

MAINE STATE LEGISLATURE

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January 11, 2005
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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 90

S.P. 32

In Senate, January 11, 2005

An Act Regarding the Gambling Control Board

(EMERGENCY)

Submitted by the Department of Public Safety pursuant to Joint Rule 204.
Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator PERRY of Penobscot.
Cosponsored by Representative HOTHAM of Dixfield and
Senators: GAGNON of Kennebec, MAYO of Sagadahoc, Representatives: BROWN of South
Berwick, FISHER of Brewer, GERZOFKY of Brunswick, MOORE of Standish, PATRICK
of Rumford, TUTTLE of Sanford.

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

4
6 **Whereas,** the voters of Maine approved an initiated bill at
referendum that became effective on January 4, 2004 to allow slot
machines at commercial horse racing tracks; and

8
10 **Whereas,** the Second Special Session of the 121st Legislature
established the Gambling Control Board to license and regulate
slot machines; and

12
14 **Whereas,** the regulatory infrastructure is in place to
license slot machine operations; and

16 **Whereas,** an application must be filed prior to the issuance
of a license regarding the operation of slot machines and the
license must be issued before slot machines may be operated as
approved by the voters at referendum; and

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22 **Whereas,** the confidentiality of information contained in the
application must be established before an applicant can file a
complete application; and

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26 **Whereas,** the voters' expressed desire to allow slot machines
at commercial horse racing tracks should be complied with as
expediently as possible; and

28
30 **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,

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

36 **Sec. 1. 5 MRSA §12004-G, sub-§30-C is enacted to read:**

38 30-C. Gambling Legislative 8 MRSA
40 Public Control Per Diem §1002
42 Safety Board

44 **Sec. 2. 8 MRSA §§1006 and 1007 are enacted to read:**

46 **§1006. Confidentiality of application and licensing information**

48 **1. Confidentiality.** The following records are designated
as confidential for the purposes of Title 1, section 402,
subsection 3, paragraph A:

2 A. Those portions of any application, including all related
4 questionnaires and other information required to be
6 submitted in connection with an application, required for
8 issuance of a license pursuant to this chapter and received
 by the board or the department as well as records obtained
 or developed by the board or the department as part of an
 investigation related to an applicant or licensee containing:

10 (1) Personal information relating to a key executive,
12 a key executive's family, a gaming employee or a gaming
 employee's family. For the purposes of this paragraph
 the following terms have the following meanings.

14 (a) "Family" means spouse, children,
16 stepchildren, siblings, parents and grandparents.

18 (b) "Personal information" means any information
20 concerning an individual's private life and
22 matters associated with it, including, but not
24 limited to, birth dates; social security numbers;
26 home addresses and telephone numbers; marital and
28 family relationships, status and support
30 information; criminal and civil litigation
32 history; health status; memberships; political and
 social activities; and financial affairs; and also
 including, without limiting the generality of the
 foregoing, all information contained in individual
 key executive applications and questionnaires and
 gaming employee applications and questionnaires
 required by the board in connection with any
 licensing activities under this chapter;

34 (2) Financial information, tax returns or any other
36 financial records relating to a key executive, a key
38 executive's family, a gaming employee or a gaming
 employee's family;

40 (3) Key executive or gaming employee compensation;

42 (4) Information that gives the owner or user an
44 opportunity to obtain a business or competitive
46 advantage over another person who does not have access
48 to the information, except through board or department
 records, or information with respect to which access by
 others would result in a business or competitive
 disadvantage, loss of business or other significant
 detriment to any person to whom the record belongs or
 pertains;

2 (5) Records including any financial information, tax
3 returns or other financial records obtained or
4 developed in connection with any monitoring activity of
5 a licensee by the board or the department;

6
7 (6) Records that contain an assessment by a person who
8 is not employed by the board or by the department of
9 the credit-worthiness or financial condition of any
10 person or project;

11 (7) Any business plan, marketing plan or other
12 information related to the applicant's or licensee's
13 plan for future operations of its business;

14 (8) Information with respect to which there is a
15 reasonable possibility that public release or
16 inspection of the information would constitute an
17 unwarranted invasion into personal privacy; and

18 (9) Any other record or information that is designated
19 confidential by statute; and

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21
22
23 B. In addition to the provisions of paragraph A, records of
24 an applicant or licensee, whether or not it is a publicly
25 traded corporation, that are:

26
27 (1) Not required to be filed with the United States
28 Securities and Exchange Commission by issuers that
29 either have securities registered under Section 12 of
30 the federal Securities and Exchange Act of 1934 or are
31 required to file reports under Section 15(d) of that
32 Act; or

33 (2) Considered nonpublic matters or information by the
34 United States Securities and Exchange Commission as
35 provided by 17 Code of Federal Regulations 200.80, et
36 seq.

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39 2. Exceptions. Notwithstanding subsection 1, records
40 containing information received by the board or the department:

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42 A. In an application or obtained or developed as part of an
43 investigation related to the applicant or licensee may be
44 disclosed to state or federal law enforcement agencies or
45 entities when the Attorney General or a court of competent
46 jurisdiction determines that the information contains
47 evidence of a possible violation of laws, rules or
48 regulations enforced by those agencies or entities; and

49 B. From an applicant may be disclosed to:
50

- 2 (1) The applicant or licensee upon written request; or
4 (2) A person with the written consent of the applicant
6 or licensee.

8 3. Central site monitoring system suitability requirement.
10 Records and information obtained or developed by the board or the
12 department as part of a suitability requirement for selecting a
14 3rd party to operate the central site monitoring system pursuant
 to section 1004 must be treated as confidential in the same
 manner as the records and information listed in this section and
 section 1007.

16 4. Records on effective date. Whether any record in the
18 possession of the board or the department on the effective date
20 of this section is confidential must be determined pursuant to
22 this section and not pursuant to law in effect when the board or
24 the department obtained the record and the record must or may be,
 as the case may be, disclosed or divulged to the extent required
 or permitted by this section.

26 **§1007. Restricted use agreements**

28 1. Agreement. Notwithstanding section 1006, the board or
30 the department may enter into intelligence sharing, reciprocal
32 use or restricted use agreements with a department or agency of
34 the Federal Government, law enforcement agencies and gaming
 enforcement or regulatory agencies of other jurisdictions. The
 board or the department may provide reports, information or
 records designated as confidential under section 1006 only with
 prior written notice to the applicant, licensee, owner, key
 executive or gaming employee to which the reports, information or
 records relate, pertain or belong.

36 2. Reports from other jurisdictions. Reports, information
38 or records in the possession of the board or the department
40 received pursuant to an intelligence sharing, reciprocal use or
42 restricted use agreement entered into by the board or the
44 department with a federal department or agency, any law
46 enforcement agency or the gaming enforcement or regulatory agency
 of any jurisdiction are considered records or information within
 the meaning of section 1006, subsection 1 and may be disseminated
 only with the permission of the person or agency providing the
 reports, information or records.

48 Emergency clause. In view of the emergency cited in the
 preamble, this Act takes effect when approved.

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SUMMARY

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6 This bill authorizes the members of the Gambling Control
8 Board to receive legislative per diem when they meet and
10 clarifies the confidentiality of certain information and records
received by the board or the Department of Public Safety as part
of an application for licensure and contracting for a central
site monitoring system.