

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST SPECIAL SESSION
September 27, 2011

SECOND REGULAR SESSION
January 4, 2012 to May 31, 2012

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
LAWS IS
SEPTEMBER 28, 2011

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 30, 2012

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

Augusta, Maine
2012

ging system as defined in the Maine Revised Statutes, Title 32, section 13796, subsection 1-A, paragraph A. By September 1, 2012, the Maine Drug Enforcement Agency shall notify retailers which system it has chosen.

See title page for effective date.

CHAPTER 585

S.P. 610 - L.D. 1771

An Act To Amend Maine's Gambling Laws

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

Sec. 1. 8 MRSA §1011, sub-§1-B is enacted to read:

1-B. Operation of slot machines for training and educational purposes. Notwithstanding subsections 1 and 1-A, an accredited postsecondary institution may possess and operate slot machines and table games for the purposes of training and education. Any casino or slot machine training or education program is subject to approval by the board and must conform to criteria established by the board. Wagers used for slot machine and table game training are for demonstration only.

Sec. 2. 8 MRSA §1013, sub-§3 is enacted to read:

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

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

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

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

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

A. The person has completed the application form, promptly and truthfully complied with all

information requests of the board and complied with any applicable rules adopted by the board;

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, casino operator license, slot machine operator license renewal or casino operator license renewal, has sufficient financial assets and responsibility to continue operation of a commercial track or casino;

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 or casino operator, the person has sufficient knowledge and experience in the business of operating slot machines or casinos to effectively operate the slot machine facilities or casino 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~~ Except as provided by section 1013, subsection 3 and section 1013-A, subsection 3, 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.

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

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

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

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

Sec. 7. 8 MRSA §1020, sub-§1, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by Pt. B, §11, is amended to read:

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 or the slot machine is distributed to and operated by an accredited postsecondary institution for the purposes of training and education under section 1011, subsection 1-B.

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

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

Sec. 9. 8 MRSA §1021, sub-§1, as enacted by IB 2009, c. 2, §38, is amended to read:

1. Registration required. A table game may not be operated or distributed pursuant to this chapter unless the table game is registered by the board and the casino operator and the table game distributor are each licensed by the board or the table game is distributed to and operated by an accredited postsecondary institution for the purposes of training and education under section 1011, subsection 1-B.

Sec. 10. 8 MRSA §1035, as amended by IB 2009, c. 2, §43, is further amended to read:

§1035. Location of slot machines

Slot machines may be located only on the premises of a commercial track ~~or~~, the premises of a casino or the premises of an accredited postsecondary institution for the purposes of training and education under section 1011, subsection 1-B. For the purposes of this section, "premises of a commercial track" means property owned by the person who owns the property on which a commercial track is located and that is either within 200 feet of the outside edge of the racing oval or, if the commercial track was owned by a municipality when a license to operate slot machines in association with that commercial track was issued, within 2,000 feet of the center of the racing oval.

Sec. 11. 8 MRSA §1035-A, as enacted by IB 2009, c. 2, §44, is amended to read:

§1035-A. Location of table games

Table games may be located only on the premises of a casino or the premises of an accredited postsecondary institution for the purposes of training and education under section 1011, subsection 1-B.

Sec. 12. 8 MRSA §1054, sub-§§3 and 4, as amended by IB 2009, c. 2, §49, are further amended to read:

3. Operation or distribution without license. Operates or distributes a slot machine or table game in this State without a license. This subsection does not apply to the operation of a slot machine or table game by an accredited postsecondary institution for the purposes of training and education or the distribution of a slot machine or table game to an accredited postsecondary institution for the purposes of training and education;

4. Operation or distribution of unregistered slot machine or table game. Operates or distributes a slot machine or table game that is not registered in this State. This subsection does not apply to the operation of a slot machine or table game by an accredited postsecondary institution for the purposes of training and education or the distribution of a slot machine or table game to an accredited postsecondary institution for the purposes of training and education;

Sec. 13. 8 MRSA §1055 is enacted to read:

§1055. Theft at a casino or slot machine facility

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

Sec. 14. 17-A MRSA §353-A is enacted to read:

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

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

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

B. The person violates paragraph A and:

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

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

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

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

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

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

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

Sec. 15. Rules regarding the regulation of table games adopted prior to January 9, 2012. Notwithstanding the Maine Revised Statutes, Title 8, section 1003, subsection 4, rules adopted by the Department of Public Safety, Gambling Control Board prior to January 9, 2012 governing the regulation and oversight and monitoring of the operation of table games are valid whether or not they were routine technical rules or major substantive rules as described by Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 586

S.P. 543 - L.D. 1644

An Act To Expand the Availability of Natural Gas to Maine Residents

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

Whereas, there are energy distribution system projects that will likely move forward within the next 6 months to take advantage of the summer and fall construction seasons; and

Whereas, the Finance Authority of Maine will need to implement the provisions of this Act prior to June 2012 to facilitate financing support for energy distribution system projects in 2012; and

Whereas, without immediate enactment, this legislation may not take effect in time to affect this year's construction season; and

Whereas, the availability of natural gas to large users and other consumers will potentially save tens of millions of dollars per year and losing a construction season and delaying projects will result in a significant lost opportunity; 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:

Sec. 1. 10 MRSA §962, sub-§2, as amended by PL 1985, c. 344, §5, is further amended to read:

2. Revenue obligation securities. Issue revenue obligation securities to finance eligible projects, except that revenue obligation securities may not be issued for energy distribution system projects after January 1, 2018 pursuant to section 1044, subsection 13;

Sec. 2. 10 MRSA §963-A, sub-§12, as amended by PL 2011, c. 261, §1, is further amended to read:

12. Energy distribution system project. "Energy distribution system project" means an energy distribution system owned, in whole or in part, by an individual, municipality, corporation or other governmental entity or business association and that uses biomass, peat, solar, waste, water and related dams, wind, wood; or coal or that distributes or transmits oil, biofuels, propane, compressed natural gas, liquefied natural gas or natural gas or that distributes or transmits natural gas.

Sec. 3. 10 MRSA §1043, sub-§2, ¶O, as enacted by PL 2011, c. 261, §4, is amended to read:

O. In the case of an energy distribution system project regulated by the Public Utilities Commission with respect to rates or terms of service or that requires, for construction or operation, authorization or certification from the commission, the following conditions are met.