or organization receives or becomes entitled to receive something of value or any profit whatsoever, directly or indirectly, other than as a player, from any source, fee, remuneration connected with the gambling, or such activity as arrangements or facilitation of the game, or permitting the use of premises, or selling or supplying for profit refreshments, food, drink service or entertainment to participants, players or spectators. A person who engages in bookmaking as defined in subsection 2 is not a player.
[RR 2025, c. 2, Pt. F, §60 (COR).]

9. Profit from gambling activity. A person "profits from gambling activity" if, other than as a player, that person accepts or receives money or other property pursuant to an agreement or understanding with any person whereby that person participates or is to participate in the proceeds of gambling activity.
[RR 2025, c. 2, Pt. F, §61 (COR).]

10. "Something of value" means any money or property, any token, object or article exchangeable for money or property, or any form of credit or promise directly or indirectly contemplating transfer of money or property, or of any interest therein.
[PL 2019, c. 60, §2 (AMD).]

11. "Unlawful" means not expressly authorized by statute. An activity not expressly authorized by statute does not cease to be unlawful solely because it is authorized under federal law or the laws of another state or jurisdiction.
[PL 2011, c. 630, §2 (AMD).]

SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1995, c. 674, §4 (AMD). PL 2001, c. 461, §1 (AMD). PL 2003, c. 687, §§A6,7 (AMD). PL 2003, c. 687, §B11 (AFF). PL 2009, c. 487, Pt. B, §11 (AMD). PL 2011, c. 630, §2 (AMD). PL 2019, c. 60, §2 (AMD). RR 2025, c. 2, Pt. F, §§58-61 (COR).

§953. Aggravated unlawful gambling

1. A person is guilty of aggravated unlawful gambling if that person intentionally or knowingly advances or profits from unlawful gambling activity by:

A. Engaging in bookmaking to the extent that the person receives or accepts in any 24-hour period more than 5 bets totaling more than $500; [RR 2025, c. 2, Pt. F, §62 (COR).]

B. Receiving in connection with a lottery or mutuel scheme or enterprise money or written records from a person other than a player whose chances or plays are represented by such money or records; or [RR 2025, c. 2, Pt. F, §62 (COR).]

C. Receiving in connection with a lottery, mutuel or other gambling scheme or enterprise more than $1,000 in any 24-hour period played in the scheme or enterprise. [PL 1995, c. 224, §10 (AMD).]
[RR 2025, c. 2, Pt. F, §62 (COR).]

2. Aggravated gambling is a Class B crime.
[PL 1975, c. 499, §1 (NEW).]

SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1975, c. 740, §94 (AMD). PL 1977, c. 55 (AMD). PL 1995, c. 224, §§9,10 (AMD). RR 2025, c. 2, Pt. F, §62 (COR).

§954. Unlawful gambling

1. Any person is guilty of unlawful gambling if that person intentionally or knowingly advances or profits from unlawful gambling activity.
[PL 2005, c. 663, §13 (AMD).]

1-A. A person is guilty of unlawful gambling if the person is under 21 years of age and plays a slot machine as defined in Title 8, section 1001, subsection 39.
[PL 2005, c. 663, §13 (NEW).]

1-B. A person is guilty of unlawful gambling if the person operates or promotes an online sweepstakes game or supports the operation or promotion of an online sweepstakes game. For the purposes of this subsection, "online sweepstakes game" has the same meaning as in Title 8, section 1351, subsection 6.
[PL 2025, c. 645, §3 (NEW).]

2. Unlawful gambling is a Class D crime.
[PL 1975, c. 499, §1 (NEW).]

3. A person convicted of a violation under this section must forfeit to the State all income associated with that violation.
[PL 2005, c. 663, §13 (NEW).]

SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1975, c. 740, §95 (AMD). PL 2005, c. 663, §13 (AMD). PL 2025, c. 645, §3 (AMD).

§955. Possession of gambling records

1. A person is guilty of possession of gambling records if, other than as a player, that person knowingly possesses any writing, paper, instrument or article that is being used or is intended by that person to be used in the operation of unlawful gambling activity as prohibited by this chapter.
[RR 2025, c. 2, Pt. F, §63 (COR).]

2. Possession of gambling records is a Class D crime.
[PL 1975, c. 499, §1 (NEW).]

SECTION HISTORY

PL 1975, c. 499, §1 (NEW). RR 2025, c. 2, Pt. F, §63 (COR).

§956. Possession of gambling devices

1. A person is guilty of possession of gambling devices if that person manufactures, sells, transports, places, possesses or conducts or negotiates any transaction affecting or designed to affect ownership, custody or use of any gambling device, knowing it is to be used in the advancement of unlawful gambling activity as prohibited by this chapter.
[RR 2025, c. 2, Pt. F, §64 (COR).]

2. Possession of gambling devices is a Class D crime.
[PL 1975, c. 499, §1 (NEW).]

SECTION HISTORY

PL 1975, c. 499, §1 (NEW). RR 2025, c. 2, Pt. F, §64 (COR).

§957. Out-of-state gambling

In any prosecution under this chapter it is not a defense that the gambling activity, including the drawing of a lottery, which is involved in the illegal conduct takes place outside this State and is not in violation of the laws of the jurisdiction in which the lottery or other activity takes place. [PL 1975, c. 499, §1 (NEW).]

SECTION HISTORY

PL 1975, c. 499, §1 (NEW).

§958. Injunctions; recovery of payments

1. When it appears to the Attorney General that any person has formed or published a lottery, or taken any measures for that purpose, or is engaged in selling or otherwise distributing tickets, certificates, shares or interests in a lottery, whether that lottery originated in this State or not, the Attorney General shall immediately make complaint in the name of the State to the Superior Court for an injunction to restrain that person from further proceedings in that lottery. If satisfied that there is sufficient ground for an injunction, the court shall forthwith issue the injunction and upon issuance it shall order notice to be served on the adverse party to appear and answer to the complaint. The court, after a full hearing, may dissolve, modify or make perpetual the injunction, make all orders and decrees necessary to restrain and suppress such unlawful proceedings and, if the adverse party neglects to appear, or the final decree of the court is against the adverse party, judgment must be rendered against the adverse party for all costs, fees and expenses incurred in the case and for such compensation to the Attorney General for the Attorney General's expenses as the court determines reasonable.
[RR 2025, c. 2, Pt. F, §65 (COR).]

2. Payments, compensations and securities of every description, made directly or indirectly in whole or in part, for any such lottery or ticket, certificate, share or interest therein, are received without consideration and against law and equity, and may be recovered.
[PL 1975, c. 499, §1 (NEW).]

SECTION HISTORY

PL 1975, c. 499, §1 (NEW). RR 2025, c. 2, Pt. F, §65 (COR).

§959. Illegal gambling machines; forfeiture

1. An illegal gambling machine, including any monetary contents and any associated proceeds, is subject to forfeiture to the State.
[PL 2003, c. 687, Pt. A, §8 (AMD); PL 2003, c. 687, Pt. B, §11 (AFF).]

2. An illegal gambling machine, any monetary contents and any associated proceeds may be declared forfeited under this section by any court that has jurisdiction over the illegal gambling machine or final jurisdiction over any related criminal proceeding brought under this chapter or by the Superior Court for Kennebec County. Property subject to forfeiture may be kept or stored at any location within the territorial boundaries of the State and is subject to the authority of any court in which a petition seeking the forfeiture of that property is filed.
[PL 2003, c. 687, Pt. A, §8 (AMD); PL 2003, c. 687, Pt. B, §11 (AFF).]

3. Forfeitures under this section must be accomplished by the following procedure.

A. A district attorney or the Attorney General may petition the Superior Court in the name of the State in the nature of a proceeding in rem to order forfeiture of an illegal gambling machine, any monetary contents and any associated proceeds. The petition must be filed in the court having jurisdiction over the property. [PL 2005, c. 207, §2 (AMD).]

B. The proceeding under paragraph A is an in rem civil action, in which the State has the burden of proving all material facts by a preponderance of the evidence. [PL 2001, c. 461, §2 (NEW).]

C. A court shall order the State to give notice of the pendency of the action and the right to be heard by certified or registered mail or through hand delivery by a deputy sheriff to any person who appears to have an interest in the illegal gambling machine, any monetary contents and any associated proceeds. Receipt by a person then licensed to operate a motor vehicle in the State is presumed when notice is mailed to the last known address of that person on file with the Department of the Secretary of State, Bureau of Motor Vehicles. [PL 2005, c. 207, §2 (AMD).]

D. A court shall hold a hearing on the petition after an answer is filed by a person served with notice under paragraph C. At the hearing, the court shall hear evidence and make findings of fact and enter conclusions of law. [PL 2011, c. 559, Pt. A, §20 (AMD).]

E. Based on the findings and conclusions, the court shall issue a final order, from which the parties have a right of appeal. The final order must provide for disposition of the illegal gambling machine, any monetary contents and any associated proceeds by the State. Any revenue generated by the disposition of the illegal gambling machine, any monetary contents of the machine and any associated proceeds must be used to pay the reasonable expenses of the forfeiture proceedings, seizure, storage, maintenance of custody, advertising and notice. The balance, if any, must be deposited in the General Fund. [PL 2005, c. 207, §2 (AMD).]

[PL 2011, c. 559, Pt. A, §20 (AMD).]

4. Any law enforcement officer, department or agency having custody of an illegal gambling machine, any monetary contents of an illegal gambling machine or any associated proceeds or having disposed of the illegal gambling machine, any monetary contents or any associated proceeds shall keep and maintain during the pendency of the action full and complete records in accordance with this subsection. Upon issuance by the court of a final order ordering the disposition, destruction or return of the illegal gambling machine, any monetary contents or any associated proceeds, the officer, department or agency must transmit a copy of those records to the Department of Public Safety for inclusion into a centralized record.

A. The records must show:

(1) From whom the illegal gambling machine, any monetary contents and any associated proceeds were received;

(2) Under what authority the illegal gambling machine, any monetary contents and any associated proceeds are held, received or disposed of;

(3) To whom the illegal gambling machine, any monetary contents and any associated proceeds are delivered;

(4) The date and manner of destruction or disposition of the illegal gambling machine; and

(5) The exact kinds, quantities and forms of illegal gambling machines, the exact amount of any monetary contents of any machine and the exact amount of any associated proceeds held in custody or disposed of. [PL 2005, c. 207, §2 (AMD).]

B. The records must be open to inspections by all federal and state officers authorized by the laws of the United States, a state or territory of the United States or a foreign nation to investigate or prosecute gambling laws. [PL 2001, c. 461, §2 (NEW).]

C. The Department of Public Safety is responsible for maintaining a centralized record of illegal gambling machines seized. At least quarterly, the department shall provide a report of the disposition of property previously held by the department to the Commissioner of Administrative and Financial Services and the legislative Office of Fiscal and Program Review for review. These records must include an estimate of the fair market value of items seized. [PL 2001, c. 461, §2 (NEW).]

[PL 2005, c. 207, §2 (AMD).]

5. Persons making final disposition or destruction of an illegal gambling machine, its monetary contents or any associated proceeds under court order shall report, under oath, to the court the exact circumstances of the destruction or disposition.
[PL 2005, c. 207, §2 (AMD).]

6. An illegal gambling machine together with any monetary contents and any associated proceeds is contraband and may be seized by any law enforcement officer pursuant to subsection 7 or 8.
[PL 2005, c. 207, §2 (AMD).]

7. At the request of the State ex parte, a court may issue any preliminary order or process necessary to seize or secure the property for which forfeiture is sought and provide for its custody.

A. Process for seizure of the property for which forfeiture is sought under this section may issue only upon a showing of probable cause. The application for process for seizure of the property and the issuance, execution and return of the process are subject to the provisions of applicable state law. [PL 2001, c. 461, §2 (NEW).]

B. Any property subject to forfeiture under this section may be seized upon process. [PL 2001, c. 461, §2 (NEW).]
[PL 2001, c. 461, §2 (NEW).]

8. Seizure of property forfeited under this section without process may be made when seizure is incident to a legal search or inspection if a law enforcement officer has probable cause to believe the property seized is an illegal gambling machine.
[PL 2001, c. 461, §2 (NEW).]

SECTION HISTORY

PL 2001, c. 461, §2 (NEW). PL 2003, c. 687, §A8 (AMD). PL 2003, c. 687, §B11 (AFF). PL 2005, c. 207, §2 (AMD). PL 2011, c. 559, Pt. A, §20 (AMD).

§960. Criminal forfeiture

1. A person convicted of a violation of this chapter forfeits to the State all rights, privileges, interests and claims to property that is subject to forfeiture pursuant to section 959. All rights, privileges, interest and title in property subject to forfeiture under this section vest in the State upon the commission of the act giving rise to forfeiture pursuant to section 959.
[PL 2001, c. 461, §2 (NEW).]

2. Property subject to forfeiture that is not yet the subject of a final order pursuant to section 959 may be proceeded against by indictment or superseding indictment of a grand jury in any related criminal proceeding in which one or more persons with an interest in the property have been simultaneously indicted for one or more violations of this chapter. At any time prior to trial, the State, with the consent of the court and any defendant with an interest in the property, may file an ancillary charging instrument or information alleging that that property is subject to criminal forfeiture. Upon commencement of a criminal forfeiture by indictment or information of any property that may be the subject of any pending civil action commenced pursuant to section 959, the civil action must be immediately stayed and subrogated to the criminal forfeiture action. Discovery in the criminal action must be as provided by the Maine Rules of Unified Criminal Procedure.
[PL 2015, c. 431, §36 (AMD).]

3. Property subject to forfeiture that has not already been seized but has been indicted by a grand jury pursuant to this section may also be ordered seized based upon the grand jury's finding of probable cause pursuant to section 959.
[PL 2001, c. 461, §2 (NEW).]

4. Trial against property charged by indictment or information may be by jury and must be held in a single proceeding together with the trial of the related criminal violation. Forfeiture of the property

must be proved by the State by a preponderance of the evidence. The court, in its discretion, may allow any defendant with an interest in property indicted pursuant to this section to waive the right to trial by jury as against the property while preserving the right to trial by jury of any crime alleged. At trial by jury, the court, upon motion of a defendant or the State, may separate the trial of the matter against the defendant from the trial of the matter against the property subject to criminal forfeiture. If the court bifurcates the jury trial, the court shall first instruct and submit to the jury the issue of the guilt or innocence of defendants to be determined by proof beyond a reasonable doubt and shall restrict argument of counsel to those issues. After a verdict upon the guilt or innocence of all defendants, the court shall instruct and submit to the jury the issue of the forfeiture of the property to be determined by proof by a preponderance of the evidence and the court shall restrict argument to those issues. A special verdict must be returned as to the extent of the interest in property subject to forfeiture, if any.
[PL 2001, c. 461, §2 (NEW).]

5. A person not charged in an indictment under this section may not intervene in the criminal action. Following the entry of a verdict of forfeiture of property pursuant to this section or the entry of a guilty plea in open court on the record, the State shall provide written notice of its intent to dispose of the property to any person known to have alleged an interest in the property. The notice may be by certified, return receipt mail or as otherwise ordered by the court. Receipt by a person then licensed to operate a motor vehicle in the State is presumed when notice is mailed to the last known address of that person on file with the Department of the Secretary of State, Bureau of Motor Vehicles. A person other than the defendant asserting a legal interest in the property within 30 days of the date of receipt of the notice may petition the court for a hearing to adjudicate the validity of any alleged interest in the property. The hearing must be held before the court without jury. The request for the hearing must be signed by the petitioner under penalty of perjury and must state the nature and extent of the petitioner's right, title or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title or interest in the property, any additional facts supporting the petitioner's claim and the relief sought. The court shall issue or amend a final order of forfeiture in accordance with its determination if, after the hearing, the court determines that the petitioner has established by a preponderance of the evidence that:

A. The petitioner has a legal right, title or interest in the property and the right, title or interest renders the order of forfeiture invalid in whole or in part because the right, title or interest was vested in the petitioner rather than any defendant or was superior to any right, title or interest to the exclusion of any defendant at the time of the commission of the acts that gave rise to the forfeiture of the property under this section; and [PL 2001, c. 461, §2 (NEW).]

B. The petitioner is a bona fide purchaser for value of the right, title or interest in the property and was at the time of purchase reasonably without cause to believe that the property was subject to forfeiture under this section. [PL 2001, c. 461, §2 (NEW).]

[PL 2011, c. 559, Pt. A, §21 (AMD).]

6. Following the entry of a verdict of forfeiture of property pursuant to this section or the entry of a guilty plea in open court on the record, the State has clear title to property that is the subject of the indictment or information and order of forfeiture and may order all or a portion of the property forfeited to the State to be disposed of pursuant to section 959.
[PL 2001, c. 461, §2 (NEW).]

SECTION HISTORY

PL 2001, c. 461, §2 (NEW). PL 2011, c. 559, Pt. A, §21 (AMD). PL 2015, c. 431, §36 (AMD).

§961. Construction

Sections 959 and 960 must be liberally construed to effectuate their remedial purposes. [PL 2001, c. 461, §2 (NEW).]

SECTION HISTORY

PL 2001, c. 461, §2 (NEW).

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