

GAMBLING

Poker machines are not included within the term "slot machines" under Truk State law and a search warrant authorizing the seizure of slot machines does not permit the seizure of poker machines. In re Slot Machines, 3 FSM R. 498, 500 (Truk S. Ct. Tr. 1988).

Courts should not broaden statutes beyond the meaning of the law as written, even if it means that gambling devices just as harmful socially as slot machines, such as poker machines, will be excluded from statutory prohibition of slot machines. In re Slot Machines, 3 FSM R. 498, 500-01 (Truk S. Ct. Tr. 1988).

Poker machines involve the use of some skill, and are not based simply upon mere chance, therefore are not "slot machines," and are not subject to current Truk State legislative prohibition, specifically Truk District Law No. 25-3. In re Slot Machines, 3 FSM R. 498, 502 (Truk S. Ct. Tr. 1988).

While under the Chuuk Constitution the "powers and functions of a municipality with respect to its local affairs and government are superior to statutory law," the key phrase in this constitutional provision is "local affairs." Gambling is of statewide concern and an area properly within the state legislative function and does not fall under the cloak of "local affairs." Pacific Coast Enterprises v. Chuuk, 9 FSM R. 543, 546 (Chk. S. Ct. Tr. 2000).

When an act lists 23 different and distinct prohibited gaming devices, including "slot machines," but makes no mention of "poker machines" whatsoever, by its failing to list "poker machines" in an extended list of prohibited items, the legislature excluded such machines from the application of the law, and the court will not include the machines into the proscription of the statute something which the Legislature intended to exclude. Pacific Coast Enterprises v. Chuuk, 9 FSM R. 543, 547 (Chk. S. Ct. Tr. 2000).

Although there is an element of chance involved in the operation of both slot and poker machines, the fundamental difference between a slot machine and a poker machine is that a poker machine, as opposed to a slot machine, allows the user to exercise his skill to affect the odds and thereby the manner and result of its operation. Pacific Coast Enterprises v. Chuuk, 9 FSM R. 543, 547 (Chk. S. Ct. Tr. 2000).