

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

SECOND REGULAR SESSION-2014

Legislative Document

No. 1681

H.P. 1204

House of Representatives, December 30, 2013

An Act To Amend the Laws Governing Gambling and Criminal History Record Checks

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BEAULIEU of Auburn.

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

2 **Sec. 1. 8 MRSA §1036, sub-§2, ¶A**, as amended by PL 2009, c. 622, §2, is
3 further amended to read:

4 A. Three percent of the net slot machine income must be deposited for administrative
5 expenses of the board, 1.5% to the General Fund ~~for administrative expenses of the~~
6 ~~board in accordance with rules adopted by the board~~ and 1.5% to the Gambling
7 Control Board administrative expenses Other Special Revenue Funds account, which
8 is a nonlapsing dedicated account, except that of the amount calculated pursuant to
9 this paragraph, the following amounts must be transferred annually to the Gambling
10 Addiction Prevention and Treatment Fund established by Title 5, section 20006-B:

- 11 (1) For the fiscal year beginning July 1, 2011, \$50,000;
12 (2) For the fiscal year beginning July 1, 2012, \$50,000; and
13 (3) For the fiscal year beginning July 1, 2013 and for each fiscal year thereafter,
14 \$100,000;

15 **Sec. 2. 8 MRSA §1036, sub-§2-A, ¶E**, as enacted by IB 2009, c. 2, §45, is
16 amended to read:

17 E. Three percent of the net slot machine income must be deposited for administrative
18 expenses of the board, including gambling addiction counseling services, in
19 accordance with rules adopted by the board, 1.5% to the General Fund ~~for~~
20 ~~administrative expenses of the board, including gambling addiction counseling~~
21 ~~services, in accordance with rules adopted by the board~~ and 1.5% to the Gambling
22 Control Board administrative expenses Other Special Revenue Funds account, which
23 is a nonlapsing dedicated account;

24 **Sec. 3. 8 MRSA §1036, sub-§2-B, ¶B**, as amended by PL 2011, c. 417, §9, is
25 further amended to read:

26 B. Three percent of the net table game income must be deposited for administrative
27 expenses of the board, 2% to the General Fund and 1% to the Gambling Control
28 Board administrative expenses Other Special Revenue Funds account, which is a
29 nonlapsing dedicated account;

30 **Sec. 4. 8 MRSA §1036, sub-§2-C, ¶B**, as enacted by PL 2011, c. 417, §10, is
31 amended to read:

32 B. Three percent of the net table game income must be deposited for administrative
33 expenses of the board, 2% to the General Fund and 1% to the Gambling Control
34 Board administrative expenses Other Special Revenue Funds account, which is a
35 nonlapsing dedicated account;

36 **Sec. 5. 8 MRSA §1036, sub-§6** is enacted to read:

37 **6. Fund balance transfer.** Monthly after the books have closed on the previous
38 month's expenditures all funds in the Gambling Control Board administrative expenses

1 Other Special Revenue Funds account in excess of 10% of the authorized allocation must
2 be transferred to the General Fund.

3 **Sec. 6. 20-A MRSA §6103, sub-§10**, as enacted by PL 2005, c. 457, Pt. CC, §4,
4 is amended to read:

5 **10. Dedicated fund.** ~~The Criminal History Record Check Fund is created as a Fees~~
6 ~~collected pursuant to subsection 3-A must be deposited in a dedicated fund within the~~
7 ~~Department of Education for the deposit of any fees collected pursuant to subsection 3 A.~~
8 ~~The purpose of the fund is Public Safety to reimburse pay~~ the Department of Public
9 Safety, State Bureau of Identification for the cost of conducting the fingerprinting and
10 needed state and national criminal history record checks pursuant to this section. The
11 fund may not lapse, but must be carried forward to carry out the purposes of this chapter.

12 **Sec. 7. 25 MRSA §1541, sub-§6**, as amended by PL 2013, c. 267, Pt. B, §22, is
13 further amended to read:

14 **6. Establishment of fees.** The State Bureau of Identification may charge a fee to
15 individuals, nongovernmental organizations, governmental organizations that are engaged
16 in licensing and governmental organizations that are not a governmental entity of the
17 State, a county of the State or a municipality of the State for each criminal history record
18 check requested for noncriminal justice purposes pursuant to Title 16, chapter 7. The
19 requestor shall provide a name and date of birth for each record being requested. A
20 request made pursuant to 5 United States Code, Section 9101 must be accompanied by
21 fingerprints. A governmental organization that is engaged in licensing may charge an
22 applicant for the cost of the criminal history record check. The commissioner shall
23 establish a schedule of fees that covers the cost of providing these services. One dollar of
24 each fee generated under this subsection must be deposited to the Other Special Revenue
25 Funds account within the Bureau of State Police to offset the cost of maintenance and
26 replacement of both hardware and software associated with the criminal history record
27 check system. The remaining revenues generated from these fees must be credited to the
28 General Fund.

29 For fingerprint-supported criminal history record checks, unless otherwise specified in
30 law, the full fee charged must be deposited in a dedicated revenue account for the purpose
31 of paying costs of the Department of Public Safety.

32 SUMMARY

33 This bill specifies in statute the portions of net slot machine and table game income
34 collected by a casino operator or slot machine operator for administrative expenses of the
35 Department of Public Safety, Gambling Control Board that must be deposited in the
36 General Fund and the Gambling Control Board administrative expenses Other Special
37 Revenue Funds account.

38 The bill moves a dedicated fund in the Department of Education regarding criminal
39 history record checks to the Department of Public Safety. It also provides that, with
40 respect to fingerprint-supported criminal history record checks, unless otherwise specified

1 in law, the full fee charged must be deposited in a dedicated revenue account for the
2 purpose of paying the costs of the Department of Public Safety.