

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1828

H.P. 1276

House of Representatives, April 4, 2007

An Act To Allow a Casino in Oxford County

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative PATRICK of Rumford.
Cosponsored by Senator BRYANT of Oxford and
Representatives: DRISCOLL of Westbrook, DUPREY of Hampden, JACKSON of Allagash,
MAREAN of Hollis, SIMPSON of Auburn, TUTTLE of Sanford, Senator: MARRACHÉ of
Kennebec.

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

2 **PART A**

3 **Sec. A-1. 8 MRSA §1001, sub-§2**, as enacted by PL 2003, c. 687, Pt. A, §5 and
4 affected by Pt. B, §11, is amended to read:

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

9 **Sec. A-2. 8 MRSA §1001, sub-§2-A** is enacted to read:

10 **2-A. Bazaar game.** "Bazaar game" means a game, sport, amusement, diversion,
11 scheme, plan, project, contest, undertaking or enterprise in which chance, fortune, luck or
12 lot is the predominating factor or element in the winning or awarding of a prize but does
13 not include a lottery or any game, sport, amusement, diversion, scheme, plan, project,
14 contest, undertaking or enterprise in which the skill, accomplishment, art or adroitness of
15 the gaming operator or participant is the primary factor in the winning or awarding of a
16 prize.

17 **Sec. A-3. 8 MRSA §1001, sub-§5-A** is enacted to read:

18 **5-A. Casino.** "Casino" means a facility in Oxford County where activities take
19 place, including, but not limited to, various forms of gaming, amusement, entertainment,
20 music, shows, lodging and any other activities authorized under state law.

21 **Sec. A-4. 8 MRSA §1001, sub-§13-A** is enacted to read:

22 **13-A. Evergreen Mountain Enterprises, LLC.** "Evergreen Mountain Enterprises,
23 LLC" means the Maine-registered entity Evergreen Mountain Enterprises, LLC and its
24 respective authorized entities, assigns, officials, agents and representatives.

25 **Sec. A-5. 8 MRSA §1001, sub-§16**, as enacted by PL 2003, c. 687, Pt. A, §5 and
26 affected by Pt. B, §11, is amended to read:

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

30 **Sec. A-6. 8 MRSA §1001, sub-§19-A** is enacted to read:

31 **19-A. Gaming.** "Gaming" means any game of chance or other gaming activity or
32 wagering activity, including, but not limited to, those activities specifically identified in
33 subsection 19-C.

34 **Sec. A-7. 8 MRSA §1001, sub-§19-B** is enacted to read:

1 **19-B. Gaming activity.** "Gaming activity" means the act of gambling or wagering
2 something of value at a gaming table, slot machine, simulcast or other device that, upon
3 the placing of a wager or insertion of a coin, token, credit or similar object or thing of
4 value, is available to play or operate, the play or operation of which by the element of
5 chance may deliver the person playing or operating the gaming table, video screen or
6 device, contrivance or machine or entitle that person to receive cash, tokens or credits to
7 be exchanged for cash, merchandise or anything of value, whether the payoff is made by
8 a gaming employee of the operator or automatically from the device, contrivance or
9 machine or in any other manner.

10 **Sec. A-8. 8 MRSA §1001, sub-§19-C** is enacted to read:

11 **19-C. Gaming device.** "Gaming device" means a device used in any form of
12 gaming, including without limitation the following: a slot machine, card game, table
13 game or other game of chance, including without limitation blackjack, poker, dice,
14 roulette, baccarat, money-wheels and bingo; a bazaar game, but only if conducted solely
15 for merchandise prizes; a lottery game; a video facsimile, including without limitation a
16 video facsimile of any card game, table game or other game of chance, including without
17 limitation those described in this subsection. "Gaming device" applies only to a gaming
18 facility and does not apply to a commercial track, which may operate only slot machines.

19 **Sec. A-9. 8 MRSA §1001, sub-§19-D** is enacted to read:

20 **19-D. Gaming device distributor.** "Gaming device distributor" means a person
21 who is licensed under this chapter to distribute gaming devices and associated equipment
22 for use in this State.

23 **Sec. A-10. 8 MRSA §1001, sub-§20,** as enacted by PL 2003, c. 687, Pt. A, §5
24 and affected by Pt. B, §11, is amended to read:

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

32 **Sec. A-11. 8 MRSA §1001, sub-§20-A** is enacted to read:

33 **20-A. Gaming equipment.** "Gaming equipment" means a machine or device that is
34 specifically designed or manufactured for use in the operation of any gaming activity.

35 **Sec. A-12. 8 MRSA §1001, sub-§20-B** is enacted to read:

36 **20-B. Gaming facility.** "Gaming facility" means the place that houses the single
37 casino in Oxford County. "Gaming facility" does not include a commercial track.

38 **Sec. A-13. 8 MRSA §1001, sub-§20-C** is enacted to read:

1 20-C. Gaming operation. "Gaming operation" means an enterprise operated by a
2 gaming operator on a gaming site for the conduct of gaming in a gaming facility.

3 **Sec. A-14. 8 MRSA §1001, sub-§20-D** is enacted to read:

4 20-D. Gaming operator. "Gaming operator" means a corporation, partnership,
5 limited partnership, limited liability company or other entity established by Evergreen
6 Mountain Enterprises, LLC for the purpose of developing, owning or operating a gaming
7 facility or gaming facilities on one gaming site or a gaming operation or gaming
8 operations, including operation of slot machines, all of the equity and voting securities of
9 which are owned beneficially, directly or indirectly, by Evergreen Mountain Enterprises,
10 LLC.

11 **Sec. A-15. 8 MRSA §1001, sub-§20-E** is enacted to read:

12 20-E. Gaming school. "Gaming school" means an enterprise organized to provide
13 specialized training to gaming employees for the conduct of gaming other than a training
14 program operated by the gaming operator.

15 **Sec. A-16. 8 MRSA §1001, sub-§20-F** is enacted to read:

16 20-F. Gaming services. "Gaming services" means the provision of goods or
17 services to a gaming operator directly in connection with the operation of gaming in a
18 gaming facility, including maintenance or security services for the gaming facility; junket
19 services; gaming schools; laboratory testing of gaming equipment, including video
20 facsimile machines and lottery tickets; and the manufacture, distribution, maintenance or
21 repair of gaming equipment. "Gaming services" does not include professional or
22 financial services provided by persons licensed or registered under the laws of this State,
23 the Federal Government or other states of the United States.

24 **Sec. A-17. 8 MRSA §1001, sub-§20-G** is enacted to read:

25 20-G. Gaming site. "Gaming site" means one or more contiguous parcels of land
26 selected by Evergreen Mountain Enterprises, LLC and owned or leased by Evergreen
27 Mountain Enterprises, LLC or a gaming operator authorized by Evergreen Mountain
28 Enterprises, LLC within a single city, town or plantation in Oxford County or within 2 or
29 more contiguous cities, towns or plantations in Oxford County.

30 **Sec. A-18. 8 MRSA §1001, sub-§25**, as enacted by PL 2003, c. 687, Pt. A, §5
31 and affected by Pt. B, §11, is amended to read:

32 **25. Intermediary company.** "Intermediary company" means a company that is a
33 holding company of a company that applies for a slot machine operator or gaming
34 operator license or a slot machine distributor or gaming device distributor license or is a
35 subsidiary of a holding company of a company that applies for a slot machine operator or
36 gaming operator license or a slot machine distributor or gaming device distributor license.

37 **Sec. A-19. 8 MRSA §1001, sub-§27**, as enacted by PL 2003, c. 687, Pt. A, §5
38 and affected by Pt. B, §11, is amended to read:

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

4 **Sec. A-20. 8 MRSA §1001, sub-§30,** as enacted by PL 2003, c. 687, Pt. A, §5
5 and affected by Pt. B, §11, is amended to read:

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

11 **Sec. A-21. 8 MRSA §1001, sub-§36,** as enacted by PL 2003, c. 687, Pt. A, §5
12 and affected by Pt. B, §11, is amended to read:

13 **36. Premises.** "Premises" means the property located within 2,000 feet of the center
14 of the horse racing track at a commercial track and owned by the person that owns the
15 property on which the track is located. "Premises" as it applies to a gaming site means
16 the property on which the gaming facility is located.

17 **Sec. A-22. 8 MRSA §1001, sub-§43-A** is enacted to read:

18 **43-A. Total gross gaming device income.** "Total gross gaming device income"
19 means all money, tokens, credits or similar objects or things of value received from the
20 play of gaming devices, minus money, credits or prizes paid out to winners.

21 **Sec. A-23. 8 MRSA §1001, sub-§44,** as enacted by PL 2003, c. 687, Pt. A, §5
22 and affected by Pt. B, §11, is amended to read:

23 **44. Uniform location agreement.** "Uniform location agreement" means a written
24 agreement in a form prescribed by the board between a slot machine operator or gaming
25 operator and a slot machine distributor or gaming device distributor that governs the
26 terms and conditions of that agreement, including the placement of slot machines or
27 gaming devices on the premises of the slot machine operator or gaming operator.

28 **Sec. A-24. 8 MRSA §1003, sub-§2, ¶H,** as enacted by PL 2003, c. 687, Pt. A,
29 §5 and affected by Pt. B, §11, is amended to read:

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

33 **Sec. A-25. 8 MRSA §1003, sub-§2, ¶I,** as enacted by PL 2003, c. 687, Pt. A, §5
34 and affected by Pt. B, §11, is amended to read:

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

- 1 (1) The practice of any fraud or deception upon a player of a slot machine or
2 gaming device or a licensee;
- 3 (2) The presence or location of a slot machine or gaming device in or at premises
4 that may be unsafe due to fire hazard or other public safety conditions;
- 5 (3) The infiltration of organized crime into the ownership, distribution or
6 operation of slot machines or gaming devices and slot machine facilities and
7 gaming facilities; and
- 8 (4) The presence of disorderly persons in a location where slot machines or
9 gaming devices are in use;

10 **Sec. A-26. 8 MRSA §1003, sub-§2, ¶J**, as enacted by PL 2003, c. 687, Pt. A, §5
11 and affected by Pt. B, §11, is amended to read:

12 J. Maintain a central site system of monitoring in real time all slot machines and
13 gaming devices licensed in accordance with this chapter using an ~~on-line~~ online
14 inquiry;

15 **Sec. A-27. 8 MRSA §1003, sub-§2, ¶K**, as enacted by PL 2003, c. 687, Pt. A,
16 §5 and affected by Pt. B, §11, is amended to read:

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

20 **Sec. A-28. 8 MRSA §1003, sub-§2, ¶L**, as enacted by PL 2003, c. 687, Pt. A, §5
21 and affected by Pt. B, §11, is amended to read:

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

24 **Sec. A-29. 8 MRSA §1003, sub-§2, ¶M**, as enacted by PL 2003, c. 687, Pt. A,
25 §5 and affected by Pt. B, §11, is amended to read:

26 M. Inform gaming facility operators and commercial track operators applying for a
27 license to operate gaming devices or slot machines that any gaming devices or slot
28 machines licensed by the board must be compatible with the central site system of
29 ~~on-line~~ online monitoring used by the board;

30 **Sec. A-30. 8 MRSA §1003, sub-§2, ¶N**, as enacted by PL 2003, c. 687, Pt. A, §5
31 and affected by Pt. B, §11, is amended to read:

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

35 **Sec. A-31. 8 MRSA §1003, sub-§2, ¶O**, as enacted by PL 2003, c. 687, Pt. A,
36 §5 and affected by Pt. B, §11, is amended to read:

37 O. Cause the central site monitoring system to disable a gaming device or a slot
38 machine and cause the department to seize the proceeds of that gaming device or slot

1 machine if the funds from that gaming device or slot machine have not been
2 distributed, deposited or allocated in accordance with section 1036;

3 **Sec. A-32. 8 MRSA §1003, sub-§2, ¶Q**, as amended by PL 2005, c. 663, §4, is
4 further amended to read:

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

9 **Sec. A-33. 8 MRSA §1003, sub-§2, ¶R**, as amended by PL 2005, c. 663, §5, is
10 further amended to read:

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

16 **Sec. A-34. 8 MRSA §1003, sub-§3, ¶E**, as enacted by PL 2003, c. 687, Pt. A, §5
17 and affected by Pt. B, §11, is amended to read:

18 E. The location and hours of operation of slot machines at commercial tracks, types
19 of gaming devices and slot machines permitted, methods of operation of gaming
20 devices and slot machines and distribution and servicing of gaming devices, slot
21 machines and associated equipment;

22 **Sec. A-35. 8 MRSA §1003, sub-§3, ¶G**, as enacted by PL 2003, c. 687, Pt. A,
23 §5 and affected by Pt. B, §11, is amended to read:

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

31 **Sec. A-36. 8 MRSA §1003, sub-§3, ¶H**, as enacted by PL 2003, c. 687, Pt. A,
32 §5 and affected by Pt. B, §11, is amended to read:

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

36 **Sec. A-37. 8 MRSA §1003, sub-§3, ¶I**, as enacted by PL 2003, c. 687, Pt. A, §5
37 and affected by Pt. B, §11, is amended to read:

38 I. Establishment of a list of persons who are to be excluded or removed from any
39 gaming facility or slot machine facility, including those persons who voluntarily

1 request that their names be included on the list of excluded persons. These rules must
2 define the standards for exclusion and removal and include standards regarding
3 persons who are career or professional offenders, as defined by rules of the board,
4 whose presence in a gaming facility or slot machine facility would, in the opinion of
5 the board, be inimical to the interest of the State;

6 **Sec. A-38. 8 MRSA §1004, sub-§1**, as enacted by PL 2003, c. 687, Pt. A, §5 and
7 affected by Pt. B, §11, is amended to read:

8 **1. Generally.** In order to facilitate the auditing and security programs required by
9 section 1003, subsection 2 and in addition to the requirements of section 1003, subsection
10 2, paragraphs J to O, all gaming devices and slot machines must communicate
11 electronically with the central site monitoring system required pursuant to section 1003,
12 subsection 2, paragraph J. The board shall select a central site monitoring system. The
13 central site monitoring system, in addition to other functions the board determines
14 necessary, must:

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

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

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

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

29 E. Be incapable of altering the statistical awards of slot machines and gaming
30 devices, as designated by the slot machine or gaming device manufacturer and
31 approved by the board;

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

35 G. Have the ability to meet the reporting and control requirements set forth in section
36 1003, subsection 2, paragraphs A to T.

37 **Sec. A-39. 8 MRSA §1004, sub-§3**, as enacted by PL 2003, c. 687, Pt. A, §5 and
38 affected by Pt. B, §11, is amended to read:

39 **3. Initial acquisition of central site monitoring system.** The board shall select the
40 central site monitoring system presenting the lowest overall cost alternative, taking into
41 consideration the capital costs, operating costs and impact on gross gaming device and

1 slot machine revenues, that is capable of satisfying the requirements of this section and
2 section 1003, as determined by the board.

3 **Sec. A-40. 8 MRSA §1005, sub-§1**, as enacted by PL 2003, c. 687, Pt. A, §5 and
4 affected by Pt. B, §11, is amended to read:

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

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

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

16 **Sec. A-41. 8 MRSA §1009** is enacted to read:

17 **§1009. Gaming and gaming activities authorized; regulation; credit; liability**

18 **1. Location.** Gaming and gaming activities are allowed only at the gaming facility
19 located in Oxford County.

20 **2. Evergreen Mountain Enterprises, LLC may operate gaming devices.**
21 Notwithstanding any other provision of law, Evergreen Mountain Enterprises, LLC may,
22 through one or more gaming operators as Evergreen Mountain Enterprises, LLC may
23 elect, operate gaming devices on one gaming site.

24 **3. Regulation.** Regulation of gaming and gaming activities at the gaming site must
25 be conducted by the board under this subchapter and the rules adopted pursuant to this
26 subchapter.

27 **4. Credit.** A gaming operator may not be prohibited from including in the
28 consideration for any extension of credit or service, including without limitation any
29 credit or service relating to a gaming facility or a gaming operation, a return based on the
30 revenues, earnings or other measure of financial performance of the gaming operator or a
31 gaming operation or other activity of the gaming operator.

32 **5. Liability.** Evergreen Mountain Enterprises, LLC or any 3rd party is not liable or
33 responsible for any act or omission of a gaming operator except as specifically provided
34 by a contract to which Evergreen Mountain Enterprises, LLC or the 3rd party is a
35 signatory or otherwise as provided by law without regard to this chapter.

36 **Sec. A-42. 8 MRSA §1011-A** is enacted to read:

1 **§1011-A. License to operate gaming devices at gaming facility**

2 The board shall exercise authority over the licensing of all persons participating in the
3 operation, distribution and maintenance of gaming devices and gaming facilities and over
4 the registration of gaming devices.

5 **1. Operator license required.** A person may not operate any gaming device in the
6 State unless the person has been issued a license to operate gaming devices by the board.
7 A gaming operator license authorizes a licensee to own or lease gaming devices operated
8 at a licensed gambling facility.

9 **2. Eligible persons.** The board may accept applications for a license to operate
10 gaming devices from any person who is licensed to operate a gaming facility as long as
11 the facility satisfies the following criteria:

12 A. The gaming facility is located in Oxford County in a municipality chosen by
13 Evergreen Mountain Enterprises, LLC;

14 B. The operation of gaming devices at the gaming facility is approved by the voters
15 of the municipality in which the gaming facility to be licensed is located by
16 referendum election held at any time after November 1, 2006 and before December
17 31, 2009; and

18 C. The legislative body of each city, town or plantation in which the gaming facility
19 is located has approved the gaming site for the conduct of all gaming operations
20 permitted under this chapter.

21 **3. Requirements for license; continued gaming facility licensure.** The board may
22 not issue a license to operate gaming devices to any person unless that person
23 demonstrates compliance with the qualifications set forth in sections 1016 and 1019. A
24 person who is granted a license to operate gaming devices shall maintain a license to
25 operate a gaming facility without lapse, suspension or revocation for the duration of the
26 gaming operator's license.

27 **4. Requirement for license; agreement with municipality where gaming devices**
28 **are located.** A gaming operator shall enter into an agreement with the municipality
29 where the gaming operator's gaming devices are located that provides for revenue sharing
30 or other compensation, including, but not limited to, a provision requiring the preparation,
31 in conjunction with the municipality, of a security plan for the premises on which the
32 gaming devices are located.

33 **5. Renewal.** Licenses to operate gaming devices may be renewed upon application
34 for renewal in accordance with this subchapter subject to board rules.

35 **Sec. A-43. 8 MRSA §1012**, as enacted by PL 2003, c. 687, Pt. A, §5 and affected
36 by Pt. B, §11, is amended to read:

37 **§1012. Local approval for renewal of gaming or slot machine operator license**

38 An application for renewal of a gaming operator or slot machine operator license
39 must first be approved under this section by the municipal officers of the municipality in

1 which the gaming facility or commercial track with slot machines is located or, if the
2 gaming facility or commercial track is in an unincorporated place, the application must be
3 approved by the county commissioners of the county in which the gaming facility or
4 commercial track with slot machines is located.

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

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

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

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

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

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

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

41 C. Repeated incidents of record of breaches of the peace, disorderly conduct,
42 vandalism or other violations of law on or in the vicinity of the premises of the
43 gaming facility or commercial track with slot machines and caused by persons

1 patronizing or employed by the gaming facility or commercial track licensed to
2 operate slot machines; and

3 D. A violation of any provision of this chapter.

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

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

19 **Sec. A-44. 8 MRSA §1013**, as enacted by PL 2003, c. 687, Pt. A, §5 and affected
20 by Pt. B, §11, is amended to read:

21 **§1013. Licensing of gaming device distributors and slot machine distributors**

22 **1. License to distribute required.** A person may not distribute a gaming device or
23 slot machine in the State unless the person has been issued a license to distribute gaming
24 devices or slot machines by the board.

25 **2. Requirements for license.** The board may issue a license to distribute gaming
26 devices or slot machines to an applicant that meets the qualifications set out in sections
27 1016 and 1019.

28 **Sec. A-45. 8 MRSA §1015**, as enacted by PL 2003, c. 687, Pt. A, §5 and affected
29 by Pt. B, §11, is amended to read:

30 **§1015. Licensing of employees of gaming or slot machine operators, gaming device**
31 **or slot machine distributors and gambling services vendors**

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

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

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

7 **Sec. A-46. 8 MRSA §1016, sub-§1**, as enacted by PL 2003, c. 687, Pt. A, §5 and
8 affected by Pt. B, §11, is amended to read:

9 **1. Minimum qualifications.** Notwithstanding Title 5, chapter 341, and in addition
10 to any requirements imposed by rules adopted by the board, a person must satisfy the
11 following qualifications to be a gaming operator or slot machine operator, a gaming
12 device distributor or a slot machine distributor, a gambling services vendor or an
13 employee of these entities:

14 A. The person has completed the application form, promptly and truthfully complied
15 with all information requests of the board and complied with any applicable rules
16 adopted by the board;

17 B. The person has sufficient financial assets and responsibility to meet any financial
18 obligations imposed by this chapter and, if applying for a gaming operator or slot
19 machine operator license or gaming operator or slot machine operator license
20 renewal, has sufficient financial assets and responsibility to continue operation of a
21 gaming facility or commercial track;

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

25 D. In the case of a person applying to be a gaming operator or slot machine operator,
26 the person has sufficient knowledge and experience in the business of operating
27 gaming devices or slot machines to effectively operate the gaming facilities or slot
28 machine facilities to which the license application relates in accordance with this
29 chapter and the rules and standards adopted under this chapter, or the person forms a
30 partnership with persons or entities who have sufficient knowledge and experience in
31 the business of operating gaming devices or slot machines;

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

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

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

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

5 **Sec. A-47. 8 MRSA §1018, sub-§1**, as amended by PL 2005, c. 663, §7, is
6 further amended to read:

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

9 A. The initial registration fee for a registered gaming device or slot machine is \$100.
10 The annual renewal fee is \$100 for each registered gaming device or slot machine.

11 B. The initial application fee for a gaming device or slot machine distributor license
12 is \$200,000. The annual renewal fee is \$75,000.

13 C. The initial application fee for a gaming operator or slot machine operator license
14 is \$200,000. The annual renewal fee is \$75,000 plus an amount, set by rules of the
15 board, equal to the cost to the board of licensing gaming operators or slot machine
16 operators and determined by dividing the costs of administering the gaming operator
17 and slot machine operator licenses by the total number of gaming operators and slot
18 machine operators licensed by the board.

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

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

22 In addition to the application fee for a license or annual fee for a registered gaming device
23 or slot machine, the board may charge a one-time application fee for a license or
24 registration listed in paragraphs A to E in an amount equal to the projected cost of
25 processing the application and performing any background investigations. If the actual
26 cost exceeds the projected cost, an additional fee may be charged to meet the actual cost.
27 If the projected cost exceeds the actual cost, the difference may be refunded to the
28 applicant. All fees collected pursuant to this section must be deposited directly to the
29 General Fund, except that \$25,000 of the annual renewal fee for a slot machine operator
30 must be deposited to the Gross Slot Income Other Special Revenue Fund account within
31 the Gambling Control Board to be transferred to the municipality in which the slot
32 machines are operated, in accordance with subsection 2. All application and registration
33 fees are nonrefundable and are due upon submission of the application.

34 **Sec. A-48. 8 MRSA §1018, sub-§2**, as enacted by PL 2003, c. 687, Pt. A, §5 and
35 affected by Pt. B, §11, is amended to read:

36 **2. Term of license; renewal; renewal fees.** All licenses issued by the board under
37 this chapter are effective for one year, unless revoked or surrendered pursuant to
38 subchapter 5. Upon proper application and payment of the required fees and taxes and in
39 accordance with rules adopted by the board, the board may renew a license for an
40 additional year if municipal approval has been obtained as provided in section 1012. The

1 board shall transfer \$25,000 of the renewal fee required by subsection 1, paragraph C to
2 the municipality in which the gaming devices or slot machines are operated.

3 **Sec. A-49. 8 MRSA §1020, sub-§3**, as amended by PL 2005, c. 663, §9, is
4 further amended to read:

5 **3. Limits on total slot machines.** The board shall determine the number of slot
6 machines to be registered ~~in the State~~ at commercial tracks. The board shall make this
7 determination based upon the minimum net slot machine income, when distributed
8 pursuant to section 1036, necessary to maintain the harness horse racing industry in this
9 State, except that:

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

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

14 **Sec. A-50. 8 MRSA §1020, sub-§4**, as enacted by PL 2003, c. 687, Pt. A, §5 and
15 affected by Pt. B, §11, is amended to read:

16 **4. Examination of gaming devices and slot machines.** The board shall, in
17 cooperation with the department, examine gaming devices and slot machines and
18 associated equipment of gaming device distributors and slot machine distributors seeking
19 registration as required in this chapter. The board shall require the gaming device
20 distributor or slot machine distributor seeking examination and approval of the gaming
21 device or slot machine or associated equipment to pay the anticipated cost of the
22 examination before the examination occurs. After the examination occurs, the board shall
23 refund overpayments or charge and collect amounts sufficient to reimburse the board for
24 underpayments of actual cost. The board may contract for the examinations of gaming
25 devices and slot machines and associated equipment as required by this section.

26 **Sec. A-51. 8 MRSA §1020, sub-§5**, as enacted by PL 2003, c. 687, Pt. A, §5 and
27 affected by Pt. B, §11, is amended to read:

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

37 **Sec. A-52. 8 MRSA §1031**, as enacted by PL 2003, c. 687, Pt. A, §5 and affected
38 by Pt. B, §11, is amended to read:

1 **§1031. Age limit on gaming device and slot machine use; access by minors; credit**
2 **prohibited**

3 **1. Minimum age.** A gaming operator or slot machine operator may not permit a
4 person under ~~24~~ 19 years of age to play a slot machine or gaming device.

5 **2. Placement of gaming devices and slot machines.** A gaming operator or slot
6 machine operator, gaming device distributor or slot machine distributor or gambling
7 services vendor shall prohibit persons under ~~24~~ 19 years of age from any area in which a
8 gaming device or slot machine is located, except that a person at least ~~18 to 20~~ years of
9 age may be present if that person is a licensed employee under section 1015.

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

12 **Sec. A-53. 8 MRSA §1032**, as amended by PL 2005, c. 663, §10, is further
13 amended to read:

14 **§1032. Payment of credits by slot machine operator**

15 A gaming operator or slot machine operator shall redeem credits for players who earn
16 credits on a gaming device or slot machine located on the premises of that gaming
17 operator or slot machine operator in accordance with rules adopted by the board. A
18 gaming operator or slot machine operator may not redeem a credit slip more than 365
19 days from the date of issuance. The funds reserved for the payment of such a credit slip
20 or expired unclaimed jackpot must be retained by the gaming operator or slot machine
21 operator and treated as gross slot machine income and do not constitute property subject
22 to the requirements of Title 33, chapter 41.

23 **Sec. A-54. 8 MRSA §1033**, as enacted by PL 2003, c. 687, Pt. A, §5 and affected
24 by Pt. B, §11, is amended to read:

25 **§1033. Uniform location agreement**

26 Each gaming device and slot machine is subject to a uniform location agreement
27 between the gaming device distributor or slot machine distributor and the gaming
28 operator or slot machine operator. A copy of the agreement must be submitted to the
29 board for approval. The uniform location agreement is the complete and sole agreement
30 between the gaming operator or slot machine operator and the gaming device distributor
31 or slot machine distributor regarding gaming devices and slot machines. No other
32 agreement between the gaming operator or slot machine operator and the gaming device
33 distributor or slot machine distributor is legally binding.

34 **Sec. A-55. 8 MRSA §1034**, as enacted by PL 2003, c. 687, Pt. A, §5 and affected
35 by Pt. B, §11, is amended to read:

36 **§1034. Disclosure of other contracts and agreements**

37 A gaming operator or slot machine operator must submit to the board all contracts or
38 agreements the gaming operator or slot machine operator establishes with a gaming

1 distributor or slot machine distributor, licensed gambling services vendor or a key
2 executive.

3 **Sec. A-56. 8 MRSA §1035**, as enacted by PL 2003, c. 687, Pt. A, §5 and affected
4 by Pt. B, §11, is amended to read:

5 **§1035. Location of slot machines**

6 Slot machines may be located only on the premises of a state-authorized commercial
7 track and in the gaming facility in Oxford County.

8 **Sec. A-57. 8 MRSA §1035-A** is enacted to read:

9 **§1035-A. Location of gaming devices**

10 Other than state-authorized slot machines allowed at a commercial track, gaming
11 devices may be located only at the site of the gaming facility in Oxford County.

12 **Sec. A-58. 8 MRSA §1036, sub-§1**, as amended by PL 2005, c. 663, §11, is
13 further amended to read:

14 **1. Distribution for administrative expenses of board.** A slot machine operator
15 shall collect and distribute 1% of gross slot machine income to the Treasurer of State for
16 deposit in the General Fund for the administrative expenses of the board. A gaming
17 operator shall collect and distribute 1% of gross gaming device income to the Treasurer
18 of State for deposit in the General Fund for the administrative expenses of the board.

19 **Sec. A-59. 8 MRSA §1036, sub-§2-A** is enacted to read:

20 **2-A. Distribution from gaming facility.** The gaming operator shall collect and
21 distribute 39% of the net gaming device income from gaming devices operated by the
22 gaming operator to the board for distribution by the board to the Treasurer of State, who
23 shall establish the Improve Maine's Future Support Fund, referred to in this subsection as
24 "the fund," and shall credit to the fund all the money received by the Treasurer of State
25 pursuant to this subsection. No later than January 31st of each year, all funds held as of
26 the end of the previous calendar year in the fund must be distributed by the Treasurer of
27 State as follows:

28 A. Five percent of the net gaming device income must be distributed to a Maine
29 resident student loan repayment fund or similarly established fund to be used to pay
30 for student loan repayment for graduates of 4-year colleges and graduate programs,
31 with graduates who have resided in this State at least 10 years receiving first priority
32 over graduates who have resided in this State less than 10 years. College graduates
33 of 4-year public colleges in this State receive priority. Graduates of private colleges
34 in this State receive the same priority as graduates of public colleges up to the cost of
35 a public college in this State, then additional funding if available. Public and private
36 community college graduates are eligible for funding after 4-year college graduates
37 have been reimbursed. Such qualifying applying graduates are eligible to receive
38 assistance with the repayment of their college and graduate school tuition if they
39 reside in the State after graduation. Priority is given to applicants employed and

1 working in their major field of college study. If a recipient of assistance ceases to
2 reside in this State or a recipient of assistance lives outside of this State in excess of
3 60 days without approval by the board or its agent to do so, the recipient will be
4 permanently disqualified to receive further loan assistance from the fund. The
5 requirements of this paragraph may be waived by the appropriate overseeing board or
6 the Governor in appropriate circumstances;

7 B. Four percent of the net gaming device income must be distributed to the research
8 and development of an east-west highway in this State. A portion of the funds must
9 be made available to attract federal matching funds from the Federal Government for
10 this project;

11 C. Three percent of the net gaming device income must be distributed to the
12 University of Maine and the fractionation development center strictly for the research
13 and production of biofuels and bio-heating oil as an alternative energy source by
14 converting sustainably harvested, low-value forest biomass into environmentally
15 friendly fuel for automobiles and for heating homes. The production process of such
16 fuels must have a goal of zero pollution as a byproduct. Once the designated
17 technology is realized, the funds provided in this paragraph must also be available for
18 the development and implementation of a conversion plant to be located near the
19 fractionation development center to aid in the production of biofuels in the manner
20 stated in this paragraph. Once this plant has been completed, future funds authorized
21 under this paragraph must be distributed for the implementation of additional
22 conversion plants in the State for the production of biofuels. If this particular
23 technology venture is abandoned by the State, such funds must go to the Renewable
24 Resource Fund, established in Title 35-A, section 3210, subsection 6, to promote
25 other clean alternative energy-producing projects that focus on the objectives of this
26 paragraph;

27 D. Three percent of the net gaming device income must be distributed to make health
28 care more affordable for small businesses and their workers and self-employed
29 persons in this State. This endeavor must include expanding membership in the
30 Dirigo Health Program and allowing such health care to be offered as a self-insured
31 product, with the goal of helping aid the design of a more competitive and affordable
32 health care plan. A portion must be used to subsidize health plans for small
33 businesses and provide some insurance on a sliding scale. The overall goal of such
34 funding is to ensure that every working person in the State has affordable health care
35 coverage;

36 E. Two percent of the net gaming device income must be deposited in the Local
37 Government Fund established in Title 30-A, section 5681 and distributed in
38 accordance with the provisions of that section for revenue sharing with
39 municipalities, strictly with the purpose of providing local property tax relief. A
40 portion must be allocated for a delayed tax payment program for residents 65 years of
41 age or older;

42 F. Two percent of the net gaming device income must be distributed to a Maine
43 prepaid college plan to allow residents of this State to prepay the cost of college
44 tuition, fees and dormitory housing before their children go to college. The amount a
45 participant in the plan pays for tuition expenses in the future is guaranteed to cover

1 those future tuition expenses no matter how much college costs increase in the future.
2 When a child covered by the plan is ready for college, the plan covers the actual cost
3 at any public college, technical school or community college in this State, or the
4 participant may transfer the value of the plan to participating private colleges in this
5 State. Once the participant signs up for the plan, payments are fixed and may not
6 increase. "Participant" includes but is not limited to parents, grandparents, other
7 relatives and businesses;

8 G. Two percent of the net gaming device income must be used for assisting the
9 elderly with the cost of prescription drugs. This effort must include innovative ideas
10 such as partnering with tribes in this State to purchase lower-priced, high-quality
11 prescription drugs from trustworthy participating countries and resources;

12 H. Two percent of the net gaming device income must be distributed to the
13 Department of Transportation strictly for the improvement of secondary rural roads in
14 the State using the type of technology and the workmanship that are used to fix the
15 primary state highways;

16 I. Two percent of the net gaming device income must be distributed for the
17 expansion of facilities and course selection in the Maine Community College System.
18 The added curriculum must reflect primarily the potential and realized employment
19 opportunities of the town or towns that the schools serve. Courses focusing on
20 innovation, advancements and technology must be stressed;

21 J. One percent of the net gaming device income must be distributed for the program
22 cost portion of general purpose aid for local schools for schools that do not sell
23 unhealthy snack food such as soda or candy in vending machines or at concession
24 stands and have a policy specifying at all school activities the need for healthy
25 choices for students and the general public. If a charter school is established in the
26 State, a portion of the funds distributed under this paragraph must be distributed to
27 the charter school in an amount determined by the Commissioner of Education;

28 K. One percent of the net gaming device income must be distributed to the
29 Renewable Resource Fund established in Title 35-A, section 3210, subsection 6 for
30 the development of new renewable sources of energy;

31 L. One percent of the net gaming device income must be distributed to the Finance
32 Authority of Maine for its NextGen First Step Grant program to assist residents of
33 this State in saving for college tuition;

34 M. One percent of the net gaming device income must be distributed to towns to be
35 used for regionalization efforts of towns that express the desire and demonstrate the
36 ability to reduce and eliminate duplicative municipal services in neighboring towns;

37 N. One percent of the net gaming device income must be distributed to help fund the
38 raising of the state minimum wage to a level comparable with a livable wage for
39 resident workers in this State of \$7.70 per hour in 2008 and \$8.40 in 2009 and in
40 accordance with the Consumer Price Index for Urban Wage Earners and Clerical
41 Workers, CPI-W index, thereafter. If the Legislature refuses to accept these funds for
42 this purpose, these funds must go to funding affordable health care and the Dirigo
43 Health program under paragraph D;

- 1 O. One percent of the net gaming device income must be distributed for grants to
2 residents of this State who demonstrate energy efficiency and conservation
3 proficiency, such as partial rebates for purchasers of hybrid and biodiesel-capable
4 vehicles, for those who convert vehicles into biodiesel-capable vehicles and for users
5 of biofuel for home and business heating, and grants for residents of this State who
6 demonstrate an ability to develop such clean and efficient fuel technologies;
- 7 P. One percent of the net gaming device income must be distributed for improving
8 the water quality of rivers in this State, starting with the Androscoggin River with the
9 goal of bringing it to the status of a Class A river, and complying with the federal
10 Clean Water Act. These funds must be distributed for the development and
11 implementation of the technology necessary to eliminate the discharge of toxins and
12 other harmful waste products from paper mills and municipal waste treatment plants
13 into rivers in this State, starting with the Androscoggin River and moving to other
14 polluted rivers in this State after the Androscoggin River has attained the status of a
15 Class A river. The Department of Environmental Protection shall choose a willing
16 and capable nonprofit organization with a demonstrated interest in revitalizing the
17 natural environment to prepollution standards to allocate the funds to carry out the
18 purposes of this paragraph. The Department of Environmental Protection shall
19 choose another nonprofit organization to carry out the purposes of this paragraph
20 after the Androscoggin River has been cleaned up;
- 21 Q. One percent of the net gaming device income must be distributed to the Land for
22 Maine's Future Fund established in Title 5, section 6203 to secure the traditional
23 heritage of the State of public access to the land and water resources of the State and
24 to secure the continued quality and availability of natural resources important to the
25 interests and continued heritage of the people of the State;
- 26 R. One percent of the net gaming device income must be distributed directly to
27 public access television stations in this State for the purposes of improving their
28 technology and programming, including the implementation of live-broadcast
29 capabilities, and of implementing programs in the local schools and public access
30 stations that allow students from local school systems and the community at large to
31 take part in the production of programming for the community for broadcast. Public
32 access stations that restrict content submitted by the public that is otherwise legal
33 under state and federal law and those stations that attempt to limit the right to free
34 speech under the First Amendment of the United States Constitution are disqualified
35 from obtaining funding under this paragraph for that funding year;
- 36 S. One percent of the net gaming device income must be distributed for funding
37 residents of this State who are 15 years of age to 30 years of age to support ideas and
38 projects that will stimulate the creative economy of this State, enhance technology,
39 improve civic engagement or otherwise effect positive community change;
- 40 T. One percent of the net gaming device income must be distributed to the General
41 Fund for programs to protect gaming patrons against the risks of gambling, including
42 providing gambling addiction counseling services and monitoring patrons who may
43 be at risk and have a propensity for problem gambling. Counseling and education
44 must be made available for such at-risk individuals in accordance with rules, which

1 are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A, adopted
2 by the board;

3 U. Two percent of the net gaming device income must be forwarded directly to any
4 municipality in which the gaming facility is located; and

5 V. One percent of the net gaming device income must be forwarded directly to
6 Oxford County to pay for mitigation of costs resulting from gaming operations
7 conducted pursuant to this chapter. The remaining funds, if any, must be used for the
8 beautification and preservation of the character of Oxford County. The county
9 commissioners shall administer the funds under this paragraph.

10 If a program is already established that is sufficiently similar to a program listed in this
11 subsection and has substantially the same objectives, services may be combined if the
12 Attorney General decides that the program in this subsection substantially reflects the
13 objectives and spirit of the established program. If the Attorney General cannot make
14 such a decision, the Governor or a Governor-appointed head of a state agency qualified to
15 address the subject area shall decide whether duplicative programs must be combined.
16 As applicable, in cases in which funds in this subsection affect programs already
17 established, such funds must be used only to supplement state funding to applicable
18 existing programs, not supplant funding to existing programs.

19 If any of the entities or groups referred to in this subsection cease to exist, reject the funds
20 or are found by the board or the board overseeing the funding not to have used the
21 designated funds for the purpose so designated under this subsection, that entity's share
22 under this subsection is to be forfeited. In such a case, the balance of the forfeited funds
23 must be distributed in full to the Maine resident student loan repayment fund in paragraph
24 A.

25 The president of Evergreen Mountain Enterprises, LLC must be appointed a voting
26 member on the governing body or board, if any, of each recipient or program funded in
27 this subsection regarding the allocation of specific funding that is paid by the gaming
28 operator.

29 The overall general intention of the fund is to develop and realize the vast potential of this
30 State without compromising the public health or natural resources. The programs in this
31 subsection are intended to provide jobs, opportunities, health care, education, protection
32 of the environment and advancement of the overall quality of life for residents of this
33 State. In any analysis or interpretation of any of the funding of the programs in this
34 subsection, this subsection must be liberally construed to observe such goals as long as
35 the substantial purposes of each program provided in this subsection are complied with.

36 **Sec. A-60. 8 MRSA §1036, sub-§3**, as enacted by PL 2003, c. 687, Pt. A, §5 and
37 affected by Pt. B, §11, is amended to read:

38 **3. Failure to deposit funds.** A gaming operator or slot machine operator who
39 knowingly or intentionally fails to comply with this section commits a Class C crime. In
40 addition to any other sanction available by law, the license of that person may be revoked
41 by the board and the gaming devices or slot machines operated by that gaming operator
42 or slot machine operator may be disabled, and the gaming devices and slot machines,
43 gaming devices' proceeds and slot machines' proceeds and associated equipment may be

1 confiscated by the board and are subject to forfeiture under Title 17-A, section 959 or
2 960.

3 **Sec. A-61. 8 MRSA §1041, sub-§2**, as enacted by PL 2003, c. 687, Pt. A, §5 and
4 affected by Pt. B, §11, is amended to read:

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

15 **Sec. A-62. 8 MRSA §1042, sub-§2**, as enacted by PL 2003, c. 687, Pt. A, §5 and
16 affected by Pt. B, §11, is amended to read:

17 **2. Monitoring.** The board or the department shall monitor the use, operation,
18 distribution and servicing of gaming devices and slot machines through on-site
19 observation and other means at any time during the operation of any license for the
20 purpose of certifying the revenue thereof, receiving complaints from the public relating to
21 the conduct of licensees, examining records of revenues and procedures, enforcing the
22 provisions of this chapter and the rules adopted pursuant to this chapter and conducting
23 periodic reviews of licenses for the purpose of evaluating current or suggested provisions
24 of this chapter and the rules adopted pursuant to this chapter.

25 **Sec. A-63. 8 MRSA §1054**, as enacted by PL 2003, c. 687, Pt. A, §5 and affected
26 by Pt. B, §11, is amended to read:

27 **§1054. Criminal violations**

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

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

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

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

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

1 3. Operation of gaming devices. A licensee may operate a gaming device on any
2 day during the calendar year at the location where the gaming facility is licensed for
3 gaming without restriction on hours of operation.

4 **§1072. Authorized gaming operations**

5 1. Authorized games. Notwithstanding any other provision of law, Evergreen
6 Mountain Enterprises, LLC may, through one or more gaming operators as Evergreen
7 Mountain Enterprises, LLC may elect, conduct, on one site and subject to this subchapter,
8 any form of gaming or wagering, including without limitation any of the following:

9 A. Card games, table games and other games of chance, including without limitation
10 blackjack, poker, dice, roulette, baccarat, money-wheels and bingo;

11 B. Any bazaar game, but only if conducted solely for merchandise prizes;

12 C. Any lottery game; and

13 D. Video facsimiles, including without limitation video facsimiles of any card game,
14 table game or other game of chance, including without limitation those described in
15 paragraph A.

16 **§1073. Protection against proliferation**

17 1. Protection against proliferation. A gaming facility license may not be issued
18 under section 1011-A to any other gaming facility for 10 years from the first day that
19 gaming occurs at the gaming facility.

20 2. Exclusive gaming facility in the State. Other than properly approved and
21 licensed commercial tracks, Evergreen Mountain Enterprises, LLC must be the only
22 gaming facility in the State. No other gaming facilities in any form are permitted in the
23 State for 10 years from the first day that gaming occurs at the gaming facility.

24 3. Exclusive operator of gaming operations. As applicable, the rights and
25 privileges granted under this subchapter are reserved to Evergreen Mountain Enterprises,
26 LLC and, as applicable, the gaming operator. No other person, including without
27 limitation any commercial track or creditor of the gaming operator, may conduct any
28 gaming operation on the gaming site. This subsection may not be interpreted to restrict
29 any nongaming activities on the gaming site. Licensed commercial tracks may not expand
30 their gaming operations to include gaming devices other than slot machines.

31 **Sec. A-66.** 17-A MRSA §952, sub-§5-A, ¶C, as amended by PL 2003, c. 687,
32 Pt. A, §6 and affected by Pt. B, §11, is further amended to read:

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

37 **Sec. A-67.** 17-A MRSA §952, sub-§5-A, ¶D, as enacted by PL 2003, c. 687, Pt.
38 A, §7 and affected by Pt. B, §11, is amended to read:

1 D. That is not a slot machine registered pursuant to Title 8, section 1020 or a gaming
2 device operated by the licensed gaming operator pursuant to Title 8, section 1011-A
3 and owned by a gaming device distributor or slot machine distributor licensed
4 pursuant to Title 8, section 1013.

5 **Sec. A-68. 17-A MRSA §959, sub-§2**, as amended by PL 2003, c. 687, Pt. A, §8
6 and affected by Pt. B, §11, is further amended to read:

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

14 **Sec. A-69. 36 MRSA §6652, sub-§1-B, ¶C**, as repealed and replaced by PL
15 2005, c. 218, §61 and affected by §63, is amended to read:

16 C. Gambling machines or devices, including any device, machine, paraphernalia or
17 equipment that is used or usable in the playing phases of any gambling activity as that
18 term is defined in Title 8, section 1001, subsection 15, whether that activity consists
19 of gambling between persons or gambling by a person involving the playing of a
20 machine. "Gambling machines or devices" includes, without limitation:

- 21 (1) Associated equipment as defined in Title 8, section 1001, subsection 2;
- 22 (2) Computer equipment used directly and primarily in the operation of a slot
23 machine as defined in Title 8, section 1001, subsection 39 or a gaming device as
24 defined in Title 8, section 1001, subsection 19-C;
- 25 (3) An electronic video machine as defined in Title 17, section 330, subsection
26 1-A;
- 27 (4) Equipment used in the playing phases of lottery schemes; ~~and~~
- 28 (5) Repair and replacement parts of a gambling machine or device; and
- 29 (6) A gaming device as defined in Title 8, section 1001, subsection 19-C.

30 **Sec. A-70. Statutory referendum procedure; submission at general**
31 **election in 2008; form of question; effective date.** This Part must be submitted to
32 the legal voters of the State at the general election held in the month of November 2008.
33 The municipal officers of this State shall notify the inhabitants of their respective cities,
34 towns and plantations to meet, in the manner prescribed by law for holding a statewide
35 election, to vote on the acceptance or rejection of this Part by voting on the following
36 question:

37 "Do you favor allowing Evergreen Mountain Enterprises, LLC, through
38 one or more gaming operators, to operate gaming devices at a gaming
39 facility located in Oxford County, subject to the approval of the
40 municipality in which the gaming facility would be located?"

1 The legal voters of each city, town and plantation shall vote by ballot on this question
2 and designate their choice by a cross or check mark placed within a corresponding square
3 below the word "Yes" or "No." The ballots must be received, sorted, counted and
4 declared in open ward, town and plantation meetings and returns made to the Secretary of
5 State in the same manner as votes for members of the Legislature. The Governor shall
6 review the returns. If a majority of the legal votes are cast in favor of this Part, the
7 Governor shall proclaim the result without delay and this Part becomes effective 30 days
8 after the date of the proclamation.

9 The Secretary of State shall prepare and furnish to each city, town and plantation all
10 ballots, returns and copies of this Part necessary to carry out the purposes of this
11 referendum.

12 PART B

13 **Sec. B-1. Report.** The Department of Public Safety, Gambling Control Board
14 established in the Maine Revised Statutes, Title 8, chapter 31 shall submit by January 15,
15 2008 a report and recommendations to the Governor and the Legislature on bringing
16 within the jurisdiction of the board regulatory authority over off-track betting, high-stakes
17 beano, beano, pari-mutuel wagering, games of chance and other approved gaming
18 devices, including, but not limited to, poker, craps, baccarat, blackjack and roulette.

19 **Sec. B-2. Report on operation of Gambling Control Board.** The
20 Department of Public Safety, Gambling Control Board established in the Maine Revised
21 Statutes, Title 8, chapter 31 shall submit by March 15, 2008 a report on the operation of
22 the board and its effectiveness in regulating the operation of gaming devices and slot
23 machines and other gaming devices at commercial harness racing tracks and gaming
24 facilities. The report must include recommendations of any necessary changes to the
25 board and the laws governing the board in order to effectively regulate the operation of
26 gaming devices, slot machines and other gaming devices at commercial tracks and
27 gaming facilities. The report must include recommendations regarding expansion of the
28 board's authority to regulate all gaming conducted legally within the State.

29 SUMMARY

30 Part A of this bill authorizes Evergreen Mountain Enterprises, LLC to operate a
31 gaming facility at a single site in Oxford County, subject to approval of the voters at the
32 general election held in November 2008. The legislative body and voters of any
33 municipality in which the site is located must approve the site for the operation of the
34 gaming facility. The gaming facility is authorized to contain 4,500 slot machines, bazaar
35 games conducted solely for merchandise prizes, lottery games, video facsimiles, card
36 games, table games and other games of chance, including without limitation blackjack,
37 poker, dice, roulette, baccarat, money-wheels and bingo. The minimum age to play a slot
38 machine or gaming device is lowered from 21 years of age to 19 years of age. The bill
39 provides that, other than the approved commercial race tracks in the State that operate
40 slot machines, the gaming facility operated by Evergreen Mountain Enterprises, LLC
41 must be the only gaming facility in the State for at least 10 years. The bill provides for

1 regulation of the gaming facility by the Department of Public Safety, Gambling Control
2 Board.

3 The bill requires the gaming operator to collect and distribute 1% of gross gaming
4 device income to the Treasurer of State for deposit in the General Fund for the
5 administrative expenses of the Gambling Control Board. The gaming operator must pay
6 to the State 39% of the net gaming device income. This money paid to the State must be
7 used for the following purposes:

8 1. Five percent of the net gaming device income must be distributed to repay student
9 loans of residents of this State;

10 2. Four percent of the net gaming device income must be distributed to the research
11 and development of an east-west highway in the State;

12 3. Three percent of the net gaming device income must be distributed to develop and
13 construct a facility to produce biofuels, including fuel for heating homes;

14 4. Three percent of the net gaming device income must be distributed for revenue
15 sharing with municipalities, with the intent of providing local property tax relief;

16 5. Two percent of the net gaming device income must be distributed to a Maine
17 prepaid college plan to allow residents of this State to prepay the cost of college tuition,
18 fees and dormitory housing before a child goes to college;

19 6. Two percent of the net gaming device income must be used to assist the elderly
20 with the cost of prescription drugs;

21 7. Two percent of the net gaming device income must be used for the improvement
22 of secondary rural roads in the State;

23 8. Three percent of the net gaming device income must be distributed to make health
24 care more affordable for employees of businesses and the self-employed in this State.
25 This endeavor must include expanding membership in the Dirigo Health Program and
26 allowing such health care to be offered as a self-insured product;

27 9. Two percent of the net gaming device income must be distributed for the program
28 cost portion of general purpose aid for local schools;

29 10. Two percent of the net gaming device income must be distributed for the
30 expansion of facilities and course selection in the Maine Community College System;

31 11. One percent of the net gaming device income must be distributed to the Finance
32 Authority of Maine for its NextGen First Step Grant program to assist residents of this
33 State in saving for college tuition;

34 12. One percent of the net gaming device income must be distributed to towns to be
35 used for regionalization efforts of towns that express interest in reducing and eliminating
36 duplicative municipal services;

1 13. One percent of the net gaming device income must be distributed to help fund
2 raising the minimum wage to a level comparable with a livable wage for the resident
3 workers in this State of \$7.70 per hour in 2008 and \$8.40 in 2009 and in accordance with
4 the Consumer Price Index for Urban Wage Earners and Clerical Workers, CPI-W index,
5 thereafter;

6 14. One percent of the net gaming device income must be distributed for grants to
7 residents of this State who demonstrate energy efficiency and conservation proficiency,
8 such as rebates for purchasers of hybrid and biodiesel-capable vehicles and biofuel for
9 home and business heating, and grants for residents of this State to develop such clean
10 and efficient fuel technologies;

11 15. One percent of the net gaming device income must be distributed for the
12 improvement of the water quality of the rivers of this State and the technology to allow
13 paper mills and waste treatment plants to eliminate the toxins they release into rivers;

14 16. One percent of the net gaming device income must be distributed to public
15 access television stations in this State for the improvement of technology and
16 programming;

17 17. One percent of the net gaming device income must be distributed for funding
18 residents of this State who are 15 years of age to 30 years of age to support ideas and
19 projects that will stimulate the creative economy in this State, enhance technology,
20 improve civic engagement or otherwise effect positive community change;

21 18. One percent of the net gaming device income must be distributed for programs to
22 protect gaming patrons against the risks of gambling, including gambling addiction
23 counseling services and monitoring patrons who may be at risk and have a propensity for
24 problem gambling;

25 19. Two percent of the net gaming device income must be forwarded directly to any
26 municipality in which the gaming facility is located; and

27 20. One percent of the net gaming device income must be forwarded directly to
28 Oxford County to pay for mitigation of costs resulting from gaming operations.

29 Part B requires the Department of Public Safety, Gambling Control Board to report
30 by January 15, 2008 to the Governor and the Legislature on including in the board's
31 regulatory authority games of chance and gaming devices other than slot machines.

32 Part B requires another report by the board by March 15, 2008 on the effectiveness of
33 the board in regulating the operation of gaming devices and slot machines.