

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**SECOND SPECIAL SESSION**

**July 29, 2005**

**SECOND REGULAR SESSION**

**January 4, 2006 to May 24, 2006**

**THE GENERAL EFFECTIVE DATE FOR**

**SECOND SPECIAL SESSION**

**NON-EMERGENCY LAWS IS**

**OCTOBER 28, 2005**

**THE GENERAL EFFECTIVE DATE FOR**

**SECOND REGULAR SESSION**

**NON-EMERGENCY LAWS IS**

**AUGUST 23, 2006**

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

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**Penmor Lithographers**

**Lewiston, Maine**

**2006**

GENERAL FUND	(\$1,144,500)	\$1,144,500
FEDERAL EXPENDITURES FUND	(\$371,566)	(\$1,582,273)
SECTION TOTAL - ALL FUNDS	(\$1,516,066)	(\$437,773)

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved, except as otherwise indicated.

Effective May 30, 2006, unless otherwise indicated.

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## CHAPTER 663

S.P. 665 - L.D. 1748

### An Act To Make Technical Changes to the Gambling Laws

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

**Sec. 1. 5 MRSA §12004-A, sub-§47** is enacted to read:

47. Gambling \$55/Day 8 MRSA §1002  
Control Board

**Sec. 2. 8 MRSA §1001, sub-§21**, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by Pt. B, §11, is amended to read:

**21. Gross slot machine income.** "Gross slot machine income" means the total value of money, tokens, credits or similar objects or things of value used to actually play a slot machine minus money, credits or prizes paid out to winners before payback is distributed to a player.

**Sec. 3. 8 MRSA §1001, sub-§29-A** is enacted to read:

**29-A. Net slot machine income.** "Net 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 and amounts paid pursuant to section 1036, subsection 1.

**Sec. 4. 8 MRSA §1003, sub-§2, ¶Q**, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by Pt. B, §11, is amended to read:

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;

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

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;

**Sec. 6. 8 MRSA §1011, sub-§4**, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by Pt. B, §11, is amended to read:

**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 net~~ slot machine income derived from the machines located in the municipality.

**Sec. 7. 8 MRSA §1018, sub-§1**, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by Pt. B, §11, is amended to read:

**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~~ \$100 for each registered slot machine.

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~~ \$75,000.

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

E. The initial application fee for an employee license under section 1015 is \$250. The annual renewal fee is \$25.

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, except that \$25,000 of the annual renewal fee for a slot machine operator must be deposited to the Gross Slot Income Other Special Revenue Fund account within the Gambling Control Board to be transferred to the municipality in which the slot machines are operated, in accordance with subsection 2. All application and registration fees are nonrefundable and are due upon submission of the application.

**Sec. 8. 8 MRSA §1018, sub-§6**, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by Pt. B, §11, is amended to read:

**6. Rules.** Rules adopted pursuant to this section are major substantive rules, except that a rule adopted pursuant to subsection 1 that proposes to establish a fee for renewal that is less than \$10,000 is a routine technical rule in accordance with Title 5, chapter 375, subchapter 2-A.

**Sec. 9. 8 MRSA §1020, sub-§3**, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by Pt. B, §11, is amended to read:

**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 net 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.

**Sec. 10. 8 MRSA §1032**, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by Pt. B, §11, is amended to read:

**§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. A slot machine operator may not redeem a credit slip more than 365 days from the date of issuance. The funds reserved for the payment of such a credit slip or expired unclaimed jackpot must be retained by the slot machine operator and treated as gross slot machine income and do not constitute property subject to the requirements of Title 33, chapter 41.

**Sec. 11. 8 MRSA §1036, sub-§1**, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by Pt. B, §11, is amended to read:

**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.~~

**Sec. 12. 8 MRSA §1036, sub-§2**, as amended by PL 2005, c. 109, §1, is further is amended to read:

**2. Distribution from commercial track.** A slot machine operator shall collect and distribute 39% of the ~~total gross net~~ 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 net~~ 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 net~~ 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 net~~ 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 net~~ 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 net~~ 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 net~~ slot machine income must be forwarded by the board to the University of Maine System Scholarship Fund created in Title 20-A, section 10909;

G. One percent of the ~~total gross net~~ 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 net~~ 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 net~~ 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 net~~ slot machine income from a licensed operator, the percent of ~~total net~~ 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 net~~ slot machine income must be forwarded directly to the municipality in which the slot machines are located.

**Sec. 13. 17-A MRSA §954**, as amended by PL 1975, c. 740, §95, is further amended to read:

#### **§954. Unlawful gambling**

1. Any person is guilty of unlawful gambling if ~~he~~ that person intentionally or knowingly advances or profits from unlawful gambling activity.

1-A. A person is guilty of unlawful gambling if the person is under 21 years of age and plays a slot machine as defined in Title 8, section 1001, subsection 39.

2. Unlawful gambling is a Class D crime.

3. A person convicted of a violation under this section must forfeit to the State all income associated with that violation.

**Sec. 14. 25 MRSA §1542-A, sub-§3, ¶I** is enacted to read:

I. Trained personnel of the Department of Public Safety, Gambling Control Board shall take fingerprints of a person seeking licensure under Title 8, chapter 31.

**Sec. 15. 25 MRSA §1542-A, sub-§4**, as amended by PL 2001, c. 52, §8, is further amended to read:

**4. Duty to submit to State Bureau of Identification.** It is the duty of the law enforcement agency taking the fingerprints as required by subsection 3, paragraphs A, B and G to transmit immediately to the State Bureau of Identification the criminal fingerprint record. Fingerprints taken pursuant to subsection 1, paragraph C, D, E or F or pursuant to subsection 5 may not be submitted to the State Bureau of Identification unless an express request is made by the commanding officer of the State Bureau of Identification. Fingerprints taken pursuant to subsection 1, paragraph G must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Department of Education. The bureau may not use the fingerprints for any purpose other than that provided for under Title 20-A, section 6103. The bureau shall retain the fingerprints, except as provided under Title 20-A, section 6103, subsection 9. Fingerprints taken pursuant to subsection 1, paragraph I and subsection 3, paragraph I must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the court and the Department of Public Safety, Gambling Control Board, respectively.

**Sec. 16. Appropriations and allocations.** The following appropriations and allocations are made.

**PUBLIC SAFETY, DEPARTMENT OF**

**Gambling Control Board 1002**

Initiative: Appropriates funds for the establishment of a retroactive per diem for members of the Gambling Control Board.

GENERAL FUND	2005-06	2006-07
Personal Services	\$0	\$12,865
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$12,865</b>

**Sec. 17. Retroactivity.** That section of this Act that enacts the Maine Revised Statutes, Title 5, section 12004-A, subsection 47 applies retroactively to August 1, 2004.

See title page for effective date.

**CHAPTER 664**

**H.P. 1382 - L.D. 1974**

**An Act To Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007**

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

**Whereas,** the 90-day period may not terminate until after the beginning of the next fiscal year; and

**Whereas,** certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; 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. Supplemental allocations.** There are allocated from the Highway Fund for the fiscal years ending June 30, 2006 and June 30, 2007, to the departments listed, the following sums.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Buildings and Grounds Operations 0080**

Initiative: Provides funding for the increase in fuel and utility costs.

HIGHWAY FUND	2005-06	2006-07
All Other	\$100,000	\$0
<b>HIGHWAY FUND TOTAL</b>	<b>\$100,000</b>	<b>\$0</b>

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF DEPARTMENT TOTALS**

HIGHWAY FUND	2005-06	2006-07
	<b>\$100,000</b>	<b>\$0</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$100,000</b>	<b>\$0</b>

**PUBLIC SAFETY, DEPARTMENT OF**

**State Police 0291**

Initiative: Provides funding for a new heating system at the Maine State Police garage in South Portland.

HIGHWAY FUND	2005-06	2006-07
Capital Expenditures	\$31,500	\$0
<b>HIGHWAY FUND TOTAL</b>	<b>\$31,500</b>	<b>\$0</b>

**Motor Vehicle Inspection 0329**

Initiative: Provides funding for increased vehicle fuel costs.

HIGHWAY FUND	2005-06	2006-07
All Other	\$0	\$1,504
<b>HIGHWAY FUND TOTAL</b>	<b>\$0</b>	<b>\$1,504</b>

**Traffic Safety 0546**

Initiative: Provides funding for increased vehicle fuel costs.

HIGHWAY FUND	2005-06	2006-07
All Other	\$0	\$1,800
<b>HIGHWAY FUND TOTAL</b>	<b>\$0</b>	<b>\$1,800</b>

**Traffic Safety - Commercial Vehicle Enforcement 0715**

Initiative: Provides funding for increased vehicle fuel costs.

HIGHWAY FUND	2005-06	2006-07
All Other	\$25,968	\$7,404
<b>HIGHWAY FUND TOTAL</b>	<b>\$25,968</b>	<b>\$7,404</b>

**PUBLIC SAFETY, DEPARTMENT OF DEPARTMENT TOTALS**

HIGHWAY FUND	2005-06	2006-07
	<b>\$57,468</b>	<b>\$10,708</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$57,468</b>	<b>\$10,708</b>

**SECRETARY OF STATE, DEPARTMENT OF**

**Administration - Motor Vehicles 0077**

Initiative: Continues 10 Motor Vehicle Service Representative limited-period positions established in Financial Order 002087 F6 for the purpose of handling increased customer transactions