

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1773

H. P. 1388

House of Representatives, April 4, 1975

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Carey of Waterville.

Cosponsor: Mr. Faucher of Solon.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Legalize Gambling.

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

Sec. 1. 8 MRSA c. 16 is enacted to read:

CHAPTER 16

GAMBLING

§ 401. State Gambling Commission

There is established a State Gambling Commission which shall consist of 5 members, all of whom shall be citizens and residents of this State and all of whom shall be appointed by the Governor with the advice and consent of the Council. No more than 3 of the 5 members shall be members of the same political party. The members shall be appointed for terms of 5 years, except that of the members first appointed, one shall be appointed for a term of one year, one for a term of 2 years, one for a term of 3 years, one for a term of 4 years, and one for a term of 5 years. The term of each of the members first appointed shall be designated by the Governor. The members shall annually elect one of them as chairman of the commission.

Any vacancy in the commission, occurring for any reason other than the expiration of term, shall be filled for the unexpired term in the same manner as the original appointment.

Any member of the commission may be removed from office by the Governor if he misses 3 consecutive regular monthly meetings or 6 regular commis-

sion meetings in any one fiscal year or for cause, upon notice and opportunity to be heard at a public meeting.

The members of the commission shall receive no salaries but shall be allowed reasonable expenses in the performance of their official duties not exceeding \$7,500 per year in the case of the chairman, and \$5,000 in the case of each of the other commissioners. Such reasonable expenses shall include a per diem rate of \$25 per commission meeting not to exceed 20 such meetings in any one fiscal year, as well as reasonable expenses for travel to and from commission meetings.

§ 402. Director of State Gambling Commission

The State Gambling Commission shall be under the immediate supervision and direction of a director, who shall be a person qualified by training and experience to oversee state gambling activities. The director shall be appointed by the Governor, with the advice and consent of the Council, to serve a term of 7 years, subject to removal for cause by the Governor and Council. Any vacancy occurring in the office of the director shall be filled in the same manner as the original appointment.

The director shall devote his entire time and attention to the duties of his office. He shall receive an annual salary of \$30,000.

§ 403. Commission; powers and duties

The commission shall meet with the director, not less than once each month, for the purpose of promulgating and amending rules and regulations relating to gambling; to make recommendations and set policy for gambling in the State; to approve or reject reports of the director; to transact other business that may be properly brought before the commission, and:

1. Gambling licenses. Issue, suspend, revoke, cancel or otherwise regulate state gambling licenses.

2. Gambling devices. Issue, suspend, revoke, cancel or otherwise regulate licenses for the manufacture, sale and distribution of gambling devices or equipment in the State.

3. Investigation of license applicants. Investigate the qualifications of each applicant for licenses under this chapter and to continue to observe and monitor the conduct of all licensees;

4. Inspection and seizure powers. The commission and their agents, inspectors and employees have the authority:

A. To inspect and examine all premises wherein gambling is conducted or gambling devices or equipment are manufactured, sold or distributed;

B. To inspect all equipment and supplies in, upon or about such premises;

C. Summarily to seize and remove from such premises and impound any such equipment or supplies for the purpose of examination and inspection;

D. To demand access to and inspect, examine and audit all papers, books and records of applicants and licensees respecting the gross income pro-

duced by any gambling business, and require verification of income, and all other matters affecting the enforcement of the policy of or any of the provisions of this chapter.

5. Certain commission personnel to have peace officer powers in certain instances. For the purpose of the administration of this chapter only, the commission, and the director, supervisory and investigative personnel shall be invested with the powers of a peace officer of the State.

6. Witnesses. The commission or any officer or employee thereof shall each have full power and authority to issue subpoenas and compel the attendance of witnesses at any place within this State, to administer oaths and to require testimony under oath. Any process or notice may be served in the manner provided for service of process and notice in civil actions. Any person making false oath in any manner before the commission shall be guilty of perjury.

§ 404. Director ; powers and duties

1. Duties. The director shall have the power, and it shall be his duty to :

A. Supervise the operation of gambling in accordance with this chapter and with the rules and regulations of the commission ;

B. Act as the Chief Administrative Officer, having general charge of the office and records and to employ, with the approval of the commission, subject to the Personnel Law, such personnel as may be necessary to fulfill the purposes of this chapter ;

C. Act as executive secretary to the commission.

§ 405. License required

1. Prohibition. It is unlawful for any person, either as owner, lessee or employee, whether for hire or not, either solely or in conjunction with others :

A. To deal, operate, carry on, conduct, maintain or expose for play in the State any game or slot machine as defined in this chapter, or to operate, carry on, conduct or maintain any horserace book or sports pool ; or

B. To provide or maintain any information service, the primary purpose of which is to aid the placing or making of wagers on events of any kind ; or

C. To receive, directly or indirectly, any compensation or reward or any percentage or share of the money or property played, for keeping, running or carrying on any game, slot machine, horserace book or sports pool,

without first having procured, and thereafter maintaining in full force and effect, all federal, state, county and municipal gambling licenses required by statute or ordinance or by the governing board of any unincorporated place.

Sec. 2. Appropriation. There is appropriated from the General Fund to the State Gambling Commission the sum of \$210,625 to carry out the purposes of this Act. The breakdown shall be as follows :

	1975-76	1976-77
STATE GAMBLING COMMISSION		
Personal Services	(5) \$77,625	(5) \$ 95,500
All Other	7,500	10,000
Capital Expenditures	10,000	10,000
	<hr/> \$95,125	<hr/> \$115,500

STATEMENT OF FACT

Forty million people live within 500 miles of Augusta. Many of those people currently travel to Las Vegas or other cities where gambling is lawful to spend millions of dollars which could be spent in Maine. This bill will provide a new and abundant source of income for the State.