

MAINE STATE LEGISLATURE

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Date: 3-27-12

(Filing No. S-491)

VETERANS AND LEGAL AFFAIRS

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STATE OF MAINE

SENATE

125TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 610, L.D. 1771, Bill, "An Act To Amend Maine's Gambling Laws"

Amend the bill in section 1 in subsection 1-B in the last line (page 1, line 7 in L.D.) by striking out the following: "board." and inserting the following: 'board and must conform to criteria established by the board. Wagers used for slot machine and table game training are for demonstration only.'

Amend the bill in section 2 by striking out all of subsection 3 (page 1, lines 9 to 11 in L.D.) and inserting the following:

3. Distribution of table games by licensed slot machine distributor. The board may accept an application from and issue a table game distributor license to a person who is licensed as a slot machine distributor under subsection 2.'

Amend the bill by inserting after section 2 the following:

'Sec. 3. 8 MRSA §1013-A, sub-§3 is enacted to read:

3. Distribution of slot machines by licensed table game distributor. The board may accept an application from and issue a slot machine distributor license to a person who is licensed as a table game distributor under subsection 2.

Sec. 4. 8 MRSA §1016, sub-§1, as amended by IB 2009, c. 2, §33, is further amended to read:

1. Minimum qualifications. Notwithstanding Title 5, chapter 341, and in addition to any requirements imposed by rules adopted by the board, a person must satisfy the following qualifications to be a slot machine operator, a casino operator, a slot machine distributor, a table game distributor, a gambling services vendor or an employee of these entities:

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

COMMITTEE AMENDMENT

1 B. The person has sufficient financial assets and responsibility to meet any financial
2 obligations imposed by this chapter and, if applying for a slot machine operator
3 license, casino operator license, slot machine operator license renewal or casino
4 operator license renewal, has sufficient financial assets and responsibility to continue
5 operation of a commercial track or casino;

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

9 D. In the case of a person applying to be a slot machine operator or casino operator,
10 the person has sufficient knowledge and experience in the business of operating slot
11 machines or casinos to effectively operate the slot machine facilities or casino to
12 which the license application relates in accordance with this chapter and the rules and
13 standards adopted under this chapter;

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

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

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

26 A Except as provided by section 1013, subsection 3 and section 1013-A, subsection 3, a
27 person may not hold more than one class of license under this chapter unless the 2nd
28 license is an employee license under section 1015.

29 **Sec. 5. 8 MRSA §1018, sub-§1, ¶A,** as amended by PL 2005, c. 663, §7, is
30 further amended to read:

31 A. The Except for slot machines operated as part of a training and education program
32 as provided by section 1011, subsection 1-B, the initial registration fee for a
33 registered slot machine is \$100. The annual renewal fee is \$100 for each registered
34 slot machine.

35 **Sec. 6. 8 MRSA §1018, sub-§1, ¶A-1,** as enacted by IB 2009, c. 2, §34, is
36 amended to read:

37 A-1. The Except for table games operated as part of a training and education
38 program as provided by section 1011, subsection 1-B, the initial registration fee for a
39 registered table game is \$100. The annual renewal fee is \$100 for each registered
40 table game.'

41 Amend the bill by inserting after section 3 the following:

1 'Sec. 4. 8 MRSA §1020, sub-§3, ¶A, as amended by IB 2009, c. 2, §37, is further
2 amended to read:

3 A. The Except for slot machines used for training and educational purposes at
4 postsecondary institutions as provided by section 1011, subsection 1-B, the total
5 number of slot machines registered in the State may not exceed 3,000; and'

6 Amend the bill by striking out all of sections 8 to 10 and inserting the following:

7 'Sec. 8. 8 MRSA §1055 is enacted to read:

8 §1055. Theft at a casino or slot machine facility

9 A person is guilty of theft at or from a casino or slot machine facility if that person
10 commits the crime specified in Title 17-A, section 353-A.

11 Sec. 9. 17-A MRSA §353-A is enacted to read:

12 §353-A. Theft by unauthorized taking or transfer at a casino or slot machine facility

13 1. A person is guilty of theft at a casino or slot machine facility if:

14 A. The person obtains or exercises unauthorized control over the property of another
15 with intent to deprive the other person of the property at or from a casino or slot
16 machine facility as defined by Title 8, section 1001, subsections 5-A and 41.
17 Violation of this paragraph is a Class E crime; or

18 B. The person violates paragraph A and:

19 (1) The value of the property is more than \$10,000. Violation of this
20 subparagraph is a Class B crime;

21 (2) The property stolen is a firearm or an explosive device. Violation of this
22 subparagraph is a Class B crime;

23 (3) The person is armed with a dangerous weapon at the time of the offense.
24 Violation of this subparagraph is a Class B crime;

25 (4) The value of the property is more than \$1,000 but not more than \$10,000.
26 Violation of this subparagraph is a Class C crime;

27 (5) The value of the property is more than \$500 but not more than \$1,000.
28 Violation of this subparagraph is a Class D crime; or

29 (6) The person has 2 or more prior convictions in this State for any combination
30 of the offenses listed in this subparagraph or for engaging in substantially similar
31 conduct to that of the offenses listed in this subparagraph in another jurisdiction.
32 The offenses are: theft; any violation of section 401 in which the crime intended
33 to be committed inside the structure is theft; any violation of section 405 in which
34 the crime intended to be committed inside the motor vehicle is theft; any
35 violation of section 651; any violation of section 702, 703 or 708; or attempts to
36 commit any of these crimes. Section 9-A governs the use of prior convictions
37 when determining a sentence. Violation of this subparagraph is a Class C crime.

1 2. As used in this section, "exercises unauthorized control" includes but is not
2 limited to conduct formerly defined or known as common law larceny by trespassory
3 taking, larceny by conversion, larceny by bailee and embezzlement.

4 **Sec. 10. Rules regarding the regulation of table games adopted prior to**
5 **January 9, 2012.** Notwithstanding the Maine Revised Statutes, Title 8, section 1003,
6 subsection 4, rules adopted by the Department of Public Safety, Gambling Control Board
7 prior to January 9, 2012 governing the regulation and oversight and monitoring of the
8 operation of table games are valid whether or not they were routine technical rules or
9 major substantive rules as described by Title 5, chapter 375, subchapter 2-A.'

10 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
11 section number to read consecutively.

SUMMARY

12
13 This amendment specifies that a training program for the operation of slot machines
14 and table games at an accredited postsecondary institution is subject to criteria established
15 by the Department of Public Safety, Gambling Control Board and that wagers used as
16 part of the training program are for demonstration purposes only. The amendment
17 clarifies a provision in the bill that permits a licensed slot machine distributor to also be
18 licensed as a table game distributor by addressing a conflict in current law and by adding
19 that a licensed table game distributor may also be licensed as a slot machine distributor.
20 To hold both a slot machine distributor license and a table game distributor license, a
21 person is required to apply for and pay the license fee for each license as is required by
22 current law. The amendment provides that table games and slot machines used for
23 training programs are not subject to registration fees. The amendment strikes the
24 provision of the bill that adds theft at or from a casino or slot machine facility to the list
25 of violations of the laws governing the operation of slot machines and table games that
26 are Class C crimes. The amendment establishes a new category of theft in the Maine
27 Criminal Code, theft at a casino or slot machine facility. This provision in the
28 amendment coincides with existing rules that allow for a slot machine facility operator or
29 casino operator to exclude a person from the facility who commits theft at a casino or slot
30 machine facility.

FISCAL NOTE REQUIRED
(See attached)



Approved: 03/23/12 *MAC*

125th MAINE LEGISLATURE

LD 1771

LR 2562(02)

An Act To Amend Maine's Gambling Laws

Fiscal Note for Bill as Amended by Committee Amendment "A" S-491

Committee: Veterans and Legal Affairs

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Department of Public Safety, Gambling Control Board, associated with establishing criteria by which accredited postsecondary institutions may possess and operate slot machines and table games for training and education purposes can be absorbed within existing budgeted resources and with existing staff.