

8 M.R.S.A. § 447. Application 8: AMUSEMENTS AND SPORTS

CHAPTER 17: PIN BALL MACHINES

§ 447. Application

§ 447. Application Nothing in this chapter shall in any way be construed to authorize, license or permit any gambling devices whatsoever or any mechanism that has been by the courts determined to be a gambling device or in any way contrary to law. Statute Search List of Titles Maine Law Revisor of Statutes Homepage Maine Legislature
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17 M.R.S.A. § 330. Definitions 17: CRIMES

CHAPTER 14: GAMES OF CHANCE

§ 330. Definitions

§ 330. Definitions As used in this chapter, unless the context indicates otherwise, the following words shall have the following meanings. [1977, c. 350, §1 (rpr).]

1. Distributor. "Distributor" shall mean a person, firm, corporation, association or organization that sells, markets or otherwise distributes sealed tickets, gambling apparatus or any other implements of gambling that may be used in the conduct of a game of chance.

[1977, c. 350, §1 (rpr).]

1-A. Electronic video machine. "Electronic video machine" means a machine, however operated, which has a video screen featuring an electronically simulated game or games and delivers or entitles the person playing or operating it to receive the privilege of playing the electronic video machine without charge, but does not deliver or entitle the person playing or operating the electronic video machine to receive any cash, premiums, merchandise, tickets or something of value other than the privilege of playing the electronic video machine without charge. A machine which has a video screen featuring an electronically simulated slot machine as a game is not an electronic video machine, but is a machine as defined in subsection 3-A.

[1983, c. 705, §1 (new).]

2. Game of chance. "Game 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; [1995, c. 674, §1 (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 [1995, c. 674, §1 (new).]

C. Chance enters as an element that influences the outcome in a manner that can not be eliminated through the application of skill. [1995, c. 674, §1 (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. For purposes of this chapter, beano and bingo are not games of chance.

[1995, c. 674, §1 (rpr).]

2-A. Game of skill. "Game of skill" means any game, contest, scheme or device in which a person stakes or risks something of value for the opportunity to win something of value and that is not a game of chance.

[1995, c. 674, §2 (rpr).]

3. Licensee. "Licensee" shall mean a firm, corporation, association or organization licensed by the Chief of the State Police to operate a game of chance.

[1977, c. 350, §1 (rpr).]

3-A. Machine. "Machine" means any machine, including electronic devices, however operated, the internal

mechanism or components of which when set in motion or activated and by the application of the element of chance may deliver or entitle the person playing or operating the machine to receive cash, premiums, merchandise, tickets or something of value as defined in subsection 8.

[1983, c. 705, §2 (amd).]

3-B. Member. "Member" means a bona fide member of a firm, corporation, association, organization, department, class or combination thereof, who has been duly admitted as a member according to the laws, rules, regulations, ordinances or bylaws governing membership in the firm, corporation, association, organization, department, class or combination thereof.

[1987, c. 314, §1 (new).]

4. Printer. "Printer" shall mean a person, firm, corporation, association or organization that reproduces in printed form, for sale or distribution, materials to be used in the conduct of a game of chance.

[1977, c. 350, §1 (rpr).]

5. Raffle. "Raffle" shall mean a game of chance in which:

A. A person, or persons, pays or agrees to pay something of value for a chance, represented and differentiated by a number, to win a prize; [1977, c. 350, §1 (new).]

B. One or more of the chances is to be designated the winning chance; [1977, c. 350, §1 (new).]

C. The winning chance is to be determined as a result of a drawing from a container holding numbers representative of all chances sold; and [1977, c. 350, §1 (new).]

D. A holder of a winning chance does not receive something of value worth more than the amount applicable under section 331-A. [1987, c. 190, §1 (amd).]

[1987, c. 190, §1 (amd).]

6. Roulette. "Roulette" shall mean a game of chance in which players bet on the compartment of a revolving wheel into which a small ball will come to rest.

[1977, c. 350, §1 (rpr).]

7. Slot machine. "Slot machine" means any machine which operates by inserting a coin, token or similar object, setting the internal mechanism of the machine in motion, and by the application of the element of chance may deliver or entitle the person playing or operating the machine to receive cash, premiums, merchandise, tickets or something of value as defined in subsection 8.

[1983, c. 705, §3 (amd).]

8. Something of value. "Something of value" means:

A. Any money or property; [1983, c. 705, §4 (new).]

B. Any token, object or article exchangeable for money, property, amusement or entertainment; or [1983, c. 705, §4 (new).]

C. Any form of credit or promise directly or indirectly contemplating transfer of money or property, or of any interest therein, or involving extension of a service, entertainment or a privilege of playing at a game or scheme without charge. [1983, c. 705, §4 (new).]

[1983, c. 705, §4 (rpr).]

Section History:

1973, c. 735, § 3 (NEW). 1975, c. 410, § 1 (AMD). 1975, c. 740, § 3,4 (AMD). 1977, c. 350, § 1 (RPR). 1979, c. 271, § 1 (AMD). 1981, c. 412, § 1 (AMD). 1983, c. 225, § 1 (AMD). 1983, c. 705, § 1-4 (AMD). 1987, c. 190, § 1 (AMD). 1987, c. 314, § 1 (AMD). 1995, c. 674, § 1,2 (AMD).

17 M.R.S.A. § 331. Game of chance 17: CRIMES

CHAPTER 14: GAMES OF CHANCE

§ 331. Game of chance

§ 331. Game of chance 1. License required. No person, firm, corporation, association or organization shall hold, conduct or operate a game of chance within the State unless a license therefor is obtained from the Chief of the State Police, or the game of chance constitutes "social gambling" as that term is defined by 17-A, section 952, subsection 8.

[1975, c. 740, §5 (amd).]

2. Exceptions.

1987, c. 190, §2 (rp).]

2-A. Games of chance at agricultural fairs. The Chief of the State Police may issue a license to hold, conduct or operate the game of chance commonly known as "penny falls" or "quarter falls" at any agricultural fair.

[1979, c. 736, §1 (new).]

3. Door prizes. Distribution of tickets to any event upon which appear details concerning any prize to be given away as a result of a drawing is to be considered a game of chance within the meaning of this chapter, except that such distribution of tickets containing only the words "Door Prize," without further description, shall be excluded from the provisions of this chapter, provided that no promotional materials or presentations, written or oral, shall further describe the door prize.

[1975, c. 424, §1 (new).]

4. "Donation" not to provide an exclusion. The word "Donation" printed on a ticket shall in no way exclude the sponsoring organization from complying with this chapter.

[1975, c. 424, §1 (new).]

5. Single purpose professional or trade organizations.

[1977, c. 350, §3 (rp).]

6. Raffles with prizes of \$10,000 or less. Notwithstanding subsection 1, a license to conduct or operate a raffle as defined in section 330, subsection 5, in which the holder of the winning chance does not receive something of value worth more than \$10,000, is not required of the following:

A. Any agricultural society eligible for the state stipend under 7, section 62, or any bona fide, nonprofit organization that is either charitable, educational, political, civic, recreational, fraternal, patriotic or religious or any auxiliary of such organization; [1995, c. 462, Pt. B, §3 (amd).]

B. Any volunteer police force, fire department or ambulance corps; or [1987, c. 190, §3 (new).]

C. Any class or organization of an elementary, secondary or post-secondary educational institution operated or accredited by the State. [1987, c. 190, §3 (new).]

Any exempt organization, department or class or combination listed in paragraph A, B or C may sponsor, operate and conduct a raffle without a license only for the exclusive benefit of that organization, department or class or combination and that raffle must be conducted only by duly authorized members of the sponsoring organization, department or class or combination.

[1995, c. 462, Pt. B, §3 (amd).]

7. Special exempt raffles; prizes more than \$10,000 but not more than \$25,000. The following rules apply to special exempt raffles licensed under this subsection.

A. Except as provided in subsection 8, the Chief of the State Police may issue one special exempt raffle license per year to any organization, department or class eligible to hold a raffle under subsection 6 without obtaining a license. The special exempt raffle license entitles the licensee to hold one raffle in which the holder of a winning chance receives something of value worth more than \$10,000 but not more than \$25,000. Section 341 does not apply to raffles licensed under this section. [1989, c. 254, §1 (new).]

B. The Chief of the State Police may not issue a license under this subsection to hold a raffle in which the holder of a winning chance receives a cash prize worth more than \$10,000. [1989, c. 254, §1 (new).]

C. All tickets sold pursuant to a special exempt raffle license shall be purchased from a licensed distributor or licensed printer. Tickets shall be sequentially numbered and have printed on their faces the following information: the name of the special exempt raffle licensee; a description of the prize or prizes; the price of the ticket; and the date, time and place of the drawing. Any organization, department or class listed in subsection 6 that conducts a raffle under section 331-A shall retain all unsold raffle tickets for 6 months after the raffle drawing and make those tickets available for inspection at the request of the Chief of the State Police. [1989, c. 254, §1 (new).]

[1995, c. 462, Pt. A, §37 (amd).]

8. Special exempt raffles; prizes from \$10,000 to \$75,000.

[T. 17, §331, sub-§8, !E (rp).]

8-A. Special exempt raffles; prizes more than \$10,000 but not more than \$75,000. The following rules apply to special exempt raffles licensed under this subsection.

A. The Chief of the State Police may issue one special exempt raffle license per year to any organization, department or class eligible to hold a raffle under subsection 6 without obtaining a license. The special exempt raffle license entitles the licensee to hold one raffle in which the holder of a winning chance receives something of value worth more than \$10,000 but not more than \$75,000. Section 341 does not apply to raffles licensed under this section. [1991, c. 796, §3 (new).]

B. The Chief of the State Police may not issue a license under this subsection to hold a raffle in which the holder of a winning chance receives a cash prize worth more than \$10,000. [1991, c. 796, §3 (new).]

C. All tickets sold pursuant to a special exempt raffle license must be purchased from a licensed distributor or licensed printer. Tickets must be sequentially numbered and have printed on their faces the following information: the name of the special exempt raffle licensee; a description of the prize or prizes; the price of the ticket; and the date, time and place of the drawing. Any organization, department or class listed in subsection 6 that conducts a raffle under section 331-A shall retain all unsold raffle tickets for 6 months after the raffle drawing and make those tickets available for inspection at the request of the Chief of the State Police. [1991, c. 796, §3 (new).]

D. The Chief of the State Police may issue only one special exempt raffle license per year, either under this subsection or subsection 7, to the same organization, department or class listed in subsection 6. [1991, c. 796, §3 (new).]

[1995, c. 462, Pt. A, §38 (amd).]

9. Glass; prohibited. The use of glass is prohibited in games of skill pursuant to 32, section 1873.

[1991, c. 251, §1 (new).]

Section History:

1973, c. 735, § 3 (NEW). 1975, c. 424, § 1 (RPR). 1975, c. 740, § 5 (AMD). 1977, c. 350, § 2,3 (AMD). 1979, c. 736, § 1 (AMD). 1987, c. 190, § 2,3 (AMD). 1987, c. 402, § B16,B17 (AMD). 1989, c. 254, § 1,2 (AMD). 1991, c. 251, § 1 (AMD). 1991, c. 796, § 3 (AMD). 1995, c. 462, § A37,38,B3 (AMD).

17 M.R.S.A. § 336-A. Records; distributors and printers 17: CRIMES

CHAPTER 14: GAMES OF CHANCE

§ 336-A. Records; distributors and printers

§ 336-A. Records; distributors and printers 1. Sales agreements. Each distributor shall forward to the Chief of the State Police, prior to delivery of any gambling machine to the purchaser, a copy of all sales agreements, sales contracts or any other agreements involving the sale of any gambling machine. The terms of the sales contract shall include, but not be limited to, the name of seller, name of purchaser, address of seller, address of purchaser, description of the gambling machine including serial number and model name and number, total sale price, any arrangement or terms for payments and the date of final payment.

Any change, modification or alteration of these agreements shall be reported to the Chief of the State Police by the purchaser within 6 days of the change, modification or alteration. [1977, c. 350, § 7 (new).]

2. Service agreements. With the sale of any gambling machine involving a service agreement, the distributor shall forward to the Chief of the State Police a copy of the agreement prior to delivery of the machine. The terms of the service agreements shall include, but not be limited to, the name of seller, name of purchaser, address of seller, address of purchaser, description of machine to be serviced, including serial number and model name and number and all prices and payments for that service.

Any change, modification or alteration of the agreement shall be reported to the Chief of the State Police by the purchaser within 6 days of the change, modification or alteration. [1977, c. 350, § 7 (new).]

3. Reports. At the end of each calendar month, every distributor and printer shall file with the Chief of the State Police a report which shall indicate:

A. The names and addresses of all persons or organizations to which the distributor or printer has distributed equipment and the dates of the distribution; [1977, c. 350, § 7 (new).]

B. A description of the equipment distributed, including serial number and model name and number; and [1977, c. 350, § 7 (new).]

C. The quantities of any equipment distributed. [1977, c. 350, § 7 (new).] [1977, c. 350, § 7 (new).]

4. Retention and inspection of records. Each distributor and printer shall maintain and keep for a period of 3 years, on the premises of the distributor or printer, any records that may be necessary to substantiate the reports required by this section or by the rules and regulations adopted under this chapter. All distributor's and printer's records shall be open to inspection and no licensee shall refuse the Chief of the State Police or his representative the right to inspect or audit the records. Refusal to permit inspection or audit of the records shall not constitute a crime under this chapter but shall constitute grounds for revocation of license. [1977, c. 350, § 7 (new).]

Section History:

1977, c. 350, § 7 (NEW).

17 M.R.S.A. § 337. Distributor 17: CRIMES

CHAPTER 14: GAMES OF CHANCE

§ 337. Distributor

§ 337. Distributor No distributor may sell, market or otherwise distribute gambling apparatus or implements unless licensed by the Chief of the State Police, except that no license is required for the sale, marketing or distribution of raffle tickets when the holder of the winning chance receives something of value worth less than \$10,000. [1989, c. 254, §4 (amd).]

Every nonresident manufacturer or distributor of gambling apparatus or implements doing business in the State shall have a Maine agent who must be licensed as a distributor. [1989, c. 254, §4 (amd).]

No distributor may sell, market or otherwise distribute gambling apparatus or implements to any person or organization, except to persons or organizations licensed to operate or conduct games of chance under section 332, licensed to conduct a special exempt raffle under section 331, subsection 7 or 8, or eligible to conduct a raffle pursuant to section 331, subsection 6. No distributor may lease or loan or otherwise distribute free of charge any gambling apparatus or implements to any organization eligible to operate a game of chance. [1989, c. 254, §4 (amd).]

Every licensee shall acquire all gambling apparatus and implements from a distributor licensed under this section, unless that gambling apparatus or implements are printed, manufactured or constructed by the licensed organization. At no time may any licensee print, manufacture or construct any gambling implements or apparatus for distribution to any other licensee. The applicant for a distributor's license, or if the applicant is a firm, corporation, association or other organization, its resident manager, superintendent or official representative shall file an application with the Chief of the State Police on forms furnished by the Chief of the State Police. The Chief of the State Police shall furnish each applicant with a current copy of this chapter and the rules adopted under section 343. The Chief of the State Police shall furnish each licensee with a copy of any changes or additions to this chapter and the rules adopted under section 343. [1989, c. 254, §4 (amd).]

Section History:

1973, c. 735, § 3 (NEW). 1973, c. 788, § 67 (AMD). 1975, c. 424, § 4 (AMD). 1977, c. 350, § 8 (RPR). 1985, c. 93, § 1 (AMD). 1989, c. 254, § 4 (AMD).

17 M.R.S.A. § 343. Rules and regulations 17: CRIMES

CHAPTER 14: GAMES OF CHANCE

§ 343. Rules and regulations

§ 343. Rules and regulations The Chief of the State Police has the power to adopt rules, not inconsistent with law, which are necessary for the administration and enforcement of this chapter and for the licensing, conduct and operation of games of chance. The chief of the State Police has the power and authority to regulate, supervise and exercise general control over the operation of such games. In establishing such rules, the Chief of the State Police must, in addition to the standards set forth in other provisions of this chapter, use the following standards setting forth conduct, conditions and activity considered undesirable. [1997, c. 684, §7 (amd).]

1. Fraud. The practice of any fraud or deception upon a participant in a game of chance.

[1975, c. 410, §4 (rpr).]

2. Unsafe premises. The conduct of a game of chance in or at premises which may be unsafe due to fire hazard or other such conditions.

[1975, c. 410, §4 (rpr).]

3. Advertising and solicitation. Advertising which is obscene; solicitation on a public way of persons to participate

in a game of chance.

[1975, c. 410, §4 (rpr).]

4. Organized crime. Infiltration of organized crime into the operation of games of chance, or into the printing or distributing of gambling materials.

[1975, c. 410, §4 (rpr).]

5. Disorderly persons. Presence of disorderly persons in a location where a game of chance is being conducted.

[1975, c. 410, §4 (rpr).]

6. Leasing of equipment. Use of equipment which is not owned absolutely, or for which rental is made for said use in the operation of a game of chance.

[1975, c. 410, §4 (rpr).]

7. Bona fide nonprofit organization. The establishment of organizations which exist primarily to operate games of chance and do not have a bona fide nonprofit charitable, educational, political, civic, recreational, fraternal, patriotic, religious or public safety purpose.

[1983, c. 705, §8 (new).]

The Chief of the State Police shall provide a mechanism for individuals and businesses to request a determination from the State Police as to whether a particular game, contest, scheme or device qualifies as a game of chance or a game of skill. [1995, c. 674, §3 (new).]

Section History: 1973, c. 735, § 3 (NEW). 1975, c. 410, § 4 (RPR). 1983, c. 705, § 8 (AMD). 1995, c. 674, § 3 (AMD). 1997, c. 684, § 7 (AMD).

17 M.R.S.A. § 2306. Exemptions; lotteries 17: CRIMES

CHAPTER 81: LOTTERIES

§ 2306. Exemptions; lotteries

§ 2306. Exemptions; lotteries Any person, firm, corporation, association or organization licensed by the Chief of the State Police as provided in chapter 14 or authorized to conduct a raffle without a license as provided in section 331, subsection 6, shall be exempt from the application of this chapter insofar as the possession of raffle tickets, gambling apparatus and implements of gambling which are permitted within the scope of said license or licenses issued, and all persons shall be exempt from this chapter insofar as gambling or possession of raffle tickets is concerned, if the gambling and possession is in connection with a game of chance licensed as provided in chapter 14 or a raffle conducted without a license as authorized by section 331, subsection 6. [1989, c. 502, Pt. A, §46 (amd).]

Section History:

1973, c. 735, § 6 (NEW). 1975, c. 424, § 6 (AMD). 1989, c. 502, § A46 (AMD).

17 M.R.S.A. § 2741. Common nuisances; jurisdiction to abate 17: CRIMES

CHAPTER 91: NUISANCES

SUBCHAPTER II: COMMON NUISANCES

§ 2741. Common nuisances; jurisdiction to abate

§ 2741. Common nuisances; jurisdiction to abate All places used as houses of ill fame or for the illegal sale or keeping of intoxicating liquors or scheduled drugs, or resorted to for lewdness or gambling; all houses, shops or places where intoxicating liquors are sold for tipling purposes; and all places of resort where intoxicating liquors are kept, sold, given away, drunk or dispensed in any manner not provided for by law are common nuisances. The Superior Court has jurisdiction, upon information filed by the Attorney General or the district attorney or upon complaint filed by not less than 7 legal voters of that county setting forth any of the facts contained in this section, to

restrain, enjoin or abate the same, and an injunction for those purposes may be issued by the court. The injunction or order to restrain, enjoin or abate the common nuisance forever runs against the building or other place or structure, except that, upon motion of an owner filed not sooner than 6 months from the date of the injunction or order, the Superior Court may remove or modify the injunction or order upon a showing by the owner, by a preponderance of evidence, that the nuisance has abated. No dismissal of such information or complaint may prevent action upon any information or complaint subsequently filed covering the same subject matter. [1995, c. 66, §2 (amd).]

For purposes of this subchapter, proof by a preponderance of evidence that an owner or occupant of a building or other place or structure, or any part thereof, has trafficked or furnished at the building, place or structure, or any part thereof, any scheduled drug as defined by 17-A, chapter 45 on 2 or more occasions within a 3-year period is sufficient to prove that the building, place or structure is a common nuisance. [1993, c. 98, §1 (new).]

Section History:

1981, c. 279, § 9 (AMD). 1993, c. 98, § 1 (AMD). 1995, c. 66, § 2 (AMD).

17-A M.R.S.A. § 952. Definitions 17-A: MAINE CRIMINAL CODE

PART 2: SUBSTANTIVE OFFENSES

CHAPTER 39: UNLAWFUL GAMBLING

§ 952. Definitions

§ 952. Definitions As used in this chapter, the following definitions apply: [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, he 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 his knowledge for purposes of gambling activity, he permits that activity to occur or continue, or makes no effort to prevent its occurrence or continuation.

[1975, c. 499, §1 (new).]

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.

[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; [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 [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. [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.

[1995, c. 674, §4 (rpr).]

4. "Gambling." A person engages in gambling if he stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his control or influence, upon an agreement or understanding that

he 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.

[1975, c. 499, §1 (new).]

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.

[1975, c. 499, §1 (new).]

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 [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 [1975, c. 499, §1 (new).]

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

[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.

[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 therein without receiving or becoming entitled to receive something of value or any profit therefrom other than his 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 said 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."

[1975, c. 499, §1 (new).]

9. "Profit from gambling activity." A person "profits from gambling activity" if, other than as a player, he accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he participates or is to participate in the proceeds of gambling activity.

[1975, c. 499, §1 (new).]

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, or involving extension of a service, entertainment or a privilege of playing at a game or scheme without charge.

[1975, c. 499, §1 (new).]

11. "Unlawful" means not expressly authorized by statute.

[1975, c. 499, §1 (new).]

Section History:

1975, c. 499, § 1 (NEW). 1995, c. 674, § 4 (AMD).

17-A M.R.S.A. § 953. Aggravated unlawful gambling 17-A: MAINE CRIMINAL CODE

PART 2: SUBSTANTIVE OFFENSES

CHAPTER 39: UNLAWFUL GAMBLING

§ 953. Aggravated unlawful gambling

§ 953. Aggravated unlawful gambling 1. A person is guilty of aggravated unlawful gambling if he 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; or [1995, c. 224, §9 (amd).]

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 [1975, c. 499, § 1 (new).]

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. [1995, c. 224, §10 (amd).]

[1995, c. 224, §§9, 10 (amd).]

2. Aggravated gambling is a Class B crime.

[1975, c. 499, § 1 (new).]

Section History:

1975, c. 499, § 1 (NEW). 1975, c. 740, § 94 (AMD). 1977, c. 55 (AMD). 1995, c. 224, § 9,10 (AMD).

17-A M.R.S.A. § 954. Unlawful gambling 17-A: MAINE CRIMINAL CODE

PART 2: SUBSTANTIVE OFFENSES

CHAPTER 39: UNLAWFUL GAMBLING

§ 954. Unlawful gambling

§ 954. Unlawful gambling 1. Any person is guilty of unlawful gambling if he intentionally or knowingly advances or profits from unlawful gambling activity. [1975, c. 740, § 95 (amd).]

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

Section History:

1975, c. 499, § 1 (NEW). 1975, c. 740, § 95 (AMD).

17-A M.R.S.A. § 955. Possession of gambling records 17-A: MAINE CRIMINAL CODE

PART 2: SUBSTANTIVE OFFENSES

CHAPTER 39: UNLAWFUL GAMBLING

§ 955. Possession of gambling records

§ 955. Possession of gambling records 1. A person is guilty of possession of gambling records if, other than as a player, he knowingly possesses any writing, paper, instrument or article, which is being used or is intended by him to be used in the operation of unlawful gambling activity, as defined in this chapter. [1975, c. 499, § 1 (new).]

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

Section History:

1975, c. 499, § 1 (NEW).

17-A M.R.S.A. § 956. Possession of gambling devices 17-A: MAINE CRIMINAL CODE

PART 2: SUBSTANTIVE OFFENSES

CHAPTER 39: UNLAWFUL GAMBLING

§ 956. Possession of gambling devices

§ 956. Possession of gambling devices 1. A person is guilty of possession of gambling devices if he 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 defined in this chapter. [1975, c. 499, § 1 (new).]

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

Section History:

1975, c. 499, § 1 (NEW).

17-A M.R.S.A. § 957. Out-of-state gambling 17-A: MAINE CRIMINAL CODE

PART 2: SUBSTANTIVE OFFENSES

CHAPTER 39: UNLAWFUL GAMBLING

§ 957. Out-of-state gambling

§ 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. [1975, c. 499, § 1 (new).]

Section History:

1975, c. 499, § 1 (NEW)

30-A M.R.S.A. § 3833. Gambling prohibited 30-A: MUNICIPALITIES AND COUNTIES (HEADING: PL 1987, c. 737, Pt. A, @2 (new))

PART 2: MUNICIPALITIES (HEADING: PL 1987, c. 737, Pt. A, @2 (new))

SUBPART 6: REGULATION, LICENSES AND PERMITS (HEADING: PL 1987, c. 737, Pt. A, @2 (new))

CHAPTER 183: ECONOMIC REGULATION (HEADING: PL 1987, c. 737, Pt. A, @2 (new))

SUBCHAPTER III: INNKEEPERS, VICTUALERS AND LODGING HOUSES (HEADING: PL 1987, c. 737, Pt. A, @2 (new))

ARTICLE 4: DUTIES AND OBLIGATIONS (HEADING: PL 1987, c. 737, Pt. A, @2 (new))

§ 3833. Gambling prohibited

§ 3833. Gambling prohibited 1. Prohibited games and activities. No innkeeper or victualer may:

A. Have or keep for gambling purposes about the business establishment any dice, cards, bowls, billiards, quoits or other implements used in gambling; or [1987, c. 737, Pt. A, §2 and Pt. C, §106 (new); 1989, c. 6 (amd); c. 9, §2 (amd); c. 104, Pt. C, §§8, 10 (amd).]

B. Allow any person resorting to the establishment to use for gambling purposes any of the games under subsection 1, or any other illegal game or sport in the establishment. [1987, c. 737, Pt. A, §2 and Pt. C, §106 (new); 1989, c. 6 (amd); c. 9, §2 (amd); c. 104, Pt. C, §§8, 10 (amd).]

[1987, c. 737, Pt. A, §2 and Pt. C, §106 (new); 1989, c. 6 (amd); c. 9, §2 (amd); c. 104, Pt. C, §§8, 10 (amd).]

2. Penalty. Any person who uses any game or sport prohibited by this section for gambling purposes in any prohibited establishment commits a civil violation for which a forfeiture of \$5 may be adjudged. [1987, c. 737, Pt. A, §2 and Pt. C, §106 (new); 1989, c. 6 (amd); c. 9, §2 (amd); c. 104, Pt. C, §§8, 10 (amd).]

Section History:

1987, c. 737, § A2,C106 (NEW). 1989, c. 104, § C8,C10 (AMD). 1989, c. 6 (AMD). 1989, c. 9, § 2 (AMD).

30 M.R.S.A. § 6205. Indian territory 30: MUNICIPALITIES AND COUNTIES

PART 4: INDIAN TERRITORIES

CHAPTER 601: MAINE INDIAN CLAIMS SETTLEMENT

§ 6205. Indian territory

§ 6205. Indian territory 1. Passamaquoddy Indian territory. Subject to subsections 3, 4 and 5, the following lands within the State are known as the "Passamaquoddy Indian territory:"

A. The Passamaquoddy Indian Reservation; [1993, c. 713, §1 (amd); §2 (aff).]

B. The first 150,000 acres of land acquired by the secretary for the benefit of the Passamaquoddy Tribe from the following areas or lands to the extent that those lands are acquired by the secretary prior to January 31, 1991, are not held in common with any other person or entity and are certified by the secretary by January 31, 1991, as held for the benefit of the Passamaquoddy Tribe:

The lands of Great Northern Nekoosa Corporation located in T.1, R.8, W.B.K.P. (Lowelltown), T.6, R.1, N.B.K.P. (Holeb), T.2, R.10, W.E.L.S. and T.2, R.9, W.E.L.S.; the land of Raymidga Company located in T.1, R.5, W.B.K.P. (Jim Pond), T.4, R.5, B.K.P.W.K.R. (King and Bartlett), T.5, R.6, B.K.P.W.K.R. and T.3, R.5, B.K.P.W.K.R.; the land of the heirs of David Pingree located in T.6, R.8, W.E.L.S.; any portion of Sugar Island in Moosehead Lake; the lands of Prentiss and Carlisle Company located in T.9, S.D.; any portion of T.24, M.D.B.P.P.; the lands of Bertram C. Tackeff or Northeastern Blueberry Company, Inc. in T.19, M.D.B.P.P.; any portion of T.2, R.8, N.W.P.; any portion of T.2, R.5, W.B.K.P. (Alder Stream); the lands of Dead River Company in T.3, R.9, N.W.P., T.2, R.9, N.W.P., T.5, R.1, N.B.P.P. and T.5, N.D.B.P.P.; any portion of T.3, R.1, N.B.P.P.; any portion of T.3, N.D.; any portion of T.4, N.D.; any portion of T.39, M.D.; any portion of T.40, M.D.; any portion of T.41, M.D.; any portion of T.42, M.D.B.P.P.; the lands of Diamond International Corporation, International Paper Company and Lincoln Pulp and Paper Company located in Argyle; and the lands of the Dyer Interests in T.A.R.7 W.E.L.S., T.3 R.9 N.W.P., T.3 R.3. N.B.K.P. (Alder Brook Township), T.3 R.4 N.B.K.P. (Hammond Township), T.2 R.4 N.B.K.P. (Pittston Academy Grant), T.2 R.3 N.B.K.P. (Soldiertown Township), and T.4 R.4 N.B.K.P. (Prentiss Township), and any lands in Albany Township acquired by the Passamaquoddy Tribe before January 1, 1991; and [1993, c. 713, §1 (amd).]

C. Any land not exceeding 100 acres in the City of Calais acquired by the secretary for the benefit of the Passamaquoddy Tribe as long as the land is acquired by the secretary prior to January 1, 2001, is not held in common with any other person or entity and is certified by the secretary by January 31, 2001, as held for the benefit of the Passamaquoddy Tribe, if:

(1) The acquisition of the land by the tribe is approved by the legislative body of that city; and

(2) A tribal-state compact under the federal Indian Gaming Regulatory Act is agreed to by the State and the Passamaquoddy Tribe or the State is ordered by a court to negotiate such a compact. [1993, c. 713, §1 (new); §2 (aff).]

[1993, c. 713, §1 (amd); §2 (aff).]

2. Penobscot Indian territory. Subject to subsections 3, 4 and 5, the following lands within the State shall be known as the "Penobscot Indian territory:"

A. The Penobscot Indian Reservation; and [1979, c. 732, §1 (new).]

B. The first 150,000 acres of land acquired by the secretary for the benefit of the Penobscot Nation from the following areas or lands to the extent that those lands are acquired by the secretary prior to January 31, 2001, are not held in common with any other person or entity and are certified by the secretary by January 31, 2001, as held for the Penobscot Nation:

The lands of Great Northern Nekoosa Corporation located in T.1, R.8, W.B.K.P. (Lowelltown), T.6, R.1, N.B.K.P. (Holeb), T.2, R.10, W.E.L.S. and T.2, R.9, W.E.L.S.; the land of Raymidga Company located in T.1, R.5, W.B.K.P. (Jim Pond), T.4, R.5, B.K.P.W.K.R. (King and Bartlett), T.5, R.6, B.K.P.W.K.R. and T.3, R.5, B.K.P.W.K.R.; the land of the heirs of David Pingree located in T.6, R.8, W.E.L.S.; any portion of Sugar Island in Moosehead Lake; the lands of Prentiss and Carlisle Company located in T.9, S.D.; any portion of T.24, M.D.B.P.P.; the lands of Bertram C. Tackeff or Northeastern Blueberry Company, Inc. in T.19, M.D.B.P.P.; any portion of T.2, R.8, N.W.P.; any portion of T.2, R.5, W.B.K.P. (Alder Stream); the lands of Dead River Company in T.3, R.9, N.W.P., T.2, R.9, N.W.P., T.5, R.1, N.B.P.P. and T.5, N.D.B.P.P.; any portion of T.3, R.1, N.B.P.P.; any portion of T.3, N.D.; any portion of T.4, N.D.; any portion of T.39, M.D.; any portion of T.40, M.D.; any portion of T.41, M.D.; any portion of T.42, M.D.B.P.P.; the lands of Diamond International Corporation, International Paper Company and Lincoln Pulp and Paper Company located in Argyle; any land acquired in Williamsburg T.6, R.8, N.W.P.; any 300 acres in Old Town mutually agreed upon by the City of Old Town and the Penobscot Nation Tribal Government, provided that the mutual agreement must be finalized prior to August 31, 1991; any lands in Lakeville acquired by the Penobscot Nation before January 1, 1991; and all the property acquired by the Penobscot Indian Nation from Herbert C. Haynes, Jr., Herbert C. Haynes, Inc. and Five Islands Land Corporation located in Township 1, Range 6 W.E.L.S. [1995, c. 601, §1 (amd); §2 (aff).]

[1995, c. 601, §1 (amd); §2 (aff).]

3. Takings under the laws of the State.

A. Prior to any taking of land for public uses within either the Passamaquoddy Indian Reservation or the Penobscot Indian Reservation, the public entity proposing the taking, or, in the event of a taking proposed by a public utility, the Public Utilities Commission, shall be required to find that there is no reasonably feasible alternative to the proposed taking. In making this finding, the public entity or the Public Utilities Commission shall compare the cost, technical feasibility, and environmental and social impact of the available alternatives, if any, with the cost, technical feasibility and environmental and social impact of the proposed taking. Prior to making this finding, the public entity or Public Utilities Commission, after notice to the affected tribe or nation, shall conduct a public hearing in the manner provided by the Maine Administrative Procedure Act, on the affected Indian reservation. The finding of the public entity or Public Utilities Commission may be appealed to the Maine Superior Court. [1979, c. 732, §1 (new).]

In the event of a taking of land for public uses within the Passamaquoddy Indian Reservation or the Penobscot Indian Reservation, the public entity or public utility making the taking shall, at the election of the affected tribe or nation, and with respect to individually allotted lands, at the election of the affected allottee or allottees, acquire by purchase or otherwise for the respective tribe, nation, allottee or allottees a parcel or parcels of land equal in value to that taken; contiguous to the affected Indian reservation; and as nearly adjacent to the parcel taken as practicable. The land so acquired shall, upon written certification to the Secretary of State by the public entity or public utility acquiring such land describing the location and boundaries thereof, be included within the Indian Reservation of the affected tribe or nation without further approval of the State. For purposes of this section, land along and adjacent to the Penobscot River shall be deemed to be contiguous to the Penobscot Indian Reservation. The acquisition of land for the Passamaquoddy Tribe or the Penobscot Nation or any allottee under this subsection shall be full compensation for any such taking. If the affected tribe, nation, allottee or allottees elect not to have a substitute parcel acquired in accordance with this subsection, the moneys received for such taking shall be reinvested in accordance with the provisions of paragraph B.

B. If land within either the Passamaquoddy Indian Territory or the Penobscot Indian Territory but not within either the Passamaquoddy Indian Reservation or the Penobscot Indian Reservation is taken for public uses in accordance with the laws of the State the money received for said land shall be reinvested in other lands within 2 years of the date on which the money is received. To the extent that any moneys received are so reinvested in land with an area not greater than the area of the land taken and located within an unorganized or unincorporated area of the State, the lands so acquired by such reinvestment shall be included within the respective Indian territory without further approval of the State. To the extent that any moneys received are so reinvested in land with an area greater than the

area of the land taken and located within an unorganized or unincorporated area of the State, the respective tribe or nation shall designate, within 30 days of such reinvestment, that portion of the land acquired by such reinvestment, not to exceed the area taken, which shall be included within the respective Indian territory. No land acquired pursuant to this paragraph shall be included within either Indian Territory until the Secretary of Interior has certified, in writing, to the Secretary of State the location and boundaries of the land acquired. [1979, c. 732, §1 (new).]
[1979, c. 732, §§1, 31 (new).]

4. Taking under the laws of the United States. In the event of a taking of land within the Passamaquoddy Indian territory or the Penobscot Indian territory for public uses in accordance with the laws of the United States and the reinvestment of the moneys received from such taking within 2 years of the date on which the moneys are received, the status of the lands acquired by such reinvestment shall be determined in accordance with subsection 3, paragraph B.

[1979, c. 732, §§1, 31 (new).]

5. Limitations. No lands held or acquired by or in trust for the Passamaquoddy Tribe or the Penobscot Nation, other than those described in subsections 1, 2, 3 and 4, shall be included within or added to the Passamaquoddy Indian territory or the Penobscot Indian territory except upon recommendation of the commission and approval of the State to be given in the manner required for the enactment of laws by the Legislature and Governor of Maine, provided, however, that no lands within any city, town, village or plantation shall be added to either the Passamaquoddy Indian territory or the Penobscot Indian territory without approval of the legislative body of said city, town, village or plantation in addition to the approval of the State.

Any lands within the Passamaquoddy Indian territory or the Penobscot Indian territory, the fee to which is transferred to any person who is not a member of the respective tribe or nation, shall cease to constitute a portion of Indian territory and shall revert to its status prior to the inclusion thereof within Indian territory.

[1979, c. 732, §§1, 31 (new).]

Section History:

1979, c. 732, § 1,31 (NEW). 1983, c. 493, § 1 (AMD). 1983, c. 494, § 1 (AMD). 1983, c. 660, § 1,2 (AMD). 1983, c. 676, § 1,2 (AMD). 1985, c. 637, § 1,2 (AMD). 1985, c. 639, § 1,2 (AMD). 1985, c. 69, § 1 (AMD). 1985, c. 747, § 2 (AMD). 1987, c. 153, § 1-3 (AMD). 1991, c. 720, § 1 (AMD). 1991, c. 720, § 2 (AFF). 1991, c. 721, § 1 (AMD). 1991, c. 721, § 2 (AFF). 1993, c. 713, § 1 (AMD). 1993, c. 713, § 2 (AFF). 1995, c. 601, § 1 (AMD). 1995, c. 601, § 2 (AFF).