

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST SPECIAL SESSION
August 21, 2003 to August 22, 2003

The General Effective Date For
First Special Session
Non-Emergency Laws Is
November 22, 2003

SECOND REGULAR SESSION
January 7, 2004 to January 30, 2004

The General Effective Date For
Second Regular Session
Non-Emergency Laws Is
April 30, 2004

SECOND SPECIAL SESSION
February 3, 2004 to April 30, 2004

The General Effective Date For
Second Special Session
Non-Emergency Laws Is
July 30, 2004

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2004

privilege outlined in Title 5, section 48 ~~48-A~~, subsection ~~4~~ 5.

Sec. 4. Appropriations and allocations.

The following appropriations and allocations are made.

JUDICIAL DEPARTMENT

Courts - Supreme, Superior, District & Administrative 0063

Initiative: Provides for the transfer of funds from the Department of Labor, Bureau of Rehabilitation Services beginning in fiscal year 2004-05 for the purpose of funding American Sign Language interpreting and computer-assisted real-time transcription for people who are deaf or hard-of-hearing who appear before the courts.

General Fund	2003-04	2004-05
All Other	\$0	\$80,000
	<hr/>	<hr/>
General Fund Total	\$0	\$80,000

JUDICIAL DEPARTMENT

DEPARTMENT TOTALS

GENERAL FUND	2003-04	2004-05
	\$0	\$80,000

DEPARTMENT TOTAL - ALL FUNDS	\$0	\$80,000
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LABOR, DEPARTMENT OF

Rehabilitation Services 0799

Initiative: Provides for the transfer of funds to the Administrative Office of the Courts beginning in fiscal year 2004-05 for the purpose of funding American Sign Language interpreting and computer-assisted real-time transcription for people who are deaf or hard-of-hearing who appear before the courts.

General Fund	2003-04	2004-05
All Other	\$0	(\$80,000)
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General Fund Total	\$0	(\$80,000)

LABOR, DEPARTMENT OF

DEPARTMENT TOTALS

GENERAL FUND	2003-04	2004-05
	\$0	(\$80,000)

DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$80,000)
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SECTION TOTALS

GENERAL FUND	2003-04	2004-05
	\$0	\$0

SECTION TOTAL - ALL FUNDS	\$0	\$0
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See title page for effective date.

CHAPTER 686

H.P. 1316 - L.D. 1794

An Act To Expand Maine's Homestead Exemption for the Blind

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 36 MRSA §654, sub-§1, ¶E, as amended by PL 1995, c. 545, §1, is further amended to read:

E. The residential real estate up to the just value of \$4,000 of inhabitants of Maine who are legally blind as determined by a properly licensed Doctor of Medicine, Doctor of Osteopathy or Doctor of Optometry. The exemption provided by this paragraph also applies to residential real estate held in a revocable living trust for the benefit of and occupied as a permanent residence by such a person; and

See title page for effective date.

CHAPTER 687

H.P. 1342 - L.D. 1820

An Act To Establish the Gambling Control Board To License and Regulate Slot Machines at Commercial Harness Racing Tracks

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

PART A

Sec. A-1. 5 MRSA §10004, sub-§4-A is enacted to read:

4-A. Gambling. The action is based on a violation of laws or rules at gambling facilities that are cited by the Department of Public Safety, Gambling Control Board, established pursuant to Title 8, chapter 31, or the Gambling Control Board or its designees

determine that acting in accordance with subchapters 4 and 6 would fail to serve the public interest; however, the suspension, revocation or refusal to renew may not continue for more than 30 days.

Sec. A-2. 7 MRSA §77 is enacted to read:

§77. Agricultural Fair Support Fund

1. Fund created. The Treasurer of State shall establish an account to be known as "the Agricultural Fair Support Fund" and shall credit to it all money received for that purpose under Title 8, section 1036, subsection 2, paragraph D.

2. Disbursement. No later than January 31st of each year, all funds held as of the end of the previous calendar year in the Agricultural Fair Support Fund must be distributed by the Treasurer of State as follows:

A. Thirty-four percent of these funds must be distributed to all entities licensed by the department, including commercial tracks that during the previous year were licensed to and did accept pari-mutuel wagers on harness horse races and distributed in the manner prescribed in Title 8, section 298; and

B. Sixty-six percent of these funds must be divided among all entities licensed as agricultural fairs by the department. These funds must be distributed in the same proportion as funds distributed for premium payments made pursuant to section 64 and may be used at the fairs' discretion.

Sec. A-3. 8 MRSA §298 is enacted to read:

§298. Fund to supplement harness racing purses

1. Fund created. A fund is established to supplement harness racing purses to which the commission shall credit all payments received pursuant to section 1036, subsection 2, paragraph B for distribution in accordance with this section.

2. Distribution. On May 30th, September 30th and January 30th of each year, all amounts credited to the fund established by this section as of the last day of the preceding month and not distributed before that day must be distributed to each commercial track, as defined in section 275-A, subsection 1, and to each agricultural fair association that during the preceding trimester has conducted live racing with pari-mutuel wagering on dates assigned by the commissioner pursuant to Title 7, section 65, with each commercial track and each agricultural fair association receiving an amount of money determined by multiplying the amount of money available for distribution times a fraction, the numerator of which is the total number of

live race dashes conducted by the commercial track or agricultural fair association during the preceding time period and the denominator of which is the total number of race dashes conducted by all commercial tracks and agricultural fair associations during that time period. The payment in January must be adjusted so that for the prior 3 time periods each commercial track or agricultural fair association entitled to a distribution receives that fraction of the total money distributed over the full year from the fund established by this section, the amount determined by multiplying the total amount of money by a fraction, the numerator of which is the number of live race dashes conducted by the commercial track or agricultural fair association during the calendar year that qualify for a distribution and the denominator of which is the total number of race dashes conducted during that calendar year by all such fairs on dates assigned by the commissioner pursuant to Title 7, section 65 and by all commercial tracks during that calendar year. The funds distributed pursuant to this section must be used to supplement harness racing purses.

3. Rules. The commission may adopt rules to enforce the obligation of licensees to use funds distributed under this section to supplement harness racing purses and to require licensees to account for funds. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. A-4. 8 MRSA §§299 and 300 are enacted to read:

§299. Fund to Encourage Racing at Maine's Commercial Tracks

1. Fund created. The Fund to Encourage Racing at Maine's Commercial Tracks is established to provide revenues to Maine's commercial tracks.

2. Distribution. On May 30th, September 30th and January 30th, all amounts credited to the fund established by this section as of the last day of the preceding month and not distributed before that day must be distributed to each commercial track licensed under section 271, with each track receiving that amount of the money available for distribution determined by multiplying that amount times a fraction, the numerator of which is the total number of live race days conducted by the commercial track during the preceding time period and the denominator of which is the total number of race days conducted by all commercial tracks licensed under section 271 during that time period. The payment in January must be adjusted so that for the prior 3 time periods each commercial track receives that fraction of the total money distributed over the full year from the fund established by this section, the amount determined by multiplying the total amount of money times a

fraction, the numerator of which is the number of live race days conducted by the commercial track during the calendar year and the denominator of which is the total number of race days conducted by all commercial tracks licensed under section 271 during that calendar year.

§300. Fund to Stabilize Off-track Betting Facilities

1. Fund created. The Fund to Stabilize Off-track Betting Facilities is established to provide revenues to those off-track betting facilities licensed and in operation as of December 31, 2003.

2. Distribution. On May 30th, September 30th and January 30th, all amounts credited to the fund established by this section as of the last day of the preceding month and not distributed before that day must be distributed to each of Maine's off-track betting facilities licensed and in operation as of December 31, 2003. Distributions must be made in equal amounts to each off-track betting facility in operation as of the date of the distribution.

Sec. A-5. 8 MRSA c. 31 is enacted to read:

CHAPTER 31

GAMBLING CONTROL BOARD

SUBCHAPTER 1

GENERAL PROVISIONS

§1001. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Applicant. "Applicant" means a person who has submitted an application for a license.

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

3. Beano. "Beano" has the same meaning as set forth in Title 17, section 311, subsection 1.

4. Board. "Board" means the Gambling Control Board established under section 1002.

5. Business organization. "Business organization" means a partnership, incorporated or unincorporated association, firm, corporation, limited liability company, trust or other form of business or legal entity other than a financial institution regulated by a

state or federal agency that is not exercising control over a licensee.

6. Commercial track. "Commercial track" has the same meaning as set forth in section 275-A, subsection 1.

7. Control. "Control" means the power to exercise authority over or direct the management or policies of a person.

8. Department. "Department" means the Department of Public Safety.

9. Director. "Director" means the executive director of the board.

10. Distribute. "Distribute" means to sell, lease, license, place or otherwise make available for use in the State or to transport into the State for the purpose of selling, leasing, licensing, placing or otherwise making available for use in the State.

11. Drug abuser. "Drug abuser" has the same meaning as set forth in Title 5, section 20003, subsection 10.

12. Drug addict. "Drug addict" has the same meaning as set forth in Title 5, section 20003, subsection 11.

13. Drug-dependent person. "Drug-dependent person" has the same meaning as set forth in Title 5, section 20003, subsection 12.

14. Fugitive from justice. "Fugitive from justice" has the same meaning as set forth in Title 15, section 201, subsection 4.

15. Gambling activity. "Gambling activity" means off-track betting, pari-mutuel wagering at a race track, high-stakes beano, beano, game of chance or slot machine operation.

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

17. Gambling services. "Gambling services" means any goods or services provided to an operator licensed under this chapter or at a gambling facility that are used directly in connection with the operation of a slot machine, including, but not limited to, slot machine maintenance, security services or junket services, and excluding slot machine distribution by a slot machine distributor.

18. Gambling services vendor. "Gambling services vendor" means a person who is licensed under this chapter to provide gambling services.

19. Game of chance. "Game of chance" has the same meaning as set forth in Title 17, section 330, subsection 2.

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

21. Gross slot machine income. "Gross slot machine income" means money, tokens, credits or similar objects or things of value used to play a slot machine minus money, credits or prizes paid out to winners.

22. High-stakes beano. "High-stakes beano" means the activity authorized in Title 17, section 314-A.

23. Holding company. "Holding company" means any company that directly or indirectly owns or has the power or right to control a company that holds or applies for a slot machine operator license or a slot machine distributor license, except that a company that has a beneficial ownership of more than 10% of the voting securities of a publicly traded corporation is not a holding company.

24. Immediate family. "Immediate family" means spouse, parents and children.

25. Intermediary company. "Intermediary company" means a company that is a holding company of a company that applies for a slot machine operator license or a slot machine distributor license or is a subsidiary of a holding company of a company that applies for a slot machine operator license or a slot machine distributor license.

26. Junket services. "Junket services" means an arrangement to facilitate the attendance at a gambling facility of customers selected by reason of their propensity to gamble by providing to those customers any consideration, including cash, credits or rebates or reduced charges for goods or services such as transportation, lodging, food, beverages or entertainment. "Junket services" does not include providing common transportation to a gambling facility to the public without limitation to selected customers.

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

28. License. "License" means a license issued by the board under this chapter.

29. Licensee. "Licensee" means a person granted a license under this chapter.

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

31. Operate. "Operate" means to offer for use.

32. Owner. "Owner" means a person who owns or controls, directly or indirectly, 10% or more of a business organization.

33. Pari-mutuel facility. "Pari-mutuel facility" means a location at which a person is licensed under chapter 11 to accept pari-mutuel wagers on horse races.

34. Payback percentage. "Payback percentage" means the percentage, on an annual average basis, of the total value of money or tokens, credits or similar objects or things of value used to play a slot machine that is returned to players of that slot machine as winnings, prizes or credits.

35. Person. "Person" means an individual or a business organization.

36. Premises. "Premises" means the property located within 2,000 feet of the center of the horse racing track at a commercial track and owned by the person that owns the property on which the track is located.

37. Publicly traded corporation. "Publicly traded corporation" means a company that is an issuer subject to Section 15(d) of the Securities Exchange Act of 1934, as amended, 15 United States Code, Section 780 or applicable foreign laws or has one or more of the following:

A. Classes of securities registered pursuant to Section 12 of the Securities Exchange Act of 1934, as amended, 15 United States Code, Section 781; or

B. Classes of securities registered pursuant to applicable foreign laws that the board finds protect the public interest.

38. Registration. "Registration" means an approval or board action that authorizes a company to be a holding company of a company that holds or applies for a slot machine operator license or a slot machine

distributor license or of other persons required to be licensed under this chapter.

39. Slot machine. "Slot machine" means any mechanical, electrical or electronic device, contrivance or machine or other device, contrivance or machine that is available to play upon insertion of money or a token, credit or similar object or thing of value, the play of which by the element of chance may deliver or entitle the person playing the device, contrivance or machine to receive cash, tokens or credits to be exchanged for cash, merchandise or anything of value, whether the payoff is made automatically from the device, contrivance or machine or in any other manner, and includes progressive electronic gaming devices with a payoff that increases as the electronic gaming device is played.

40. Slot machine distributor. "Slot machine distributor" means a person who is licensed under this chapter to distribute slot machines and associated equipment for use in the State.

41. Slot machine facility. "Slot machine facility" means a facility at which a slot machine operator operates slot machines.

42. Slot machine operator. "Slot machine operator" means a person who is licensed under this chapter to operate slot machines and associated equipment in the State.

43. Subsidiary. "Subsidiary" means any corporation or company, all or any part of whose outstanding equity securities are owned, subject to a power or right of control, or held, with power to vote, by a holding company or intermediary company.

44. Uniform location agreement. "Uniform location agreement" means a written agreement in a form prescribed by the board between a slot machine operator and a slot machine distributor that governs the terms and conditions of that agreement, including the placement of slot machines on the premises of the slot machine operator.

45. Work permit. "Work permit" means any card, certificate or permit issued by the board authorizing the employment of the holder as a gaming employee.

§1002. Board

1. Establishment. The Gambling Control Board is created within the Department of Public Safety to carry out the functions specified in this chapter. The board is affiliated with the department as specified in this chapter.

2. Members. The board consists of 5 members appointed by the Governor. At least 4 of the board

members must have training or experience in at least one of the following fields: corporate finance, economics, law, accounting, law enforcement, computer science or the gambling industry. One member must have experience in the harness racing industry. An elected official or candidate for elective office may not serve as a board member.

3. Term of office. Members of the board serve 3-year terms, except that the Governor shall initially appoint one member for a term of one year, 2 members for a term of 2 years and 2 members for a term of 3 years. A vacancy is filled by appointment for the remainder of the unexpired term of that member. Members whose terms expire serve until their successors are appointed and confirmed. Members may serve no more than 2 full consecutive terms on the board.

4. Confirmation. Appointees must be reviewed by the joint standing committee of the Legislature having jurisdiction over gambling matters and are subject to confirmation by the Senate.

5. Chair. The Governor shall appoint one of the 5 board members as chair. The member serves as chair at the pleasure of the Governor.

6. Quorum. An action of the board is not binding unless taken at a meeting at which at least 3 of the 5 members are present.

7. Removal. Except as provided in subsection 5, the Governor may remove any member of the board for just cause.

8. Conflict of interest. In addition to the restrictions imposed pursuant to Title 5, section 18, a board member may not participate in any matter before the board in which that board member has a personal bias or any other conflict of interest as the board determines, either on the board's own motion or in response to a written complaint. During a board member's term of service and for 2 years after the end of that board member's service, any person with a direct and substantial interest in any gambling facility or gambling activity may not employ or be represented by the board member or a member of the board member's immediate family. For the purposes of this subsection, "direct and substantial" means ownership or control of more than 10% of the voting securities of any gambling facility or any entity in contract, consort or cooperation with a gambling facility or key executive.

§1003. Powers and duties of board

1. Powers. In administering and enforcing this chapter, the board or the director, as delegated by the board, may:

A. Regulate, supervise and exercise general control over the ownership and operation of slot machines, the distribution of slot machines and slot machine facilities;

B. Adopt those rules the board determines necessary to administer and enforce this chapter;

C. Issue subpoenas to compel the attendance of witnesses and the production of evidence relevant to any fact at issue and administer oaths and require testimony under oath in the course of any investigation or hearing conducted under this chapter;

D. Require a licensee to file an independently audited annual financial report with the board, including a balance sheet and profit and loss statement, a list of all persons having any beneficial or financial interest in the licensee and such other information as the board may require, all in such form as the board may establish by rule;

E. Approve or disapprove terms and conditions of uniform location agreements;

F. Subject to any applicable laws relating to public contracts, enter into a contract for the performance of the board's or director's duties under this chapter. A contract awarded or entered into by the board or director may not be assigned by the holder of the contract except by specific approval of the board or director. All contracts must be awarded in accordance with rules adopted by the Department of Administrative and Financial Services pursuant to Title 5, chapters 141 to 145 and Title 5, sections 1812 and 1813;

G. Pursuant to subchapter 5, deny any application and limit, restrict, suspend or revoke any license, registration or approval under this chapter;

H. Impose sanctions, penalties and costs of investigation and hearing against any applicant or licensee for violation of this chapter or the rules adopted under this chapter;

I. Take any action as may be reasonable or appropriate to protect the public interest and enforce this chapter and the rules adopted under this chapter including denial, suspension or revocation without hearing of a license issued under this chapter as provided in Title 5, section 10004, subsection 4-A;

J. Negotiate consent agreements to resolve administrative violations or investigations.

2. Duties. The board shall hire an executive director. The board or the director, as delegated by the

board, shall hire staff and retain professional services that the board considers necessary to carry out its responsibilities. In addition, the board or the director or staff, as delegated by the board, shall:

A. Enforce the provisions of this chapter and any rules adopted under this chapter;

B. Hear and decide all license and registration applications under this chapter and issues affecting the granting, suspension, revocation or renewal of licenses and registrations;

C. Review the department's reports of its investigation of the qualifications of an applicant before a license or registration is issued and investigate the circumstances surrounding any act or transaction for which board approval is required;

D. Cause the department to investigate any alleged violations of this chapter or rules adopted under this chapter and the direct or indirect ownership or control of any licensee;

E. Refer violations of this chapter to the Attorney General to bring action in the courts and administrative tribunals of this State or the United States, in the name of the State of Maine. This paragraph does not limit the authority of district attorneys to prosecute criminal violations of the law;

F. Collect all licensing and registration fees and taxes imposed by this chapter and rules adopted pursuant to this chapter;

G. Develop a standard uniform location agreement;

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

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

(1) The practice of any fraud or deception upon a player of a slot machine or a licensee;

(2) The presence or location of a slot machine in or at premises that may be unsafe due to fire hazard or other public safety conditions;

(3) The infiltration of organized crime into the ownership, distribution or operation of

slot machines and slot machine facilities; and

(4) The presence of disorderly persons in a location where slot machines are in use;

J. Maintain a central site system of monitoring in real time all slot machines licensed in accordance with this chapter using an on-line inquiry;

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

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

M. Inform commercial track operators applying for a license to operate slot machines that any slot machines licensed by the board must be compatible with the central site system of on-line monitoring used by the board;

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

O. Cause the central site monitoring system to disable a slot machine and cause the department to seize the proceeds of that slot machine if the funds from that slot machine have not been distributed, deposited or allocated in accordance with section 1036;

P. Collect all funds and taxes due to the State under sections 1018 and 1036;

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

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

S. Prepare and submit to the department a budget for the administration of this chapter; and

T. Keep accurate and complete records of its proceedings and certify the records as may be appropriate.

3. Required rules. The board shall, without limitation on the powers conferred and duties imposed in subsections 1 and 2, adopt rules governing:

A. Methods and forms of application that an applicant must follow and complete prior to consideration of the applicant's application by the board;

B. Methods, procedures and forms for delivery of information concerning an applicant's immediate family, character, associates, criminal record, business activities and financial affairs;

C. Procedures for the fingerprinting of an applicant, or other methods of identification the board determines necessary to accomplish effective licensing and enforcement of restrictions;

D. The method of collection of payments of taxes, fees and penalties;

E. The location and hours of operation of slot machines, types of slot machines permitted, methods of operation of slot machines and distribution and servicing of slot machines and associated equipment;

F. Procedures, forms and methods of management controls of licensees, including the structure of the organization and minimum security standards, including organizational structure of security personnel and alarm and other electrical or visual security measures;

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

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

I. Establishment of a list of persons who are to be excluded or removed from any slot machine facility, including those persons who voluntarily request that their names be included on the list of excluded persons. These rules must define the standards for exclusion and removal and include standards regarding persons who are career or professional offenders, as defined by rules of the board, whose presence in a slot machine facility would, in the opinion of the board, be inimical to the interest of the State;

J. Gambling-related advertising; and

K. Distribution and consumption of alcoholic beverages and tobacco products on the premises of gambling facilities.

§1004. Central site monitoring system

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

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

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

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

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

E. Be incapable of altering the statistical awards of slot machines, as designated by the slot machine manufacturer and approved by the board;

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

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

2. Third-party contractor. If the board contracts with a 3rd party to operate the central site monitoring system, the 3rd party must meet, as

determined by the board, the suitability requirement described in section 1016, subsection 2.

3. Initial acquisition of central site monitoring system. The board shall select the central site monitoring system presenting the lowest overall cost alternative, taking into consideration the capital costs, operating costs and impact on gross slot machine revenues, that is capable of satisfying the requirements of this section and section 1003, as determined by the board.

§1005. Powers and duties of department

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

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

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

2. Duties. The department shall:

A. Investigate any alleged violation of this chapter or rules adopted under this chapter and investigate the direct or indirect ownership or control of any licensee;

B. Investigate the qualifications of each applicant before a license or registration is issued and investigate the circumstances surrounding any act or transaction for which board approval is required;

C. Report to the board any alleged violations of this chapter or rules adopted under this chapter and the results of any investigations of alleged violations of this chapter or rules adopted under this chapter;

D. Exchange fingerprint data with, and receive criminal history record information from, the Federal Bureau of Investigation for use in considering an applicant for a license issued pursuant to the provisions of this chapter; and

E. Report to the board the results of any investigation of an applicant for a license or registration under this chapter.

SUBCHAPTER 2**LICENSING AND REGISTRATION****§1011. License to operate**

The board shall exercise authority over the licensing of all persons participating in the operation, distribution and maintenance of slot machines and slot machine facilities and over the registration of slot machines.

1. Operator license required. A person may not operate any slot machine in the State unless the person has been issued a license to operate slot machines by the board. A slot machine operator license authorizes a licensee to own or lease slot machines operated at a licensed gambling facility.

2. Eligible persons. The board may accept applications for a license to operate slot machines from any person who is licensed to operate a commercial track that satisfies the following criteria:

A. The commercial track is located at or within a 5-mile radius of the center of a commercial track that conducted harness racing with pari-mutuel wagering on more than 25 days during calendar year 2002; and

B. The operation of slot machines at the commercial track is approved by the voters of the municipality in which the commercial track to be licensed is located by referendum election held at any time after December 31, 2002 and before December 31, 2003.

3. Requirements for license; continued commercial track licensure. The board may not issue a license to operate slot machines to any person unless that person demonstrates compliance with the qualifications set forth in sections 1016 and 1019. A person who is granted a license to operate slot machines must maintain a license to operate a commercial track, without lapse, suspension or revocation for the duration of the slot machine operator's license.

4. Requirement for license; agreement with municipality where slot machines are located. A slot machine operator shall enter into an agreement with the municipality where the slot machine operator's slot machines are located that provides for revenue sharing or other compensation, including, but not limited to, a provision requiring the preparation, in conjunction with the municipality, of a security plan for the premises on which the slot machines are located. The revenue-sharing agreement must provide for a minimum payment to the municipality of 3% of the total gross slot machine income derived from the machines located in the municipality.

5. Renewal. Licenses to operate slot machines may be renewed upon application for renewal in accordance with this subchapter, subject to board rules.

§1012. Local approval for renewal of slot machine operator license

An application for renewal of a slot machine operator license must first be approved under this section by the municipal officers of the municipality in which the commercial track with slot machines is located or, if the commercial track is in an unincorporated place, the application must be approved by the county commissioners of the county in which the commercial track with slot machines is located.

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

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

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

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

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

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

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

C. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the premises of the commercial track with slot machines and caused by persons patronizing or employed by the commercial track licensed to operate slot machines; and

D. A violation of any provision of this chapter.

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

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

§1013. Licensing of slot machine distributors

1. License to distribute required. A person may not distribute a slot machine in the State unless the person has been issued a license to distribute slot machines by the board.

2. Requirements for license. The board may issue a license to distribute slot machines to an applicant that meets the qualifications set out in sections 1016 and 1019.

§1014. Licensing of gambling services vendors

1. License required. A person may not provide gambling services in the State unless the person is licensed as a gambling services vendor by the board.

2. Requirements for license. The board may issue a gambling services vendor license to an applicant that meets the qualifications set out in sections 1016 and 1019.

§1015. Licensing of employees of slot machine operators, slot machine distributors and gambling services vendors

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

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

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

§1016. Qualifications for license

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 slot machine 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;

B. The person has sufficient financial assets and responsibility to meet any financial obligations imposed by this chapter and, if applying for a slot machine operator license or slot machine operator license renewal, has sufficient financial

assets and responsibility to continue operation of a commercial track;

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

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

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

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

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

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

2. Suitability. In addition to the minimum qualifications set forth in subsection 1, a person may not receive a license unless the board determines that the person is suitable and that the public interest is served by granting or renewing the person's license. In making a determination of suitability, the board shall consider whether the person:

A. Is of good moral character. In determining whether a person is of good moral character, the board shall consider qualities that include but are not limited to honesty, candor, trustworthiness, diligence, reliability, observance of fiduciary and financial responsibility and respect for the rights of others;

B. Has not in any jurisdiction been convicted of or pled guilty or nolo contendere to a crime punishable by one year or more of imprisonment;

C. Has not been adjudicated of committing a civil violation or been convicted of a criminal violation involving dishonesty, deception, misappropriation or fraud;

D. Has not engaged in conduct in this State or any other jurisdiction that would constitute a violation of this chapter, chapter 11 involving gambling, Title 17, chapter 13-A or 14 or Title 17-A, chapter 39 or substantially similar offenses in other jurisdictions;

E. Is not a fugitive from justice, a drug abuser, a drug addict, a drug-dependent person, an illegal alien or a person who was dishonorably discharged from the Armed Forces of the United States;

F. Is current in filing all applicable tax returns and in the payment of all taxes, penalties and interest owed to this State, any other state or the Internal Revenue Service, excluding items under formal appeal; and

G. Has demonstrated financial responsibility. For the purposes of this paragraph, "financial responsibility" means a demonstration of a current and expected future condition of financial solvency sufficient to satisfy the board that the person can successfully engage in business without jeopardy to the public health, safety and welfare. "Financial responsibility" may be determined by an evaluation of the total history concerning the person, including past, present and expected condition and record of financial solvency, business record and accounting and managerial practices.

Title 5, chapter 341 does not apply to this section.

3. Applicant other than individual. If the person required to meet the minimum qualifications and suitability requirements specified in subsections 1 and 2 is a business organization, the key executives, directors, officers, partners, shareholders, creditors, owners and associates of the person must meet the suitability requirements specified in subsection 2.

4. Burden of proof. The applicant bears the burden of demonstrating eligibility, suitability and qualification for licensure pursuant to this chapter and any rules adopted under this chapter.

§1017. Applications

1. Form. An application for a license required under this chapter must be on the form provided by the

board. The application must contain, but is not limited to, the following information regarding the individual applicant and each key employee, officer, director, partner, shareholder, creditor, associate or owner of any legal or beneficial interest in a person applying for a license:

A. Full name;

B. Full current address and addresses for the prior 15 years;

C. A record of previous issuances and denials of or any adverse action taken against a gambling-related license or application under this chapter or in any other jurisdiction. For purposes of this paragraph, "adverse action" includes, but is not limited to, a condition resulting from an administrative or criminal violation, a suspension or revocation of a license, or a voluntary surrender of a license to avoid or resolve criminal or disciplinary action;

D. All information the board determines is necessary or appropriate to determine whether the applicant satisfies the minimum qualifications specified in section 1016, subsection 1; and

E. Any information the board by rule considers necessary.

2. Signature as certification. The applicant, by affixing the applicant's signature to the application, certifies:

A. That the statements made in the application and any documents made a part of the application are true and correct;

B. That the applicant understands that the information provided pursuant to subsection 1 is used by the board, along with other information, in judging the applicant's suitability and that this information may be cause for refusal to issue a license; and

C. That the applicant understands that knowingly making a false statement in the application, during the application process or in a document made a part of the application is among the grounds for refusal to issue a license or for revocation or suspension of a license.

3. Consent to review records. At the request of the board, the applicant shall take whatever action is necessary to permit the board, a designee of the board or the department to examine all accounts and records in the applicant's possession, under the applicant's control or under the control of 3rd parties but accessible by consent of the applicant, and must authorize all 3rd parties in possession or in control of those

accounts or records to allow the board, a designee of the board or the department to examine the accounts and records as the board, a designee of the board or the department determines necessary, to ascertain:

A. Whether the information supplied on the application or any documents made a part of the application is true and correct;

B. Whether each of the requirements of this chapter and rules adopted under this chapter has been met; and

C. Whether the applicant meets the requirements for licensure under this chapter and under rules adopted under this chapter.

The consent to review records includes the applicant's taking whatever action is necessary to permit the board, a designee of the board or the department to have access to confidential records held by banks, courts, law enforcement agencies and the military for purposes stated in this chapter. Refusal to provide consent or access to records is grounds for denial of a license.

4. Application for renewal. Application for renewal of a license issued under this chapter must be made no less than 6 months prior to the expiration of the current license.

§1018. Fees; term of license or registration; nontransferability; vested rights

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

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

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

C. The initial application fee for a slot machine operator license is \$200,000. The annual renewal fee is \$75,000 plus an amount, set by rules of the board, equal to the cost to the board of licensing slot machine operators and determined by dividing the costs of administering the slot

machine operator licenses by the total number of slot machine operators licensed by the board.

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

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

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

2. Term of license; renewal, renewal fees. All licenses issued by the board under this chapter are effective for one year, unless revoked or surrendered pursuant to subchapter 5. Upon proper application and payment of the required fees and taxes and in accordance with rules adopted by the board, the board may renew a license for an additional year if municipal approval has been obtained as provided in section 1012. The board shall transfer \$25,000 of the renewal fee required by subsection 1, paragraph C to the municipality in which the slot machines are operated.

3. Not transferable. A license issued under this chapter is not transferable or assignable.

4. Hearing. A full adjudicatory hearing is not required for the denial of an initial license or registration application. Appeals of license or registration denials must be conducted in accordance with section 1051, subsection 4.

5. Vested rights. A person does not have any vested rights in any license, registration, authorization, permit, application or process provided or offered under this chapter.

6. Rules. Rules adopted pursuant to this section are major substantive rules in accordance with Title 5, chapter 375, subchapter 2-A.

§1019. Other requirements

1. Waiver of liability for disclosure. An applicant or licensee shall provide all information required by this chapter and rules adopted under this chapter and satisfy all requests for information pertaining to licensing, in the form specified by the board. An

applicant or licensee shall waive liability as to the State, its instrumentalities and agents for any damages resulting from any disclosure or publication in any manner other than a willful unlawful disclosure or publication of any material or information acquired during inquiries, investigations or hearings.

2. Continuing duty to disclose certain information. An applicant or licensee shall continue to provide any assistance or information required by the board and cooperate in any inquiry, investigation or hearing conducted by the board or the department. Failure to comply upon issuance of a formal request to answer or produce information, evidence or testimony may result in the denial or revocation of a license by the board.

3. Compensation or reward prohibited. Except as authorized in this chapter, an applicant or licensee may not give or provide or offer to give or provide, directly or indirectly, any compensation, reward or percentage or share of the money or property played or received through gambling activity in exchange for obtaining a license, authorization, permission or privilege to participate in gambling activities.

4. Identification. An applicant or licensee shall submit to photographing and fingerprinting for identification and investigation purposes in accordance with procedures established by the board.

5. Information regarding violations of chapter. An applicant or licensee shall inform the board of any action that the applicant or licensee believes would constitute a violation of this chapter. A person who so informs the board may not be discriminated against by another applicant or licensee because of the supplying of such information.

6. Proximity of licensed slot machine facilities. A license may not be issued under this chapter at any commercial track located within 100 miles of a licensed slot machine facility.

§1020. Registration of slot machines

1. Registration required. A slot machine may not be operated or distributed pursuant to this chapter unless the slot machine is registered by the board and the slot machine operator and the slot machine distributor are each licensed by the board.

2. Requirements for registration. To be registered, a slot machine:

A. May not have any means of manipulation that affect the random probabilities of winning a game;

B. Must have one or more mechanisms that accept money or tokens, credits or similar objects or things of value and that are designed to prevent a person from obtaining credits or cash without paying;

C. Must be designed to suspend operation until reset if a person attempts, by physical or other tampering, to obtain credits or cash without paying;

D. Must have nonresettable meters housed in a readily accessible locked slot machine area that keep a permanent record of all cash inserted into the slot machine, credits or cash awarded by the slot machine, credits played for games and credits distributed by tickets issued by the slot machine;

E. Must have accounting software that keeps an electronic record of information that includes, but is not limited to, total cash inserted into the slot machine; total cash awarded, total credits played for games and total credits distributed by tickets issued by the slot machine; and the payback percentage of each game;

F. Must have technology compatible with the central site monitoring system used by the board;

G. Must have a minimum average daily aggregate payback percentage of 89% computed for all slot machines operated at each slot machine facility on a weekly basis; and

H. Must have, in addition to the requirements of paragraphs A to G, other such characteristics as the board may establish by rule.

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

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

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

4. Examination of slot machines. The board shall, in cooperation with the department, examine slot machines and associated equipment of slot machine distributors seeking registration as required in this chapter. The board shall require the slot machine distributor seeking examination and approval of the slot machine or associated equipment to pay the

anticipated cost of the examination before the examination occurs. After the examination occurs, the board shall refund overpayments or charge and collect amounts sufficient to reimburse the board for underpayments of actual cost. The board may contract for the examinations of slot machines and associated equipment as required by this section.

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

SUBCHAPTER 3

SLOT MACHINE OPERATION; ALLOCATION OF FUNDS

§1031. Age limit on slot machine use; access by minors; credit prohibited

1. Minimum age. A slot machine operator may not permit a person under 21 years of age to play a slot machine.

2. Placement of slot machines. A slot machine operator, slot machine distributor or gambling services vendor shall prohibit persons under 21 years of age from any area in which a slot machine is located, except that a person 18 to 20 years of age may be present if that person is a licensed employee under section 1015.

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

§1032. Payment of credits by slot machine operator

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

§1033. Uniform location agreement

Each slot machine is subject to a uniform location agreement between the slot machine distributor and the slot machine operator. A copy of the agreement must be submitted to the board for approval. The uniform location agreement is the complete and sole agreement between the slot machine operator and the

slot machine distributor regarding slot machines. No other agreement between the slot machine operator and the slot machine distributor is legally binding.

§1034. Disclosure of other contracts and agreements

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

§1035. Location of slot machines

Slot machines may be located only on the premises of a commercial track.

§1036. Allocation of funds

1. Distribution for administrative expenses of board. A slot machine operator shall collect and distribute 1% of adjusted gross slot machine income to the Treasurer of State for deposit in the General Fund for the administrative expenses of the board. For purposes of this subsection, "adjusted gross slot machine income" means the total value of money or tokens, credits or similar objects or things of value used to actually play a slot machine before payback is distributed to a player.

2. Distribution from commercial track. A slot machine operator shall collect and distribute 39% of the total gross slot machine income from slot machines operated by the slot machine operator to the board for distribution by the board as follows:

A. Three percent of the total gross slot machine income must be deposited to the General Fund for administrative expenses of the board, including gambling addiction counseling services, in accordance with rules adopted by the board;

B. Ten percent of the total gross slot machine income must be forwarded by the board to the Treasurer of State, who shall credit the money to the fund established in section 298 to supplement harness racing purses;

C. Three percent of the total gross slot machine income must be credited by the board to the Sire Stakes Fund created in section 281;

D. Three percent of the total gross slot machine income must be forwarded by the board to the Treasurer of State, who shall credit the money to the Agricultural Fair Support Fund established in Title 7, section 77;

E. Ten percent of the total gross slot machine income must be forwarded by the board to the State Controller to be credited to the Fund for a Healthy Maine established by Title 22, section

1511 and segregated into a separate account under Title 22, section 1511, subsection 11, with the use of funds in the account restricted to the purposes described in Title 22, section 1511, subsection 6, paragraph E;

F. Two percent of the total gross slot machine income must be forwarded by the board to the University of Maine System Scholarship Fund created in Title 20-A, section 11631;

G. One percent of the total gross slot machine income must be forwarded by the board to the board of trustees of the Maine Community College System to be applied by the board of trustees to fund its scholarships program under Title 20-A, section 12716, subsection 1;

H. Four percent of the total gross slot machine income must be forwarded by the board to the Treasurer of State, who shall credit the money to the Fund to Encourage Racing at Maine's Commercial Tracks, established in section 299; however, the payment required by this paragraph is terminated when all commercial tracks have obtained a license to operate slot machines in accordance with this chapter;

I. Two percent of the total gross slot machine income must be forwarded by the board to the Treasurer of State, who shall credit the money to the Fund to Stabilize Off-track Betting Facilities established by section 300, as long as a facility has conducted off-track wagering operations for a minimum of 250 days during the preceding 12-month period in which the first payment to the fund is required. After 48 months of receiving an allocation of the total gross slot machine income from a licensed operator, the percent of total slot machine income forwarded to the Fund to Stabilize Off-track Betting Facilities is reduced to 1% with the remaining 1% to be forwarded to the State in accordance with subsection 1; and

J. One percent of the total gross slot machine income must be forwarded directly to the municipality in which the slot machines are located.

3. Failure to deposit funds. A slot machine operator who knowingly or intentionally fails to comply with this section commits a Class C crime. In addition to any other sanction available by law, the license of that person may be revoked by the board and the slot machines operated by that slot machine operator may be disabled, and the slot machines, slot machines' proceeds and associated equipment may be confiscated by the board and are subject to forfeiture under Title 17-A, section 959 or 960.

4. Late payments. The board may adopt rules establishing the dates on which payments required by this section are due. All payments not remitted when due must be paid together with interest on the unpaid balance at a rate of 1.5% per month.

SUBCHAPTER 4

RECORDS, ACCESS AND MONITORING

§1041. Reports; records

1. Reports; records. The board or department may require from any licensee whatever records and reports the board considers necessary for the administration and enforcement of this chapter and rules adopted under this chapter.

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

§1042. Access to premises, equipment and records

1. Inspection. A person holding a license or registration under this chapter shall permit the board, the department or a designee of the board or the department unrestricted access, during regular business hours, including access to locked or secured areas, to inspect any gambling facility and any equipment, prizes, records or items and materials used or to be used in the operation of any slot machine or associated equipment owned, distributed or operated by that person. A person holding a license or registration under this chapter shall consent in writing to the examination of all the licensee's books and records related to operations licensed under this chapter and shall authorize all 3rd parties in possession or in control of those books and records to allow the board or the board's designee to examine such books and records as the board determines necessary.

2. Monitoring. The board or the department shall monitor the use, operation, distribution and servicing of slot machines through on-site observation and other means at any time during the operation of any license for the purpose of certifying the revenue thereof, receiving complaints from the public relating to the conduct of licensees, examining records of

revenues and procedures, enforcing the provisions of this chapter and the rules adopted pursuant to this chapter and conducting periodic reviews of licenses for the purpose of evaluating current or suggested provisions of this chapter and the rules adopted pursuant to this chapter.

SUBCHAPTER 5

ENFORCEMENT AND PENALTIES

§1051. Disciplinary sanctions

1. Disciplinary proceedings and sanctions. The department or its designee shall investigate a complaint on its own motion at the request of the board or upon receipt of a written complaint filed with the board or the department regarding noncompliance with or violation of this chapter or of any rules adopted by the board. The board or its designee may subpoena witnesses, records and documents, including records and documents maintained by any gambling services vendor or nongambling services vendor in contract, cooperation or consort with a licensee, in any investigation or hearing it conducts.

2. Notice of complaint or violation and request for hearing. Following investigation by the department or its designee, the director may file a notice of complaint and request for hearing with the board or may serve the licensee with notice of violation and proposed sanction and opportunity to request a hearing.

3. Further action. If the board or its designee finds after notice pursuant to subsection 2 that the factual basis of the complaint is true and is of sufficient gravity to warrant further action, it may take any of the following actions.

A. The board or its designee may enter into a consent agreement with the consent of the licensee that establishes the period and terms of probation necessary to protect the public health and safety and to rehabilitate or educate the licensee. A consent agreement may be used to terminate a complaint investigation if a consent agreement is entered into by the board, the licensee and the Attorney General.

B. If a licensee voluntarily surrenders a license, the board or its designee may negotiate stipulations necessary to ensure protection of the public health and safety and the rehabilitation or education of the licensee. These stipulations may be set forth only in a consent agreement signed by the board, the licensee and the Attorney General.

C. The board may take disciplinary action against any applicant or licensee pursuant to this chapter or any rules adopted pursuant to this

chapter. Disciplinary action, including, but not limited to, a decision to impose a civil penalty or to modify, suspend or revoke a license or registration, may be predicated on the following grounds:

(1) Fraud or deceit in obtaining a license under this chapter or in connection with service rendered within the scope of the license issued;

(2) A violation of this chapter or any rule adopted by the board;

(3) Ineligibility to hold a license or registration under this chapter;

(4) As provided in Title 5, section 10004, subsection 4-A, conviction of a crime that involves dishonesty or false statement, conviction of a crime for which incarceration for one year or more may be imposed or conviction of a crime defined in Title 17-A, chapter 39; or

(5) Grounds other than those described in subparagraphs (1) to (4) specified by rule or law.

4. Appeals. A person aggrieved by the decision of a designee of the board in modifying or refusing to issue or renew a license or registration, in taking any disciplinary action pursuant to this chapter or rules adopted pursuant to this chapter or in the interpretation of this chapter or rules adopted pursuant to this chapter may appeal the decision to the board for a final decision. The designee's decision stands until the board issues a decision to uphold, modify or overrule the designee's decision. In the case of appeal to the board, the person must be afforded an opportunity for an adjudicatory hearing in accordance with this chapter and the Maine Administrative Procedure Act.

A person aggrieved by a final decision of the board in waiving the application of any rule, in refusing to issue or renew a license or registration, in taking any disciplinary action pursuant to this chapter or rules adopted pursuant to this chapter or in the interpretation of this chapter or any rule adopted pursuant to this chapter may appeal the board's decision to the Superior Court in accordance with Title 5, chapter 375, subchapter 7.

§1052. Confidentiality

All reports, information or records compiled by the board or the department pursuant to this subchapter regarding an applicant, licensee, owner or key executive are confidential, except that the board may disclose any confidential information as follows.

1. Hearings or proceedings. Confidential information may be released in an adjudicatory hearing or informal conference before the board or in any subsequent formal proceeding to which the information is relevant.

2. Consent agreements or settlements. Confidential information may be released in a consent agreement or other written settlement when the information constitutes or pertains to the basis of board action.

3. During investigation. All complaints and investigative records of the board are confidential during the pendency of an investigation. Those records become public records upon the conclusion of an investigation unless confidentiality is required by some other provision of law. For purposes of this subsection, an investigation is concluded when:

A. A notice of an adjudicatory hearing as defined under Title 5, chapter 375, subchapter 1 has been issued;

B. A consent agreement has been executed; or

C. A letter of dismissal has been issued or the investigation has otherwise been closed.

4. Exceptions. Notwithstanding subsection 3, during the pendency of an investigation, a complaint or investigative record may be disclosed:

A. To the department;

B. To other state or federal agencies when the record contains evidence of possible violations of laws, rules or regulations enforced by those agencies or as the board or the board's designee considers appropriate;

C. When and to the extent considered necessary by the director to avoid imminent and serious harm. The authority of the director to make such a disclosure may not be delegated;

D. Pursuant to rules adopted by the board, when it is determined that confidentiality is no longer warranted due to general public knowledge of the circumstances surrounding the complaint or investigation and when the investigation would not be prejudiced by the disclosure; or

E. To the person investigated on request of that person. The director may refuse to disclose part or all of any investigative information, including the existence of an investigation if the director determines that disclosure would prejudice the investigation. The authority of the director to make such a determination may not be delegated.

§1053. Disciplinary action by the board

1. Possible sanctions. For each violation of this chapter or the rules or conditions of licensure or registration, the board may take one or more of the following actions:

A. Issue a warning, censure or reprimand to a licensee or registrant. Each warning, censure or reprimand issued must be based upon a violation of a different applicable law, rule or condition of licensure or must be based upon a separate instance of actionable conduct or activity;

B. Suspend a license or registration for up to 360 days for each violation of an applicable law, rule or condition of licensure or registration or instance of actionable conduct or activity. Suspensions may be set to run concurrently or consecutively. Execution of all or any portion of a term of suspension may be stayed pending successful completion of conditions of probation, although the suspension remains part of the licensee's or registrant's record;

C. Revoke a license or registration;

D. Impose a fine of up to \$100,000 for each violation of an applicable law, rule or condition of licensure or registration or instance of actionable conduct or activity;

E. Impose conditions of probation upon a licensee or registrant. Probation may run for such time period as the board determines appropriate; and

F. Impose costs of investigation and hearing.

2. Consent agreements. The board may execute a consent agreement that resolves a complaint or investigation without further proceedings. Consent agreements may be entered into only with the consent of the licensee or registrant, the board and the Attorney General. Any remedy, penalty or fine that is otherwise available by law may be achieved by consent agreement, including long-term suspension and permanent revocation of a license or registration. A consent agreement is not subject to review or appeal and may be modified only by a writing executed by all parties to the original consent agreement. A consent agreement is enforceable by an action in Superior Court.

3. Surrender of license or registration. The board may accept surrender of a license or registration. In order for a licensee's or registrant's surrender of a license or registration to be effective, a surrender must first be accepted by vote of the board. The board may refuse to accept surrender of a license or registration if the licensee or registrant is under investigation or is the subject of a pending complaint or proceeding, unless a consent agreement is first entered into pursuant to this chapter.

4. Letters of guidance or concern. The board may issue letters of guidance or concern to a licensee or registrant. Letters of guidance or concern may be used to educate, reinforce knowledge regarding legal or professional obligations and express concern over action or inaction by the licensee or registrant that does not rise to the level of misconduct sufficient to merit disciplinary action. The issuance of a letter of guidance or concern is not a formal proceeding and does not constitute an adverse disciplinary action of any form. Notwithstanding any other provision of law, letters of guidance or concern are not confidential. The board may place letters of guidance or concern, together with any underlying complaint, report and investigation materials, in a licensee's or registrant's file for a specified amount of time, not to exceed 10 years. Any letters, complaints and materials placed on file may be accessed and considered by the board in any subsequent action commenced against the licensee or registrant within the specified time frame. Complaints, reports and investigation materials placed on file are confidential only to the extent otherwise provided by law.

§1054. Criminal violations

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

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

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

3. Operation or distribution without license. Operates or distributes a slot machine in this State without a license;

4. Operation or distribution of unregistered slot machine. Operates or distributes a slot machine that is not registered in this State;

5. Possession of tools for purpose of tampering with slot machine. Possesses or makes any tool, implement, instrument or other article that is adopted, designed or commonly used for manipulating the outcome, payback or operation of a slot machine with intent to use that tool, implement, instrument or other article to commit the manipulation of a slot machine;

6. Failure to disclose contracts and agreements. Violates section 1034;

7. Underage use of slot machine. Violates section 1031, subsection 1;

8. Failure to deposit funds. Violates section 1036, subsection 2; or

9. Failure to grant access to premises, equipment and records. Violates section 1042.

SUBCHAPTER 6

MISCELLANEOUS

§1061. Authority to detain persons suspected of cheating; immunity

A licensee or an officer, employee or agent of the licensee who has probable cause to believe there has been a violation of this chapter in the gambling facility by any person may take that person into custody and detain that person in the gambling premises in a reasonable manner for a reasonable length of time for the purpose of notifying and surrendering the person to law enforcement authorities and, when the detained person is a minor, informing a law enforcement officer or the parents or guardian of the minor of the detention and surrendering the minor to the person so informed. The act of taking into custody and detention under this section does not render the licensee or its officers, employees or agents criminally or civilly liable, including but not limited to liability for false arrest, false imprisonment, slander or unlawful detention, unless the taking into custody or detention is unreasonable under all the circumstances.

A licensee or an officer, employee or agent of the licensee is not entitled to any immunity from civil or criminal liability provided in this section unless there is displayed in a conspicuous manner in the licensee's gambling facility a notice in boldface type clearly legible and in substantially this form: "Any gambling licensee or any officer, employee or agent of a licensee who has probable cause to believe that a person is violating a provision of law prohibiting cheating or swindling in gambling may detain that person in the establishment for the purpose of notifying law enforcement authorities."

§1062. Municipal regulation

This chapter may not be construed to limit municipal regulation of the activities licensed under this chapter, as long as such municipal regulation does not conflict with this chapter or rules adopted under this chapter.

§1063. Rules

Unless otherwise specified, rules adopted pursuant to this chapter are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

§1064. Applicability of Title 17, chapter 14

Except as expressly provided in this chapter, the provisions of Title 17, chapter 14 do not apply to the

ownership, distribution or operation of slot machines in the State.

Sec. A-6. 17-A MRSA §952, sub-§5-A, ¶¶B and C, as enacted by PL 2001, c. 461, §1, are amended to read:

B. That is used to advance gambling activity; ~~and~~

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

Sec. A-7. 17-A MRSA §952, sub-§5-A, ¶D is enacted to read:

D. That is not a slot machine registered pursuant to Title 8, section 1020 and owned by a slot machine distributor licensed pursuant to Title 8, section 1013.

Sec. A-8. 17-A MRSA §959, sub-§§1 and 2, as enacted by PL 2001, c. 461, §2, are amended to read:

1. An illegal gambling machine, including any monetary contents and any associated proceeds, is subject to forfeiture to the State.

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

Sec. A-9. 22 MRSA §1511, sub-§11 is enacted to read:

11. Restricted accounts. The State Controller is authorized to establish separate accounts within the fund in order to segregate money received by the fund from any source, whether public or private, that requires as a condition of the contribution to the fund that the use of the money contributed be restricted to one or more of the purposes specified in subsection 6. Money credited to a restricted account established under this subsection may be applied only to the purposes to which the account is restricted.

Sec. A-10. 36 MRSA §6652, sub-§1-B, ¶¶A and B, as enacted by PL 1997, c. 24, Pt. C, §14, are amended to read:

A. Office furniture, including without limitation tables, chairs, desks, bookcases, filing cabinets and modular office partitions; ~~and~~

B. Lamps and lighting fixtures; and

Sec. A-11. 36 MRSA §6652, sub-§1-B, ¶C is enacted to read:

C. A slot machine and associated equipment, as those terms are defined in Title 8, section 1001, and any part thereof, and any device or machine used directly and primarily in the operation or use of a slot machine, including but not limited to printing mechanisms, video display monitors, metering devices and computer equipment.

Sec. A-12. Report. The Gambling Control Board established in the Maine Revised Statutes, Title 8, chapter 31 shall submit by January 15, 2005 a report and recommendations to the Governor and the Legislature on bringing within the jurisdiction of the board regulatory authority over off-track betting, high-stakes beano, beano, pari-mutuel wagering and games of chance.

Sec. A-13. Report on operation of Gambling Control Board. The Department of Public Safety, Gambling Control Board established in the Maine Revised Statutes, Title 8, chapter 31 shall submit by March 15, 2005 a report on the operation of the board and its effectiveness in regulating the operation of slot machines at commercial harness racing tracks. The report must include recommendations of any necessary changes to the board and the laws governing the board in order to effectively regulate the operation of slot machines at commercial tracks. The report must include recommendations regarding expansion of the board's authority to regulate all gaming conducted legally within the State.

PART B

Sec. B-1. 7 MRSA §76, as enacted by IB 2003, c. 1, §1, is repealed.

Sec. B-2. 8 MRSA §263-C, sub-§4, ¶¶A and B, as amended by PL 2003, c. 401, §4 and IB 2003, c. 1, §2, are repealed and the following enacted in their place:

A. Management of the work of the commission, including:

(1) Rulemaking;

(2) Processing appeals;

(3) Licensing of tracks and off-track betting facilities;

(4) Setting race dates; and

(5) Making reports to the Governor and Legislature and recommendations to the commissioner regarding harness racing and off-track betting operations and the need for changes in statutes and rules; and

B. Management of the work of the department regarding harness racing and off-track betting, including:

(1) Supervision of all staff involved in harness racing and off-track betting functions;

(2) Management of the collection and distribution of revenues under this chapter;

(3) Budget development and management;

(4) Policy development with regard to harness racing and off-track betting;

(5) Management of participant licensing;

(6) Enforcement of harness racing and off-track betting statutes and rules;

(7) Investigation of harness racing and off-track betting violations; and

(8) Facilitating the development of positive working relationships in the harness racing industry and State Government.

Sec. B-3. 8 MRSA §271, sub-§1, as amended by IB 2003, c. 1, §3, is further amended to read:

1. Licensing. If the commission is satisfied that all of this chapter and rules prescribed by the commission have been substantially complied with during the past year and will be fully complied with during the coming year by the person, association or corporation applying for a license; that the applicant, its members, directors, officers, shareholders, employees, creditors and associates are of good moral character; that the applicant is financially responsible; and that the award of racing dates to the applicant is appropriate under the criteria contained in subsection 2, it may issue a license for the holding of harness horse races or meets for public exhibition with pari-mutuel pools, which must expire on December 31st. The fee for a license is \$100 or \$10 per week, whichever is higher. The commission shall provide a booklet containing harness racing laws and rules and relevant portions of the Maine Administrative Procedure Act to every initial licensee and a fee not to exceed \$10 must be included

in the license fee to cover the cost of this publication. The commission shall provide necessary revisions of this booklet to those persons renewing licenses at the time of renewal and shall include the cost of the revisions, not to exceed \$10, in the renewal fee. The license must set forth the name of the licensee, the place where the races or race meets are to be held and the specific race dates and time of day or night during which racing may be conducted by the licensee. If the commission determines that the location where a commercial track is licensed to conduct races is unavailable, it may permit a licensee to transfer its license to another location. The substitute location and the races conducted there by the licensee must be conducted in accordance with this chapter. A license issued pursuant to this subsection is not transferable or assignable. The District Court Judge, as designated in Title 4, chapter 5, may revoke any license issued at any time for violation of the commission's rules or licensing provisions upon notice and hearing. ~~A license issued under this section is transferable or assignable as long as the commission finds that the transferee or assignee satisfies all elements for the issuance of the license being transferred or assigned.~~ A The license is automatically revoked, subject to Title 5, chapter 375, upon a change in ownership, legal or equitable, of 50% or more of the voting stock of a corporation licensed under this section constitutes a transfer of the license the licensee; the licensee may not hold a harness horse race or meet for public exhibition without a new license.

Sec. B-4. 8 MRSA §§296 and 297, as enacted by IB 2003, c. 1, §4, are repealed.

Sec. B-5. 8 MRSA c. 30, as amended, is repealed.

Sec. B-6. 22 MRSA §1511, sub-§10, as enacted by IB 2003, c. 1, §6, is repealed.

Sec. B-7. 25 MRSA §3902, sub-§4, as enacted by IB 2003, c. 1, §7, is repealed.

Sec. B-8. Board to rule on license. By September 30, 2004, the Department of Public Safety, Gambling Control Board established in the Maine Revised Statutes, Title 8, chapter 31 shall make a final determination on applications submitted to the board for licenses to distribute slot machines and licenses to operate slot machines and all related required licenses in accordance with Title 8, chapter 31 absent any circumstances beyond the control of the board that would prohibit the board from making a final determination. An applicant for a license to operate slot machines shall act in good faith to comply with all application requirements in a timely manner.

Sec. B-9. Statement of intent. It is the intent of the Legislature that this Act amend Initiated

Bill 2003, chapter 1. This Act establishes the Gambling Control Board within the Department of Public Safety with authority over all slot machine licensing and distribution and registration. It is the intent of the Legislature that all slot machine operators and slot machine distributors be licensed by the Gambling Control Board pursuant to the Maine Revised Statutes, Title 8, chapter 31. The Legislature intends that the amendment effected by this Act be effective on or prior to the effective date of the initiated bill. It is further the intent of the Legislature that this bill extinguish any right, title or interest, whether vested or inchoate, in any license, registration, permit, privilege or entitlement that may have arisen under Initiated Bill 2003, chapter 1.

Sec. B-10. Appropriations and allocations. The following appropriations and allocations are made.

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Harness Racing Commission 0320

Initiative: Allocates funds for distribution of revenues to various accounts.

Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	\$3,477,038
Other Special Revenue		
Funds Total	\$0	\$3,477,038

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

DEPARTMENT TOTALS	2003-04	2004-05
OTHER SPECIAL REVENUE FUNDS	\$0	\$3,477,038
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$3,477,038

ATTORNEY GENERAL, DEPARTMENT OF THE

Administration - Attorney General 0310

Initiative: Provides funds for an Assistant Attorney General position to assist in rulemaking, forfeitures, license application denial appeals and other required legal services.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(1.000)
Personal Services	\$0	\$62,234
All Other	0	8,996
General Fund Total	\$0	\$71,230

ATTORNEY GENERAL, DEPARTMENT OF THE

DEPARTMENT TOTALS	2003-04	2004-05
GENERAL FUND	\$0	\$71,230
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$71,230

FINANCE AUTHORITY OF MAINE

Student Financial Assistance Programs 0653

Initiative: Allocates funds for the University of Maine System Scholarship Fund.

Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	\$316,979
Other Special Revenue Funds Total	\$0	\$316,979

FINANCE AUTHORITY OF MAINE

DEPARTMENT TOTALS	2003-04	2004-05
OTHER SPECIAL REVENUE FUNDS	\$0	\$316,979
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$316,979

PUBLIC SAFETY, DEPARTMENT OF

Gambling Control Board

Initiative: Provides funds for one Director position, one State Police Lieutenant position, one State Police Sergeant position, one State Police Detective position, one Identification Specialist II position, one Auditor II position, 2 Public Safety Inspector I positions, 2 Clerk Typist III positions and general operating expenses, which include the installation and administration of an on-line monitoring system and the costs of conducting necessary background checks.

General Fund	2003-04	2004-05
Positions - Legislative Count	(0.000)	(10.000)
Personal Services	\$0	\$852,963
All Other	0	846,585
Capital Expenditures	0	55,000
General Fund Total	\$0	\$1,754,548

PUBLIC SAFETY, DEPARTMENT OF DEPARTMENT TOTALS

GENERAL FUND	\$0	\$1,754,548
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$1,754,548

MAINE COMMUNITY COLLEGE SYSTEM, BOARD OF TRUSTEES OF THE

Maine Community College System - Board of Trustees 0556

Initiative: Allocates funds for the scholarship program.

Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	\$158,489
Other Special Revenue Funds Total	\$0	\$158,489

MAINE COMMUNITY COLLEGE SYSTEM, BOARD OF TRUSTEES OF THE DEPARTMENT TOTALS

OTHER SPECIAL REVENUE FUNDS	\$0	\$158,489
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DEPARTMENT TOTAL - ALL FUNDS	\$0	\$158,489
SECTION TOTALS	2003-04	2004-05
GENERAL FUND	\$0	\$1,825,778
OTHER SPECIAL REVENUE FUNDS	0	3,952,506
SECTION TOTAL - ALL FUNDS	\$0	\$5,778,284

Sec. B-11. Retroactivity. The Act applies retroactively to January 3, 2004.

See title page for effective date.

CHAPTER 688

H.P. 1418 - L.D. 1916

An Act To Correct Errors and Inconsistencies in the Laws of Maine

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, Acts of this and previous Legislatures have resulted in certain technical errors and inconsistencies in the laws of Maine; and

Whereas, these errors and inconsistencies create uncertainties and confusion in interpreting legislative intent; and

Whereas, it is vitally necessary that these uncertainties and this confusion be resolved in order to prevent any injustice or hardship to the citizens of Maine; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

PART A

Sec. A-1. 5 MRSA §7-B, as amended by PL 1999, c. 155, Pt. A, §1, is further amended to read:

§7-B. Use of state vehicles for commuting

A state-owned or state-leased vehicle may not be used by any employee to commute between home and work, except for those vehicles authorized and