

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2008

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Legislative Document

No. 2261

I.B. 3

House of Representatives, March 17, 2008

### An Act To Allow a Casino in Oxford County

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Transmitted to the Clerk of the 123rd Maine Legislature by the Secretary of State on March 14, 2008 and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 8 MRSA §1001, sub-§2**, as enacted by PL 2003, c. 687, Pt. A, §5 and  
3 affected by Pt. B, §11, is amended to read:

4 **2. Associated equipment.** "Associated equipment" means any component part used,  
5 or intended for use, in a slot machine or gaming device, including, but not limited to,  
6 software, integrated circuit chips, printed wired assemblies, printed wired boards, printing  
7 mechanisms, video display monitors and metering devices.

8 **Sec. 2. 8 MRSA §1001, sub-§2-A** is enacted to read:

9 **2-A. Bazaar game.** "Bazaar game" means a game, sport, amusement, diversion,  
10 scheme, plan, project, contest, undertaking or enterprise in which chance, fortune, luck or  
11 lot is the predominating factor or element in the winning or awarding of a prize but does  
12 not include a lottery or any game, sport, amusement, diversion, scheme, plan, project,  
13 contest, undertaking or enterprise in which the skill, accomplishment, art or adroitness of  
14 the gaming operator or participant is the primary factor in the winning or awarding of a  
15 prize.

16 **Sec. 3. 8 MRSA §1001, sub-§5-A** is enacted to read:

17 **5-A. Casino.** "Casino" means a facility in Oxford County where activities take  
18 place, including, but not limited to, various forms of gaming, amusement, entertainment,  
19 music, shows, lodging and any other activities authorized under state law.

20 **Sec. 4. 8 MRSA §1001, sub-§13-A** is enacted to read:

21 **13-A. Evergreen Mountain Enterprises, LLC.** "Evergreen Mountain Enterprises,  
22 LLC" means the Maine-registered entity Evergreen Mountain Enterprises, LLC and its  
23 respective authorized entities, assigns, officials, agents and representatives.

24 **Sec. 5. 8 MRSA §1001, sub-§16**, as enacted by PL 2003, c. 687, Pt. A, §5 and  
25 affected by Pt. B, §11, is amended to read:

26 **16. Gambling facility.** "Gambling facility" means a race track, off-track betting  
27 facility, high-stakes beano or beano facility, a game of chance facility or, slot machine  
28 facility or gaming facility.

29 **Sec. 6. 8 MRSA §1001, sub-§19-A** is enacted to read:

30 **19-A. Gaming.** "Gaming" means any game of chance or other gaming activity or  
31 wagering activity, including, but not limited to, those activities specifically identified in  
32 subsection 19-C.

33 **Sec. 7. 8 MRSA §1001, sub-§19-B** is enacted to read:

34 **19-B. Gaming activity.** "Gaming activity" means the act of gambling or wagering  
35 something of value at a gaming table, slot machine, simulcast or other device that, upon

1 the placing of a wager or insertion of a coin, token, credit or similar object or thing of  
2 value, is available to play or operate, the play or operation of which by the element of  
3 chance may deliver the person playing or operating the gaming table, video screen or  
4 device, contrivance or machine or entitle that person to receive cash, tokens or credits to  
5 be exchanged for cash, merchandise or anything of value, whether the payoff is made by  
6 a gaming employee of the operator or automatically from the device, contrivance or  
7 machine or in any other manner.

8 **Sec. 8. 8 MRSA §1001, sub-§19-C** is enacted to read:

9 **19-C. Gaming device.** "Gaming device" means a device used in any form of  
10 gaming, including without limitation the following: a slot machine, card game, table  
11 game or other game of chance, including without limitation blackjack, poker, dice,  
12 roulette, baccarat, money-wheels and bingo; a bazaar game, but only if conducted solely  
13 for merchandise prizes; a lottery game; a video facsimile, including without limitation a  
14 video facsimile of any card game, table game or other game of chance, including without  
15 limitation those described in this subsection. "Gaming device" applies only to a gaming  
16 facility and does not apply to a commercial track, which may operate only slot machines.

17 **Sec. 9. 8 MRSA §1001, sub-§19-D** is enacted to read:

18 **19-D. Gaming device distributor.** "Gaming device distributor" means a person  
19 who is licensed under this chapter to distribute gaming devices and associated equipment  
20 for use in this State.

21 **Sec. 10. 8 MRSA §1001, sub-§20,** as enacted by PL 2003, c. 687, Pt. A, §5 and  
22 affected by Pt. B, §11, is amended to read:

23 **20. Gaming employee.** "Gaming employee" means any person connected directly  
24 with a gambling facility, including cashiers, change personnel, counting room personnel,  
25 hosts, dealers, persons who extend credit or offer complimentary services, machine  
26 mechanics, security personnel, supervisors or managers. "Gaming employee" also  
27 includes employees of a slot machine distributor or gaming device distributor whose  
28 duties are directly involved with repair or distribution of slot machines or gaming  
29 devices.

30 **Sec. 11. 8 MRSA §1001, sub-§20-A** is enacted to read:

31 **20-A. Gaming equipment.** "Gaming equipment" means a machine or device that is  
32 specifically designed or manufactured for use in the operation of any gaming activity.

33 **Sec. 12. 8 MRSA §1001, sub-§20-B** is enacted to read:

34 **20-B. Gaming facility.** "Gaming facility" means the place that houses the single  
35 casino in Oxford County. "Gaming facility" does not include a commercial track.

36 **Sec. 13. 8 MRSA §1001, sub-§20-C** is enacted to read:

37 **20-C. Gaming operation.** "Gaming operation" means an enterprise operated by a  
38 gaming operator on a gaming site for the conduct of gaming in a gaming facility.

1       **Sec. 14. 8 MRSA §1001, sub-§20-D** is enacted to read:

2       **20-D. Gaming operator.** "Gaming operator" means a corporation, partnership,  
3 limited partnership, limited liability company or other entity established by Evergreen  
4 Mountain Enterprises, LLC for the purpose of developing, owning or operating a gaming  
5 facility or gaming facilities on one gaming site or a gaming operation or gaming  
6 operations, including operation of slot machines, all of the equity and voting securities of  
7 which are owned beneficially, directly or indirectly, by Evergreen Mountain Enterprises,  
8 LLC.

9       **Sec. 15. 8 MRSA §1001, sub-§20-E** is enacted to read:

10       **20-E. Gaming school.** "Gaming school" means an enterprise organized to provide  
11 specialized training to gaming employees for the conduct of gaming other than a training  
12 program operated by the gaming operator.

13       **Sec. 16. 8 MRSA §1001, sub-§20-F** is enacted to read:

14       **20-F. Gaming services.** "Gaming services" means the provision of goods or  
15 services to a gaming operator directly in connection with the operation of gaming in a  
16 gaming facility, including maintenance or security services for the gaming facility; junket  
17 services; gaming schools; laboratory testing of gaming equipment, including video  
18 facsimile machines and lottery tickets; and the manufacture, distribution, maintenance or  
19 repair of gaming equipment. "Gaming services" does not include professional or  
20 financial services provided by persons licensed or registered under the laws of this State,  
21 the Federal Government or other states of the United States.

22       **Sec. 17. 8 MRSA §1001, sub-§20-G** is enacted to read:

23       **20-G. Gaming site.** "Gaming site" means one or more contiguous parcels of land  
24 selected by Evergreen Mountain Enterprises, LLC and owned or leased by Evergreen  
25 Mountain Enterprises, LLC or a gaming operator authorized by Evergreen Mountain  
26 Enterprises, LLC within a single city, town or plantation in Oxford County or within 2 or  
27 more contiguous cities, towns or plantations in Oxford County.

28       **Sec. 18. 8 MRSA §1001, sub-§25,** as enacted by PL 2003, c. 687, Pt. A, §5 and  
29 affected by Pt. B, §11, is amended to read:

30       **25. Intermediary company.** "Intermediary company" means a company that is a  
31 holding company of a company that applies for a slot machine operator or gaming  
32 operator license or a slot machine distributor or gaming device distributor license or is a  
33 subsidiary of a holding company of a company that applies for a slot machine operator or  
34 gaming operator license or a slot machine distributor or gaming device distributor license.

35       **Sec. 19. 8 MRSA §1001, sub-§27,** as enacted by PL 2003, c. 687, Pt. A, §5 and  
36 affected by Pt. B, §11, is amended to read:

1       **27. Key executive.** "Key executive" means any executive of a licensee having  
2 power to exercise a significant influence over decisions concerning the operation or  
3 distribution of slot machines or gaming devices.

4       **Sec. 20. 8 MRSA §1001, sub-§30**, as enacted by PL 2003, c. 687, Pt. A, §5 and  
5 affected by Pt. B, §11, is amended to read:

6       **30. Nongambling services.** "Nongambling services" means any goods or services,  
7 other than gambling services and slot machine and gaming device distribution by a slot  
8 machine distributor or gaming device distributor, provided to an operator licensed under  
9 this chapter or at a gambling facility, including, but not limited to, hotel concessions,  
10 restaurant concessions or food service.

11       **Sec. 21. 8 MRSA §1001, sub-§36**, as enacted by PL 2003, c. 687, Pt. A, §5 and  
12 affected by Pt. B, §11, is amended to read:

13       **36. Premises.** "Premises" means the property located within 2,000 feet of the center  
14 of the horse racing track at a commercial track and owned by the person that owns the  
15 property on which the track is located. "Premises" as it applies to a gaming site means  
16 the property on which the gaming facility is located.

17       **Sec. 22. 8 MRSA §1001, sub-§43-A** is enacted to read:

18       **43-A. Total gross gaming device income.** "Total gross gaming device income"  
19 means all money, tokens, credits or similar objects or things of value received from the  
20 play of gaming devices, minus money, credits or prizes paid out to winners.

21       **Sec. 23. 8 MRSA §1001, sub-§44**, as enacted by PL 2003, c. 687, Pt. A, §5 and  
22 affected by Pt. B, §11, is amended to read:

23       **44. Uniform location agreement.** "Uniform location agreement" means a written  
24 agreement in a form prescribed by the board between a slot machine operator or gaming  
25 operator and a slot machine distributor or gaming device distributor that governs the  
26 terms and conditions of that agreement, including the placement of slot machines or  
27 gaming devices on the premises of the slot machine operator or gaming operator.

28       **Sec. 24. 8 MRSA §1003, sub-§2, ¶H**, as enacted by PL 2003, c. 687, Pt. A, §5  
29 and affected by Pt. B, §11, is amended to read:

30       H. Pursuant to subchapter 5, cause the department to investigate all complaints made  
31 to the board regarding ownership, distribution or operation of slot machines and  
32 gaming devices and all violations of this chapter or rules adopted under this chapter;

33       **Sec. 25. 8 MRSA §1003, sub-§2, ¶I**, as enacted by PL 2003, c. 687, Pt. A, §5  
34 and affected by Pt. B, §11, is amended to read:

35       I. Adopt rules to prevent undesirable conduct relating to the ownership, distribution  
36 and operation of slot machines or gaming devices and slot machine facilities and  
37 gaming facilities, including, but not limited to, the following:

- 1 (1) The practice of any fraud or deception upon a player of a slot machine or  
2 gaming device or a licensee;
- 3 (2) The presence or location of a slot machine or gaming device in or at premises  
4 that may be unsafe due to fire hazard or other public safety conditions;
- 5 (3) The infiltration of organized crime into the ownership, distribution or  
6 operation of slot machines or gaming devices and slot machine facilities and  
7 gaming facilities; and
- 8 (4) The presence of disorderly persons in a location where slot machines or  
9 gaming devices are in use;

10 **Sec. 26. 8 MRSA §1003, sub-§2, ¶J**, as enacted by PL 2003, c. 687, Pt. A, §5  
11 and affected by Pt. B, §11, is amended to read:

12 J. Maintain a central site system of monitoring in real time all slot machines and  
13 gaming devices licensed in accordance with this chapter using an ~~on-line~~ online  
14 inquiry;

15 **Sec. 27. 8 MRSA §1003, sub-§2, ¶K**, as enacted by PL 2003, c. 687, Pt. A, §5  
16 and affected by Pt. B, §11, is amended to read:

17 K. Maintain the ability to activate and deactivate the operation of slot machines and  
18 gaming devices via the central site monitoring system under authority of board staff  
19 or persons contracted by the board;

20 **Sec. 28. 8 MRSA §1003, sub-§2, ¶L**, as enacted by PL 2003, c. 687, Pt. A, §5  
21 and affected by Pt. B, §11, is amended to read:

22 L. Ensure that the slot machine operator or gaming operator does not have access to  
23 any system that is capable of programming slot machines or gaming devices;

24 **Sec. 29. 8 MRSA §1003, sub-§2, ¶M**, as enacted by PL 2003, c. 687, Pt. A, §5  
25 and affected by Pt. B, §11, is amended to read:

26 M. Inform gaming facility operators and commercial track operators applying for a  
27 license to operate gaming devices or slot machines that any gaming devices or slot  
28 machines licensed by the board must be compatible with the central site system of  
29 ~~on-line~~ online monitoring used by the board;

30 **Sec. 30. 8 MRSA §1003, sub-§2, ¶N**, as enacted by PL 2003, c. 687, Pt. A, §5  
31 and affected by Pt. B, §11, is amended to read:

32 N. Cause the central site monitoring system to disable a gaming device or a slot  
33 machine that does not meet registration requirements provided by this chapter or  
34 rules adopted under this chapter or as directed by the department;

35 **Sec. 31. 8 MRSA §1003, sub-§2, ¶O**, as enacted by PL 2003, c. 687, Pt. A, §5  
36 and affected by Pt. B, §11, is amended to read:

37 O. Cause the central site monitoring system to disable a gaming device or a slot  
38 machine and cause the department to seize the proceeds of that gaming device or slot

1 machine if the funds from that gaming device or slot machine have not been  
2 distributed, deposited or allocated in accordance with section 1036;

3 **Sec. 32. 8 MRSA §1003, sub-§2, ¶Q**, as enacted by PL 2003, c. 667, Pt. A, §5  
4 and affected by Pt. B, §11, is amended to read:

5 Q. Certify monthly to the department a full and complete statement of all gaming  
6 device and slot machine revenue, credits disbursed by licensees, administrative  
7 expenses and the allocation of gross slot machine income and total gross gaming  
8 device income for the preceding month;

9 **Sec. 33. 8 MRSA §1003, sub-§2, ¶R**, as enacted by PL 2003, c. 667, Pt. A, §5  
10 and affected by Pt. B, §11, is amended to read:

11 R. Submit by March 15th an annual report to the Governor and the joint standing  
12 committee of the Legislature having jurisdiction over gambling affairs on gaming  
13 device and slot machine revenue, credits disbursed by gaming operators and slot  
14 machine operators, administrative expenses and the allocation of gross slot machine  
15 income and total gross gaming device income for the preceding year;

16 **Sec. 34. 8 MRSA §1003, sub-§3, ¶E**, as enacted by PL 2003, c. 687, Pt. A, §5  
17 and affected by Pt. B, §11, is amended to read:

18 E. The location and hours of operation of slot machines at commercial tracks, types  
19 of gaming devices and slot machines permitted, methods of operation of gaming  
20 devices and slot machines and distribution and servicing of gaming devices, slot  
21 machines and associated equipment;

22 **Sec. 35. 8 MRSA §1003, sub-§3, ¶G**, as enacted by PL 2003, c. 687, Pt. A, §5  
23 and affected by Pt. B, §11, is amended to read:

24 G. Minimum procedures for the exercise of effective control over the internal fiscal  
25 affairs of gaming operators and slot machine operators, gaming device distributors  
26 and slot machine distributors, gambling services vendors and nongambling services  
27 vendors, including provisions for the safeguarding of assets and revenues, the  
28 recording of cash and evidence of indebtedness and the maintenance of reliable  
29 records, accounts and reports of transactions, operations and events, including reports  
30 to the board;

31 **Sec. 36. 8 MRSA §1003, sub-§3, ¶H**, as enacted by PL 2003, c. 687, Pt. A, §5  
32 and affected by Pt. B, §11, is amended to read:

33 H. Procedures for the annual audit of the books and records of gaming operators  
34 and slot machine operators, gaming device distributors and slot machine distributors  
35 and gambling services vendors;

36 **Sec. 37. 8 MRSA §1003, sub-§3, ¶I**, as enacted by PL 2003, c. 687, Pt. A, §5  
37 and affected by Pt. B, §11, is amended to read:

38 I. Establishment of a list of persons who are to be excluded or removed from any  
39 gaming facility or slot machine facility, including those persons who voluntarily

1 request that their names be included on the list of excluded persons. These rules must  
2 define the standards for exclusion and removal and include standards regarding  
3 persons who are career or professional offenders, as defined by rules of the board,  
4 whose presence in a gaming facility or slot machine facility would, in the opinion of  
5 the board, be inimical to the interest of the State;

6 **Sec. 38. 8 MRSA §1004, sub-§1**, as enacted by PL 2003, c. 687, Pt. A, §5 and  
7 affected by Pt. B, §11, is amended to read:

8 **1. Generally.** In order to facilitate the auditing and security programs required by  
9 section 1003, subsection 2 and in addition to the requirements of section 1003, subsection  
10 2, paragraphs J to O, all gaming devices and slot machines must communicate  
11 electronically with the central site monitoring system required pursuant to section 1003,  
12 subsection 2, paragraph J. The board shall select a central site monitoring system. The  
13 central site monitoring system, in addition to other functions the board determines  
14 necessary, must:

15 A. Be a fully operational gaming device and slot machine control system that has the  
16 capability of supporting all gaming devices and slot machines licensed for operation  
17 in the State and is capable of being upgraded to maintain a fully operational and  
18 proper reporting capability;

19 B. Use a widely accepted gaming industry protocol to facilitate gaming device and  
20 slot machine manufacturers' ability to communicate with the central site monitoring  
21 system;

22 C. Have the capability to support progressive slot machines, both in-house and wide-  
23 area, as approved by the board. For purposes of this paragraph, "progressive slot  
24 machine" means a slot machine or series of slot machines in which the payback  
25 amount to an individual player increases as that player continues to play the slot  
26 machine or slot machines;

27 D. Allow the gaming operator or slot machine operator to install independent player  
28 tracking systems to include cashless technology as approved by the board;

29 E. Be incapable of altering the statistical awards of slot machines and gaming  
30 devices, as designated by the slot machine or gaming device manufacturer and  
31 approved by the board;

32 F. Provide redundancy to ensure that each component of the network is capable of  
33 operating independently if another component of the network fails and to ensure that  
34 all transactional data is captured and secured; and

35 G. Have the ability to meet the reporting and control requirements set forth in section  
36 1003, subsection 2, paragraphs A to T.

37 **Sec. 39. 8 MRSA §1004, sub-§3**, as enacted by PL 2003, c. 687, Pt. A, §5 and  
38 affected by Pt. B, §11, is amended to read:

39 **3. Initial acquisition of central site monitoring system.** The board shall select the  
40 central site monitoring system presenting the lowest overall cost alternative, taking into  
41 consideration the capital costs, operating costs and impact on gross gaming device and

1 slot machine revenues, that is capable of satisfying the requirements of this section and  
2 section 1003, as determined by the board.

3 **Sec. 40. 8 MRSA §1005, sub-§1**, as enacted by PL 2003, c. 687, Pt. A, §5 and  
4 affected by Pt. B, §11, is amended to read:

5 **1. Powers.** In addition to powers conferred by any other provision of law, the  
6 department may:

7 A. Without notice, and at any time during regular hours of operation, enter the  
8 offices, facilities or other places of business of gaming operators, slot machine  
9 operators, gaming device distributors, slot machine distributors and gambling  
10 services vendors to conduct administrative inspections to determine compliance with  
11 this chapter and rules adopted under this chapter; and

12 B. Request the director to disable any gaming device or slot machine if the  
13 department has a reasonable articulable suspicion that the gaming device or slot  
14 machine is being operated in violation of this chapter or of any rule adopted under  
15 this chapter.

16 **Sec. 41. 8 MRSA §1009** is enacted to read:

17 **§1009. Gaming and gaming activities authorized; regulation; credit; liability**

18 **1. Location.** Gaming and gaming activities at a casino are allowed only at the  
19 gaming facility located in Oxford County.

20 **2. Evergreen Mountain Enterprises, LLC may operate gaming devices.**  
21 Notwithstanding any other provision of law, Evergreen Mountain Enterprises, LLC may,  
22 through one or more gaming operators as Evergreen Mountain Enterprises, LLC may  
23 elect, operate gaming devices on one gaming site.

24 **3. Regulation.** Regulation of gaming and gaming activities at the gaming site must  
25 be conducted by the board under this subchapter and the rules adopted pursuant to this  
26 subchapter.

27 **4. Credit.** A gaming operator may not be prohibited from including in the  
28 consideration for any extension of credit or service, including without limitation any  
29 credit or service relating to a gaming facility or a gaming operation, a return based on the  
30 revenues, earnings or other measure of financial performance of the gaming operator or a  
31 gaming operation or other activity of the gaming operator.

32 **5. Liability.** Evergreen Mountain Enterprises, LLC or any 3rd party is not liable or  
33 responsible for any act or omission of a gaming operator except as specifically provided  
34 by a contract to which Evergreen Mountain Enterprises, LLC or the 3rd party is a  
35 signatory or otherwise as provided by law without regard to this chapter.

36 **Sec. 42. 8 MRSA §1011-A** is enacted to read:

1 **§1011-A. License to operate gaming devices at gaming facility**

2 The board shall exercise authority over the licensing of all persons participating in the  
3 operation, distribution and maintenance of gaming devices and gaming facilities and over  
4 the registration of gaming devices.

5 **1. Operator license required.** A person may not operate any gaming device in the  
6 State unless the person has been issued a license to operate gaming devices by the board.  
7 A gaming device operator license authorizes a licensee to own or lease gaming devices  
8 operated at a licensed gambling facility.

9 **2. Eligible persons.** The board may accept applications for a license to operate  
10 gaming devices from any person who is licensed to operate a gaming facility as long as  
11 the facility satisfies the following criteria:

12 A. The gaming facility is located in Oxford County in a municipality chosen by  
13 Evergreen Mountain Enterprises, LLC;

14 B. The operation of gaming devices at the gaming facility is approved by the voters  
15 of the municipality in which the gaming facility to be licensed is located by  
16 referendum election held at any time after November 1, 2006 and before December  
17 31, 2008; and

18 C. The legislative body of each city, town or plantation in which the gaming facility  
19 is located has approved the gaming site for the conduct of all gaming operations  
20 permitted under this chapter.

21 **3. Requirements for license; continued gaming facility licensure.** The board may  
22 not issue a license to operate gaming devices to any person unless that person  
23 demonstrates compliance with the qualifications set forth in sections 1016 and 1019. A  
24 person who is granted a license to operate gaming devices shall maintain a license to  
25 operate a gaming facility without lapse, suspension or revocation for the duration of the  
26 gaming operator's license.

27 **4. Requirement for license; agreement with municipality where gaming devices**  
28 **are located.** A gaming operator shall enter into an agreement with the municipality  
29 where the gaming operator's gaming devices are located that provides for revenue sharing  
30 or other compensation, including, but not limited to, a provision requiring the preparation,  
31 in conjunction with the municipality, of a security plan for the premises on which the  
32 gaming devices are located.

33 **5. Renewal.** Licenses to operate gaming devices may be renewed upon application  
34 for renewal in accordance with this subchapter subject to board rules.

35 **Sec. 43. 8 MRSA §1012,** as enacted by PL 2003, c. 687, Pt. A, §5 and affected by  
36 Pt. B, §11, is amended to read:

37 **§1012. Local approval for renewal of gaming or slot machine operator license**

38 An application for renewal of a gaming operator or slot machine operator license  
39 must first be approved under this section by the municipal officers of the municipality in

1 which the gaming facility or commercial track with slot machines is located or, if the  
2 gaming facility or commercial track is in an unincorporated place, the application must be  
3 approved by the county commissioners of the county in which the gaming facility or  
4 commercial track with slot machines is located.

5 **1. Hearings.** Municipal officers or county commissioners, as the case may be, may  
6 hold a public hearing for the consideration of a request for the renewal of a license to  
7 operate gaming devices or slot machines, except that, when an applicant has held a  
8 license for the prior 5 years and a complaint has not been filed with the board against the  
9 applicant within that time, the applicant may request a waiver of the hearing.

10 A. The board shall prepare and supply application forms for public hearings under  
11 this subsection.

12 B. Municipal officers or county commissioners, as the case may be, shall provide  
13 public notice of any hearing held under this section by causing, at the applicant's  
14 prepaid expense, a notice stating the name and place of the hearing to appear on at  
15 least 3 consecutive days before the date of the hearing in a daily newspaper having  
16 general circulation in the municipality where the premises of the gaming facility or  
17 commercial track with slot machines are located or one week before the date of the  
18 hearing in a weekly newspaper having general circulation in the municipality where  
19 the premises are located.

20 C. If municipal officers or county commissioners, as the case may be, fail to take  
21 final action on an application for a renewal of a gaming operator or slot machine  
22 operator license within 60 days of the filing of an application, the application is  
23 considered approved and ready for action by the board. For purposes of this  
24 paragraph, the date of filing of the application is the date the application is received  
25 by the municipal officers or county commissioners.

26 **2. Findings.** In granting or denying an application under this section, municipal  
27 officers or the county commissioners shall indicate the reasons for their decision and  
28 provide a copy to the applicant. A license may be denied on one or more of the following  
29 grounds:

30 A. Noncompliance of the gaming facility or commercial track licensed to operate  
31 slot machines with any local zoning ordinance or other land use ordinance not  
32 directly related to gaming device or slot machine operations;

33 B. Conditions of record such as waste disposal violations, health or safety violations  
34 or repeated parking or traffic violations on or in the vicinity of the premises of the  
35 gaming facility or commercial track with slot machines and caused by persons  
36 patronizing or employed by the gaming facility or commercial track licensed to  
37 operate slot machines or other such conditions caused by persons patronizing or  
38 employed by the premises that unreasonably disturb, interfere with or affect the  
39 ability of persons or businesses residing or located in the vicinity of the premises to  
40 use their property in a reasonable manner;

41 C. Repeated incidents of record of breaches of the peace, disorderly conduct,  
42 vandalism or other violations of law on or in the vicinity of the premises of the  
43 gaming facility or commercial track with slot machines and caused by persons

1 patronizing or employed by the gaming facility or commercial track licensed to  
2 operate slot machines; and

3 D. A violation of any provision of this chapter.

4 **3. Appeal to board.** Any applicant aggrieved by the decision of the municipal  
5 officers or county commissioners under this section may appeal to the board within 15  
6 days of the receipt of the written decision of the municipal officers or county  
7 commissioners. The board shall hold a public hearing in the city, town or unincorporated  
8 place where the premises of the gaming facility or commercial track with slot machines  
9 are situated. In acting on such an appeal, the board may consider all licensure  
10 requirements and findings referred to in subsection 2. If the decision appealed is an  
11 application denial, the board may issue the license only if it finds by clear and convincing  
12 evidence that the decision was without justifiable cause.

13 **4. Appeal to District Court.** Any person or governmental entity aggrieved by a  
14 board decision under this section may appeal the decision to the District Court within 30  
15 days of receipt of the written decision of the board. An applicant who files an appeal or  
16 who has an appeal pending shall pay the license renewal fee the applicant would  
17 otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied,  
18 the board shall refund the applicant the prorated amount of the unused license fee.

19 **Sec. 44. 8 MRSA §1013**, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by  
20 Pt. B, §11, is amended to read:

21 **§1013. Licensing of gaming device distributors and slot machine distributors**

22 **1. License to distribute required.** A person may not distribute a gaming device or  
23 slot machine in the State unless the person has been issued a license to distribute gaming  
24 devices or slot machines by the board.

25 **2. Requirements for license.** The board may issue a license to distribute gaming  
26 devices or slot machines to an applicant that meets the qualifications set out in sections  
27 1016 and 1019.

28 **Sec. 45. 8 MRSA §1015**, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by  
29 Pt. B, §11, is amended to read:

30 **§1015. Licensing of employees of gaming or slot machine operators, gaming device**  
31 **or slot machine distributors and gambling services vendors**

32 **1. License required.** A person may not be employed by a gaming operator or slot  
33 machine operator, gaming device distributor or slot machine distributor or gambling  
34 services vendor unless the person is licensed to do so by the board or granted a waiver by  
35 the board pursuant to subsection 3.

36 **2. Requirements for license.** The board may issue an employee license to an  
37 employee of a gaming operator or slot machine operator, gaming device distributor or slot  
38 machine distributor or gambling services vendor if the applicant meets the qualifications  
39 set out in sections 1016 and 1019.

1       **3. Requirements for waiver.** Upon application by a gaming operator or slot  
2 machine operator, gaming device distributor or slot machine distributor or gambling  
3 services vendor, the board may waive the employee license requirement under this  
4 section if the gaming operator or slot machine operator, gaming device distributor or slot  
5 machine distributor or gambling services vendor demonstrates to the board's satisfaction  
6 that the public interest is not served by the requirement of the employee license.

7       **Sec. 46. 8 MRSA §1016, sub-§1**, as enacted by PL 2003, c. 687, Pt. A, §5 and  
8 affected by Pt. B, §11, is amended to read:

9       **1. Minimum qualifications.** Notwithstanding Title 5, chapter 341, and in addition  
10 to any requirements imposed by rules adopted by the board, a person must satisfy the  
11 following qualifications to be a gaming operator or slot machine operator, a gaming  
12 device distributor or a slot machine distributor, a gambling services vendor or an  
13 employee of these entities:

14       A. The person has completed the application form, promptly and truthfully complied  
15 with all information requests of the board and complied with any applicable rules  
16 adopted by the board;

17       B. The person has sufficient financial assets and responsibility to meet any financial  
18 obligations imposed by this chapter and, if applying for a gaming operator or slot  
19 machine operator license or gaming operator or slot machine operator license  
20 renewal, has sufficient financial assets and responsibility to continue operation of a  
21 gaming facility or commercial track;

22       C. The person has not knowingly or recklessly made a false statement of material  
23 fact in applying for a license under this chapter or any gambling-related license in  
24 any other jurisdiction;

25       D. In the case of a person applying to be a gaming operator or slot machine operator,  
26 the person has sufficient knowledge and experience in the business of operating  
27 gaming devices or slot machines to effectively operate the gaming facilities or slot  
28 machine facilities to which the license application relates in accordance with this  
29 chapter and the rules and standards adopted under this chapter, or the person forms a  
30 partnership with persons or entities who have sufficient knowledge and experience in  
31 the business of operating gaming devices or slot machines;

32       E. The person has not had a gambling-related license application denied or an  
33 adverse action taken against a gambling-related license by authorities in this State or  
34 any other jurisdiction. For purposes of this paragraph, "adverse action" includes, but  
35 is not limited to, a condition resulting from an administrative, civil or criminal  
36 violation, a suspension or revocation of a license or a voluntary surrender of a license  
37 to avoid or resolve a civil, criminal or disciplinary action;

38       F. If the applicant is a business organization, the applicant is organized in this State,  
39 although that business organization may be a wholly or partially owned subsidiary of  
40 an entity that is organized pursuant to the laws of another state or a foreign country;  
41 and

1 G. The person and all key executives are citizens or permanent residents of the  
2 United States.

3 A person may not hold more than one class of license under this chapter unless the 2nd  
4 license is an employee license under section 1015.

5 **Sec. 47. 8 MRSA §1018, sub-§1**, as enacted by PL 2003, c. 667, Pt. A, §5 and  
6 affected by Pt. B, §11, is amended to read:

7 **1. Fees.** The application fee for a license and the annual fee for a registered gaming  
8 device or slot machine under this chapter are as set out in this subsection.

9 A. The initial registration fee for a registered gaming device or slot machine is \$100.  
10 The annual renewal fee is an amount, set by rules of the board, equal to the cost to the  
11 board of licensing gaming devices and slot machines and determined by dividing the  
12 costs of administering the gaming device and slot machine licenses by the total  
13 number of gaming devices and slot machines licensed by the board.

14 B. The initial application fee for a slot machine distributor or gaming device  
15 distributor license is \$200,000. The annual renewal fee is an amount, set by rules of  
16 the board, equal to the cost to the board of licensing slot machine distributors and  
17 gaming device distributors and determined by dividing the costs of administering the  
18 slot machine distributor and gaming device distributor licenses by the total number of  
19 slot machine distributors and gaming device distributors licensed by the board.

20 C. The initial application fee for a gaming operator or slot machine operator license  
21 is \$200,000. The annual renewal fee is \$75,000 plus an amount, set by rules of the  
22 board, equal to the cost to the board of licensing gaming operators and slot machine  
23 operators and determined by dividing the costs of administering the gaming operator  
24 and slot machine operator licenses by the total number of gaming operators and slot  
25 machine operators licensed by the board.

26 D. The application fee for a license for a gambling services vendor is \$2,000.

27 E. The application fee for an employee license under section 1015 is \$250.

28 In addition to the application fee for a license or annual fee for a registered gaming device  
29 or slot machine, the board may charge a one-time application fee for a license or  
30 registration listed in paragraphs A to E in an amount equal to the projected cost of  
31 processing the application and performing any background investigations. If the actual  
32 cost exceeds the projected cost, an additional fee may be charged to meet the actual cost.  
33 If the projected cost exceeds the actual cost, the difference may be refunded to the  
34 applicant. All fees collected pursuant to this section must be deposited directly to the  
35 General Fund. All application and registration fees are nonrefundable and are due upon  
36 submission of the application.

37 **Sec. 48. 8 MRSA §1018, sub-§2**, as enacted by PL 2003, c. 687, Pt. A, §5 and  
38 affected by Pt. B, §11, is amended to read:

39 **2. Term of license; renewal; renewal fees.** All licenses issued by the board under  
40 this chapter are effective for one year, unless revoked or surrendered pursuant to  
41 subchapter 5. Upon proper application and payment of the required fees and taxes and in

1 accordance with rules adopted by the board, the board may renew a license for an  
2 additional year if municipal approval has been obtained as provided in section 1012. The  
3 board shall transfer \$25,000 of the renewal fee required by subsection 1, paragraph C to  
4 the municipality in which the gaming devices or slot machines are operated.

5 **Sec. 49. 8 MRSA §1020, sub-§3**, as enacted by PL 2003, c. 667, Pt. A, §5 and  
6 affected by Pt. B, §11, is amended to read:

7 **3. Limits on total slot machines.** The board shall determine the number of slot  
8 machines to be registered ~~in the State~~ at commercial tracks. The board shall make this  
9 determination based upon the minimum gross slot machine income, when distributed  
10 pursuant to section 1036, necessary to maintain the harness horse racing industry in this  
11 State, except that:

12 ~~A. The total number of slot machines registered in the State may not exceed 1,500;~~  
13 ~~and~~

14 B. A slot machine operator may not operate more than 1,500 slot machines at any  
15 one commercial track.

16 **Sec. 50. 8 MRSA §1020, sub-§4**, as enacted by PL 2003, c. 687, Pt. A, §5 and  
17 affected by Pt. B, §11, is amended to read:

18 **4. Examination of gaming devices and slot machines.** The board shall, in  
19 cooperation with the department, examine gaming devices and slot machines and  
20 associated equipment of gaming device distributors and slot machine distributors seeking  
21 registration as required in this chapter. The board shall require the gaming device  
22 distributor or slot machine distributor seeking examination and approval of the gaming  
23 device or slot machine or associated equipment to pay the anticipated cost of the  
24 examination before the examination occurs. After the examination occurs, the board shall  
25 refund overpayments or charge and collect amounts sufficient to reimburse the board for  
26 underpayments of actual cost. The board may contract for the examinations of gaming  
27 devices and slot machines and associated equipment as required by this section.

28 **Sec. 51. 8 MRSA §1020, sub-§5**, as enacted by PL 2003, c. 687, Pt. A, §5 and  
29 affected by Pt. B, §11, is amended to read:

30 **5. Unregistered or noncompliant gaming device or slot machine subject to**  
31 **confiscation.** A gaming device or slot machine that is not registered as required by this  
32 section or that does not comply with the requirements of this chapter or rules adopted  
33 under this chapter is contraband and a public nuisance and the gaming device or slot  
34 machine and the gaming device's or slot machine's monetary contents, monetary proceeds  
35 and associated equipment are subject to confiscation by any law enforcement officer.  
36 Slot machines, gaming devices and any monetary contents, monetary proceeds and  
37 associated equipment confiscated pursuant to this section are subject to forfeiture in  
38 accordance with the procedures outlined in Title 17-A, section 959 or 960.

39 **Sec. 52. 8 MRSA §1031**, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by  
40 Pt. B, §11, is amended to read:

1 **§1031. Age limit on gaming device and slot machine use; access by minors; credit**  
2 **prohibited**

3 1. **Minimum age.** A gaming operator or slot machine operator may not permit a  
4 person under ~~24~~ 19 years of age to play a slot machine or gaming device.

5 2. **Placement of gaming devices and slot machines.** A slot machine operator or  
6 gaming operator, slot machine distributor or gaming device distributor or gambling  
7 services vendor shall prohibit persons under ~~24~~ 19 years of age from any area in which a  
8 slot machine or gaming device is located, except that a person at least 18 ~~to 20~~ years of  
9 age may be present if that person is a licensed employee under section 1015.

10 3. **Credit prohibited.** A slot machine operator or gaming operator may not allow  
11 the use of a credit card or debit card by a person to play a slot machine or gaming device.

12 **Sec. 53. 8 MRSA §1032**, as enacted by PL 2003, c. 667, Pt. A, §5 and affected by  
13 Pt. B, §11, is amended to read:

14 **§1032. Payment of credits by gaming device or slot machine operator**

15 A gaming operator or slot machine operator shall redeem credits for players who earn  
16 credits on a gaming device or slot machine located on the premises of that gaming  
17 operator or slot machine operator in accordance with rules adopted by the board.

18 **Sec. 54. 8 MRSA §1033**, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by  
19 Pt. B, §11, is amended to read:

20 **§1033. Uniform location agreement**

21 Each gaming device and slot machine is subject to a uniform location agreement  
22 between the gaming device distributor or slot machine distributor and the gaming  
23 operator or slot machine operator. A copy of the agreement must be submitted to the  
24 board for approval. The uniform location agreement is the complete and sole agreement  
25 between the gaming operator or slot machine operator and the gaming device distributor  
26 or slot machine distributor regarding gaming devices and slot machines. No other  
27 agreement between the gaming operator or slot machine operator and the gaming device  
28 distributor or slot machine distributor is legally binding.

29 **Sec. 55. 8 MRSA §1034**, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by  
30 Pt. B, §11, is amended to read:

31 **§1034. Disclosure of other contracts and agreements**

32 A slot machine operator or gaming operator must submit to the board all contracts or  
33 agreements the slot machine operator or gaming operator establishes with a slot machine  
34 distributor or gaming device distributor, licensed gambling services vendor or a key  
35 executive.

36 **Sec. 56. 8 MRSA §1035**, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by  
37 Pt. B, §11, is amended to read:

1     **§1035. Location of slot machines**

2             Slot machines may be located only on the premises of a state-authorized commercial  
3 track and on the premises of the gaming facility in Oxford County.

4             **Sec. 57. 8 MRSA §1035-A** is enacted to read:

5             **§1035-A. Location of gaming devices**

6             Other than state-authorized slot machines allowed at a commercial track, gaming  
7 devices may be located only at the site of the gaming facility in Oxford County.

8             **Sec. 58. 8 MRSA §1036, sub-§1**, as enacted by PL 2003, c. 667, Pt. A, §5 and  
9 affected by Pt. B, §11, is amended to read:

10            **1. Distribution for administrative expenses of board.** A slot machine operator  
11 shall collect and distribute 1% of adjusted gross slot machine income to the Treasurer of  
12 State for deposit in the General Fund for the administrative expenses of the board. A  
13 gaming operator shall collect and distribute 1% of adjusted gross gaming device income  
14 to the Treasurer of State for deposit in the General Fund for the administrative expenses  
15 of the board. For purposes of this subsection, "adjusted gross slot machine income"  
16 means the total value of money or tokens, credits or similar objects or things of value  
17 used to actually play a slot machine before payback is distributed to a player, and  
18 "adjusted gross gaming device income" means the total value of money or tokens, credits  
19 or similar objects or things of value used to actually play a gaming device before payback  
20 is distributed to a player.

21            **Sec. 59. 8 MRSA §1036, sub-§2-A** is enacted to read:

22            **2-A. Distribution from gaming facility.** The gaming operator shall collect and  
23 distribute 39% of the total gross gaming device income from gaming devices operated by  
24 the gaming operator to the board for distribution by the board to the Treasurer of State,  
25 who shall establish the Improve Maine's Future Support Fund, referred to in this  
26 subsection as "the fund," and shall credit to the fund all the money received by the  
27 Treasurer of State pursuant to this subsection. No later than January 31st of each year, all  
28 funds held as of the end of the previous calendar year in the fund must be distributed by  
29 the Treasurer of State as follows:

30            A. Five percent of the total gross gaming device income must be distributed to a  
31 Maine resident student loan repayment fund or similarly established fund to be used  
32 to pay for student loan repayment for graduates of 4-year colleges and graduate  
33 programs, with graduates who have resided in this State at least 10 years receiving  
34 first priority over graduates who have resided in this State less than 10 years. College  
35 graduates of 4-year public colleges in this State receive priority. Graduates of private  
36 colleges in this State receive the same priority as graduates of public colleges up to  
37 the cost of a public college in this State, then additional funding if available. Public  
38 and private community college graduates are eligible for funding after 4-year college  
39 graduates have been reimbursed. Such qualifying applying graduates are eligible to  
40 receive assistance with the repayment of their college and graduate school tuition if

1 they reside in the State after graduation. Priority is given to applicants employed and  
2 working in their major field of college study. If a recipient of assistance ceases to  
3 reside in this State or a recipient of assistance lives outside of this State in excess of  
4 60 days without approval by the board or its agent to do so, the recipient will be  
5 permanently disqualified to receive further loan assistance from the fund. The  
6 requirements of this paragraph may be waived by the appropriate overseeing board or  
7 the Governor in appropriate circumstances;

8 B. Four percent of the total gross gaming device income must be distributed to the  
9 research and development of an east-west highway in this State. A portion of the  
10 funds must be made available to attract federal matching funds from the Federal  
11 Government for this project;

12 C. Three percent of the total gross gaming device income must be distributed to the  
13 University of Maine and the fractionation development center strictly for the research  
14 and production of biofuels and bio-heating oil as an alternative energy source by  
15 converting sustainably harvested, low-value forest biomass into environmentally  
16 friendly fuel for automobiles and for heating homes. The production process of such  
17 fuels must have the strict objective of zero pollution as a byproduct. Once the  
18 designated technology is realized, the funds provided in this paragraph must also be  
19 available for the development and implementation of a conversion plant to be located  
20 near the fractionation development center to aid in the production of biofuels in the  
21 manner stated in this paragraph. Once this plant has been completed, future funds  
22 authorized under this paragraph must be distributed for the implementation of  
23 additional conversion plants in the State for the production of biofuels. If this  
24 particular technology venture is abandoned by the State, such funds must go to the  
25 Renewable Resource Fund, established in Title 35-A, section 3210, subsection 6, to  
26 promote other clean alternative energy-producing projects that focus on the  
27 objectives of this paragraph exclusively;

28 D. Three percent of the total gross gaming device income must be distributed to  
29 make health care more affordable for small businesses and their workers and self-  
30 employed persons in this State. This endeavor must include expanding membership  
31 in the Dirigo Health Program and allowing such health care to be offered as a self-  
32 insured product, with the goal of helping aid the design of a more competitive and  
33 affordable health care plan. A portion must be used to subsidize health plans for  
34 small businesses and provide some insurance on a sliding scale. The overall goal of  
35 such funding is to ensure that every working person in the State has affordable health  
36 care coverage;

37 E. Two percent of the total gross gaming device income must be deposited in the  
38 Local Government Fund established in Title 30-A, section 5681 and distributed in  
39 accordance with the provisions of that section for revenue sharing with  
40 municipalities, strictly for the purpose of providing local property tax relief. A  
41 portion must be allocated for a delayed tax payment program for residents 65 years of  
42 age or older;

43 F. Two percent of the total gross gaming device income must be distributed to a  
44 Maine prepaid college plan to allow residents of this State to prepay the cost of  
45 college tuition, fees and dormitory housing before their children go to college. The

1 amount a participant in the plan pays for tuition expenses in the future is guaranteed  
2 to cover those future tuition expenses no matter how much college costs increase in  
3 the future. When a child covered by the plan is ready for college, the plan covers the  
4 actual cost at any public college, technical school or community college in this State,  
5 or the participant may transfer the value of the plan to participating private colleges  
6 in this State. Once the participant signs up for the plan, payments are fixed and may  
7 not increase. "Participant" includes but is not limited to parents, grandparents, other  
8 relatives and businesses;

9 G. Two percent of the total gross gaming device income must be used for assisting  
10 the elderly with the cost of prescription drugs. This effort must include innovative  
11 ideas such as partnering with tribes in this State to purchase lower-priced, high-  
12 quality prescription drugs from trustworthy participating countries and resources;

13 H. Two percent of the total gross gaming device income must be distributed to the  
14 Department of Transportation strictly for the improvement of secondary rural roads in  
15 the State using the type of technology and the workmanship that are used to fix the  
16 primary state highways;

17 I. Two percent of the total gross gaming device income must be distributed for the  
18 expansion of facilities and course selection in the Maine Community College System.  
19 The added curriculum must reflect primarily the potential and realized employment  
20 opportunities of the town or towns that the schools serve. Courses focusing on  
21 innovation, advancements and technology must be stressed;

22 J. One percent of the total gross gaming device income must be distributed for the  
23 program cost portion of general purpose aid to local schools, provided that a school  
24 that receives funds pursuant to this paragraph does not sell junk food such as soda or  
25 candy in vending machines or at concession stands and has a policy specifying the  
26 need for healthy choices for students and the general public at all school activities. If  
27 charter schools are established in this State, a portion of the funds distributed under  
28 this paragraph must be made available for such schools in addition to regular public  
29 schools;

30 K. One percent of the total gross gaming device income must be distributed to the  
31 Renewable Resource Fund, established in Title 35-A, section 3210, subsection 6, for  
32 the development of new renewable sources of energy;

33 L. One percent of the total gross gaming device income must be distributed to the  
34 Finance Authority of Maine for its NextGen First Step Grant program to assist  
35 residents of this State in saving for college tuition;

36 M. One percent of the total gross gaming device income must be distributed to towns  
37 to be used for regionalization efforts of towns that express the desire and demonstrate  
38 the ability to reduce and eliminate duplicative municipal services in neighboring  
39 towns;

40 N. One percent of the total gross gaming device income must be distributed to help  
41 fund the raising of the state minimum wage to a level comparable with a livable wage  
42 for resident workers in this State of \$7.70 per hour in 2008 and \$8.40 in 2009 and in  
43 accordance with the Consumer Price Index for Urban Wage Earners and Clerical  
44 Workers, CPI-W index, thereafter. If the Legislature refuses to accept these funds for

1 this purpose, these funds must go to funding affordable health care and Dirigo Health  
2 under paragraph D;

3 O. One percent of the total gross gaming device income must be distributed for  
4 grants to residents of this State who demonstrate energy efficiency and conservation  
5 proficiency, such as partial rebates for purchasers of hybrid and biodiesel-capable  
6 vehicles, for those who convert vehicles into biodiesel-capable vehicles and for users  
7 of biofuel for home and business heating, and grants for residents of this State who  
8 demonstrate an ability to develop such clean and efficient fuel technologies;

9 P. One percent of the total gross gaming device income must be distributed for  
10 improving the water quality of rivers in this State, starting with the Androscoggin  
11 River with the goal of bringing it to the status of Class A, and complying with the  
12 federal Clean Water Act. These funds must be distributed for the development and  
13 implementation of the technology necessary to eliminate the discharge of toxins and  
14 other harmful waste products from paper mills and municipal waste treatment plants  
15 into rivers in this State, starting with the Androscoggin River and moving to other  
16 polluted rivers in this State, after the Androscoggin has attained the status of Class A.  
17 If willing and deemed capable, nonprofit organizations with a demonstrated interest  
18 in revitalizing the natural environment to pre-pollution standards shall be the arbiters  
19 of the allocation of the funds under this paragraph as to events regarding the  
20 Androscoggin River, insuring that these goals are pursued. Other such nonprofit  
21 organizations must receive and allocate funds for cleanup of other rivers in this State  
22 once the Androscoggin has attained the status of Class A;

23 Q. One percent of the total gross gaming device income must be distributed to the  
24 Land for Maine's Future Fund established in Title 5, section 6203 to secure the  
25 traditional heritage of this State of public access to the land and water resources of  
26 this State and to secure the continued quality and availability of natural resources  
27 important to the interests and continued heritage of the people of this State;

28 R. One percent of the total gross gaming device income must be distributed directly  
29 to public access television stations in this State for the purposes of improving their  
30 technology and programming, including the implementation of live-broadcast  
31 capabilities, and of implementing programs in the local schools and public access  
32 stations that allow students from local school systems and the community at large to  
33 take part in the production of programming for the community for broadcast. Public  
34 access stations that restrict content submitted by the public that is otherwise legal  
35 under state and federal law and those stations that attempt to limit the right to free  
36 speech under the First Amendment of the United States Constitution are disqualified  
37 from obtaining funding under this paragraph for that funding year;

38 S. One percent of the total gross gaming device income must be distributed for  
39 funding residents of this State who are 15 years of age to 30 years of age to support  
40 ideas and projects that will stimulate the creative economy of this State, enhance  
41 technology, improve civic engagement or otherwise effect positive community  
42 change;

43 T. One percent of the total gross gaming device income must be distributed to the  
44 General Fund for programs to protect gaming patrons against the risks of gambling,  
45 including providing gambling addiction counseling services and monitoring patrons

1 who may be at risk and have a propensity for problem gambling. Counseling and  
2 education must be made available for such at-risk individuals in accordance with  
3 rules, which are routine technical rules pursuant to Title 5, chapter 375, subchapter  
4 2-A, adopted by the board;

5 U. Two percent of the total gross gaming device income must be forwarded directly  
6 to any municipality in which the gaming facility is located; and

7 V. One percent of the total gross gaming device income must be forwarded directly  
8 to Oxford County to pay for mitigation of costs resulting from gaming operations  
9 conducted pursuant to this chapter. The remaining funds, if any, must be allocated  
10 for the beautification and preservation of the character of Oxford County. The  
11 county commissioners shall allocate the funds forwarded to Oxford County under this  
12 paragraph.

13 If a program is already established that is sufficiently similar to a program listed in this  
14 subsection and has substantially the same objectives, services may be combined if the  
15 Attorney General decides that the program in this subsection substantially reflects the  
16 objectives and spirit of the established program. If the Attorney General cannot make  
17 such a decision, the Governor or a Governor-appointed head of a state agency qualified to  
18 address the subject area shall decide whether duplicative programs must be combined.  
19 As applicable, in cases in which funds in this subsection affect programs already  
20 established, such funds must be used only to supplement state funding to applicable  
21 existing programs, not supplant funding to existing programs.

22 If any of the entities or groups referred to in this subsection cease to exist, reject the funds  
23 or are found by the board or the board overseeing the funding not to have used the  
24 designated funds for the purpose so designated under this subsection, that entity's share  
25 under this subsection is to be forfeited. In such a case, the balance of the forfeited funds  
26 must be distributed in full to the Maine resident student loan repayment fund in paragraph  
27 A.

28 The president of Evergreen Mountain Enterprises, LLC must be appointed a voting  
29 member on the governing body or board, if any, of each recipient or program funded in  
30 this subsection regarding the allocation of specific funding that is paid by the gaming  
31 operator.

32 The overall general intention of the fund is to develop and realize the vast potential of this  
33 State without compromising the public health or natural resources. The programs in this  
34 subsection are intended to provide jobs, opportunities, health care, education, protection  
35 of the environment and advancement of the overall quality of life for residents of this  
36 State. In any analysis or interpretation of any of the funding of the programs in this  
37 subsection, this subsection must be liberally construed to observe such goals as long as  
38 the substantial purposes of each program provided in this subsection are complied with.

39 **Sec. 60. 8 MRSA §1036, sub-§3**, as enacted by PL 2003, c. 687, Pt. A, §5 and  
40 affected by Pt. B, §11, is amended to read:

41 **3. Failure to deposit funds.** A gaming operator or slot machine operator who  
42 knowingly or intentionally fails to comply with this section commits a Class C crime. In  
43 addition to any other sanction available by law, the license of that person may be revoked

1 by the board and the gaming devices or slot machines operated by that gaming operator  
2 or slot machine operator may be disabled, and the gaming devices and slot machines,  
3 gaming devices' proceeds and slot machines' proceeds and associated equipment may be  
4 confiscated by the board and are subject to forfeiture under Title 17-A, section 959 or  
5 960.

6 **Sec. 61. 8 MRSA §1041, sub-§2**, as enacted by PL 2003, c. 687, Pt. A, §5 and  
7 affected by Pt. B, §11, is amended to read:

8 **2. Location.** A gaming operator or slot machine operator shall maintain all records  
9 required by this chapter or by rules adopted under this chapter at the operator's primary  
10 business office within this State or on the premises where the gaming device or slot  
11 machine is operated. A gaming device distributor or slot machine distributor shall  
12 maintain these records at the distributor's primary business office within this State. The  
13 primary business office must be designated by the license holder in the license  
14 application. All records must be open to inspection and audit by the board or its designee  
15 and a license holder may not refuse the board or its designee the right to inspect or audit  
16 the records. Refusal to permit inspection or audit of the records constitutes grounds for  
17 revocation or suspension of the license or registration.

18 **Sec. 62. 8 MRSA §1042, sub-§2**, as enacted by PL 2003, c. 687, Pt. A, §5 and  
19 affected by Pt. B, §11, is amended to read:

20 **2. Monitoring.** The board or the department shall monitor the use, operation,  
21 distribution and servicing of gaming devices and slot machines through on-site  
22 observation and other means at any time during the operation of any license for the  
23 purpose of certifying the revenue thereof, receiving complaints from the public relating to  
24 the conduct of licensees, examining records of revenues and procedures, enforcing the  
25 provisions of this chapter and the rules adopted pursuant to this chapter and conducting  
26 periodic reviews of licenses for the purpose of evaluating current or suggested provisions  
27 of this chapter and the rules adopted pursuant to this chapter.

28 **Sec. 63. 8 MRSA §1054**, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by  
29 Pt. B, §11, is amended to read:

30 **§1054. Criminal violations**

31 A person commits a Class C crime if that person knowingly or intentionally:

32 **1. Tampering with gaming device or slot machine.** Manipulates or intends to  
33 manipulate the outcome, payback or operation of a gaming device or slot machine by  
34 physical tampering or any other means;

35 **2. Interference.** Interferes with the board's ability to monitor compliance with this  
36 chapter;

37 **3. Operation or distribution without license.** Operates or distributes a gaming  
38 device or slot machine in this State without a license;



1        **2. Requirements for license.** The person applying for a license under subsection 1  
2 must satisfy the qualifications set forth in section 1011-A.

3        **3. Operation of gaming devices.** A licensee may operate a gaming device on any  
4 day during the calendar year at the location where the gaming facility is licensed for  
5 gaming without restriction on hours of operation.

6        **§1072. Authorized gaming operations**

7        **1. Authorized games.** Notwithstanding any other provision of law, Evergreen  
8 Mountain Enterprises, LLC may, through one or more gaming operators as Evergreen  
9 Mountain Enterprises, LLC may elect, conduct, on one site and subject to this subchapter,  
10 any form of gaming or wagering, including without limitation any of the following:

11        A. Card games, table games and other games of chance, including without limitation  
12 blackjack, poker, dice, roulette, baccarat, money-wheels and bingo;

13        B. Any bazaar game, but only if conducted solely for merchandise prizes;

14        C. Any lottery game; and

15        D. Video facsimiles, including without limitation video facsimiles of any card game,  
16 table game or other game of chance, including without limitation those described in  
17 paragraph A.

18        **§1073. Protection against proliferation**

19        **1. Protection against proliferation.** A gaming facility license may not be issued  
20 under section 1011-A to any other gaming facility for 10 years from the first day that  
21 gaming occurs at the gaming facility.

22        **2. Exclusive gaming facility in the State.** Other than properly approved and  
23 licensed commercial tracks, Evergreen Mountain Enterprises, LLC must be the only  
24 gaming facility in the State. No other gaming facilities in any form are permitted in the  
25 State for 10 years from the first day that gaming occurs at the gaming facility.

26        **3. Exclusive operator of gaming operations.** As applicable, the rights and  
27 privileges granted under this subchapter are reserved to Evergreen Mountain Enterprises,  
28 LLC and, as applicable, the gaming operator. No other person, including without  
29 limitation any commercial track or creditor of the gaming operator, may conduct any  
30 gaming operation on the gaming site. This subsection may not be interpreted to restrict  
31 any nongaming activities on the gaming site. Licensed commercial tracks may not expand  
32 their gaming operations to include gaming devices other than slot machines.

33        **Sec. 66. 17-A MRSA §952, sub-§5-A, ¶C,** as amended by PL 2003, c. 687, Pt.  
34 A, §6 and affected by Pt. B, §11, is further amended to read:

35        C. That is not a machine or gaming device that a person may lawfully operate  
36 pursuant to a license that has been issued under Title 17, chapter 14 or that is  
37 operated by the Department of Administrative and Financial Services, Bureau of  
38 Alcoholic Beverages and Lottery Operations; and

1       **Sec. 67. 17-A MRSA §952, sub-§5-A, ¶D**, as enacted by PL 2003, c. 687, Pt. A,  
2 §7 and affected by Pt. B, §11, is amended to read:

3       D. That is not a slot machine registered pursuant to Title 8, section 1020 or a gaming  
4 device operated by the licensed gaming operator pursuant to Title 8, section 1011-A  
5 and owned by a slot machine distributor or gaming device distributor licensed  
6 pursuant to Title 8, section 1013.

7       **Sec. 68. 17-A MRSA §959, sub-§2**, as amended by PL 2003, c. 687, Pt. A, §8  
8 and affected by Pt. B, §11, is further amended to read:

9       **2.** An illegal gambling machine, any monetary contents and any associated proceeds  
10 may be declared forfeited under this section by any court that has jurisdiction over the  
11 illegal gambling machine or final jurisdiction over any related criminal proceeding  
12 brought under this chapter or by the Superior Court for Kennebec County or the Superior  
13 Court for Oxford County. Property subject to forfeiture may be kept or stored at any  
14 location within the territorial boundaries of the State and is subject to the authority of any  
15 court in which a petition seeking the forfeiture of that property is filed.

16       **Sec. 69. 36 MRSA §6652, sub-§1-B, ¶C**, as repealed and replaced by PL 2005,  
17 c. 218, §61 and affected by §63, is amended to read:

18       C. Gambling machines or devices, including any device, machine, paraphernalia or  
19 equipment that is used or usable in the playing phases of any gambling activity as that  
20 term is defined in Title 8, section 1001, subsection 15, whether that activity consists  
21 of gambling between persons or gambling by a person involving the playing of a  
22 machine. "Gambling machines or devices" includes, without limitation:

- 23           (1) Associated equipment as defined in Title 8, section 1001, subsection 2;
- 24           (2) Computer equipment used directly and primarily in the operation of a slot  
25 machine as defined in Title 8, section 1001, subsection 39 or a gaming device as  
26 defined in Title 8, section 1001, subsection 19-C;
- 27           (3) An electronic video machine as defined in Title 17, section 330, subsection  
28 1-A;
- 29           (4) Equipment used in the playing phases of lottery schemes; ~~and~~
- 30           (5) Repair and replacement parts of a gambling machine or device; ~~and~~
- 31           (6) A gaming device as defined in Title 8, section 1001, subsection 19-C.

32       **Sec. 70. Report.** The Department of Public Safety, Gambling Control Board  
33 established in the Maine Revised Statutes, Title 8, chapter 31 shall submit by January 15,  
34 2008 a report and recommendations to the Governor and the Legislature on bringing  
35 within the jurisdiction of the board regulatory authority over off-track betting, high-stakes  
36 beano, beano, pari-mutuel wagering, games of chance and other approved gaming  
37 devices, including, but not limited to, poker, craps, baccarat, blackjack and roulette.

38       **Sec. 71. Report on operation of Gambling Control Board.** The Department  
39 of Public Safety, Gambling Control Board established in the Maine Revised Statutes,

1 Title 8, chapter 31 shall submit by March 15, 2008 a report on the operation of the board  
2 and its effectiveness in regulating the operation of gaming devices and slot machines and  
3 other gaming devices at commercial harness racing tracks and gaming facilities. The  
4 report must include recommendations of any necessary changes to the board and the laws  
5 governing the board in order to effectively regulate the operation of gaming devices, slot  
6 machines and other gaming devices at commercial tracks and gaming facilities. The  
7 report must include recommendations regarding expansion of the board's authority to  
8 regulate all gaming conducted legally within the State.

9 **Sec. 72. Maine Revised Statutes headnote amended; revision clause.** In  
10 the Maine Revised Statutes, Title 8, chapter 31, subchapter 3, in the subchapter headnote,  
11 the words "slot machine operation; allocation of funds" are amended to read "gaming  
12 device and slot machine operation; allocation of funds" and the Revisor of Statutes shall  
13 implement this revision when updating, publishing or republishing the statutes.

#### 14 SUMMARY

15 This initiated bill authorizes Evergreen Mountain Enterprises, LLC to operate a  
16 gaming facility at a single site in Oxford County. The legislative body and voters of any  
17 municipality in which the site is located must approve the site for the operation of the  
18 gaming facility. The gaming facility is authorized to contain slot machines, bazaar games  
19 conducted solely for merchandise prizes, lottery games, video facsimiles, card games,  
20 table games and other games of chance, including without limitation blackjack, poker,  
21 dice, roulette, baccarat, money-wheels and bingo. The initiated bill removes the limit on  
22 the total number of slot machines that are allowed to be registered in this State. The  
23 minimum age to play a slot machine or gaming device is lowered from 21 years of age to  
24 19 years of age. The initiated bill provides that, other than the approved commercial race  
25 tracks in the State that operate slot machines, the gaming facility operated by Evergreen  
26 Mountain Enterprises, LLC must be the only gaming facility in the State for at least 10  
27 years. The initiated bill provides for regulation of the gaming facility by the Department  
28 of Public Safety, Gambling Control Board.

29 The initiated bill requires the gaming operator to collect and distribute 1% of adjusted  
30 gross gaming device income to the Treasurer of State for deposit in the General Fund for  
31 the administrative expenses of the Gambling Control Board. The gaming operator must  
32 pay to the State 39% of the total gross gaming device income. This money paid to the  
33 State must be used for the following purposes:

34 1. Five percent of the total gross gaming device income must be distributed to repay  
35 student loans of residents of this State;

36 2. Four percent of the total gross gaming device income must be distributed to the  
37 research and development of an east-west highway in the State;

38 3. Three percent of the total gross gaming device income must be distributed to  
39 develop and construct a facility to produce biofuels, including fuel for heating homes;

- 1       4. Three percent of the total gross gaming device income must be distributed to make  
2 health care more affordable for employees of businesses and the self-employed in this  
3 State. This endeavor must include expanding membership in the Dirigo Health Program  
4 and allowing such health care to be offered as a self-insured product;
- 5       5. Two percent of the total gross gaming device income must be distributed for  
6 revenue sharing with municipalities, with the intent of providing local property tax relief;
- 7       6. Two percent of the total gross gaming device income must be distributed to a  
8 Maine prepaid college plan to allow residents of this State to prepay the cost of college  
9 tuition, fees and dormitory housing before a child goes to college;
- 10       7. Two percent of the total gross gaming device income must be used to assist the  
11 elderly with the cost of prescription drugs;
- 12       8. Two percent of the total gross gaming device income must be used for the  
13 improvement of secondary rural roads in the State;
- 14       9. Two percent of the total gross gaming device income must be distributed for the  
15 expansion of facilities and course selection in the Maine Community College System;
- 16       10. One percent of the total gross gaming device income must be distributed for the  
17 program cost portion of general purpose aid for local schools;
- 18       11. One percent of the total gross gaming device income must be distributed to  
19 Maine's Renewable Resource Fund for the development of new renewable sources of  
20 energy;
- 21       12. One percent of the total gross gaming device income must be distributed to the  
22 Finance Authority of Maine for its NextGen First Step Grant program to assist residents  
23 of this State in saving for college tuition;
- 24       13. One percent of the total gross gaming device income must be distributed to  
25 towns to be used for regionalization efforts of towns that express interest in reducing and  
26 eliminating duplicative municipal services;
- 27       14. One percent of the total gross gaming device income must be distributed to help  
28 fund raising the minimum wage to a level comparable with a "livable wage" for the  
29 resident workers in this State of \$7.70 per hour in 2008 and \$8.40 in 2009 and in  
30 accordance with the Consumer Price Index for Urban Wage Earners and Clerical  
31 Workers, CPI-W index, thereafter. If the Legislature refuses to accept these funds for this  
32 purpose, these funds must go to funding affordable health care and Dirigo Health;
- 33       15. One percent of the total gross gaming device income must be distributed for  
34 grants to residents of this State who demonstrate energy efficiency and conservation  
35 proficiency, such as rebates for purchasers of hybrid and biodiesel-capable vehicles, for  
36 those who convert vehicles into biodiesel-capable vehicles and for users of biofuel for  
37 home and business heating, and grants for residents of this State to develop such clean  
38 and efficient fuel technologies;

1           16. One percent of the total gross gaming device income must be distributed for the  
2 improvement of the water quality of the rivers of this State and the technology to allow  
3 paper mills and waste treatment plants to eliminate the toxins they release into rivers;

4           17. One percent of the total gross gaming device income must be distributed to the  
5 Land for Maine's Future Fund established in the Maine Revised Statutes, Title 5, section  
6 6203 to secure the traditional heritage of this State of public access to the land and water  
7 resources of this State and to secure the continued quality and availability of natural  
8 resources important to the interests and continued heritage of the people of the State;

9           18. One percent of the total gross gaming device income must be distributed to  
10 public access television stations in this State for the improvement of technology and  
11 programming;

12           19. One percent of the total gross gaming device income must be distributed for  
13 funding residents of this State who are 15 years of age to 30 years of age to support ideas  
14 and projects that will stimulate the creative economy in this State, enhance technology,  
15 improve civic engagement or otherwise effect positive community change;

16           20. One percent of the total gross gaming device income must be distributed for  
17 programs to protect gaming patrons against the risks of gambling, including gambling  
18 addiction counseling services and monitoring patrons who may be at risk and have a  
19 propensity for problem gambling;

20           21. Two percent of the total gross gaming device income must be forwarded directly  
21 to any municipality in which the gaming facility is located; and

22           22. One percent of the total gross gaming device income must be forwarded directly  
23 to Oxford County to pay for mitigation of costs resulting from gaming operations.