

MAINE STATE LEGISLATURE

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



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ROS

Date: 4/19/22

(Filing No. S-580)

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE
SENATE
130TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "D" to COMMITTEE AMENDMENT "A" to H.P. 428, L.D. 585, "An Act To Restore to the Penobscot Nation and Passamaquoddy Tribe the Authority To Exercise Jurisdiction under the Federal Tribal Law and Order Act of 2010"

Amend the amendment by striking out the substitute title and replacing it with the following:

'An Act To Enhance Tribal-State Collaboration, To Revise the Tax Laws Regarding the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Nation and To Authorize Commercial Tracks, Casinos, Licensed Slot Machine Facilities, Off-track Betting Facilities and Federally Recognized Indian Tribes To Conduct Sports Wagering'

Amend the amendment by striking out all of Part I and inserting the following:

'PART I

Sec. I-1. Legislative findings and purpose. The Legislature finds and declares, with respect to the regulatory structure established for sports wagering in Part J of this Act, that:

1. If conducted by licensed commercial tracks, off-track betting facilities licensed on or before January 1, 2021, licensed slot machine facilities and casinos and federally recognized Indian tribes in the State, mobile sports wagering will serve as an effective economic development tool for tribal governments and tribal members and provide economic stimulus to the State;

2. Authorizing the federally recognized Indian tribes in the State, in addition to the licensed commercial tracks, off-track betting facilities licensed on or before January 1, 2021 and licensed slot machine facilities and casinos, to conduct mobile sports wagering is fair and equitable because those Indian tribes previously have been excluded from conducting most forms of gaming in the State;

3. If conducted by licensed commercial tracks, off-track betting facilities licensed on or before January 1, 2021, licensed slot machine facilities and casinos and federally recognized Indian tribes in the State, facility-based sports wagering will support the harness racing industry and agricultural interests that support the harness racing industry and serve as an effective economic development tool for tribal governments and tribal members; and

SENATE AMENDMENT

1 4. Off-track betting facilities, commercial tracks, casinos and federally recognized
2 Indian tribes are well suited to conduct facility-based sports wagering because of their
3 respective infrastructure and experience with the conduct of wagering, beano and bingo
4 and games of chance in the State.'

5 Amend the amendment by striking out all of Part J and inserting the following:

6 **'PART J**

7 **Sec. J-1. 7 MRSA §86, sub-§8**, as enacted by PL 2005, c. 563, §3, is amended to
8 read:

9 **8. Maximum allowed distribution from Stipend Fund.** A licensee may not receive
10 a stipend from the Stipend Fund greater than the amount actually raised and spent by the
11 licensee on premiums and gratuities in the classes provided in subsection 5. A licensee
12 may not receive a stipend from the Stipend Fund in excess of \$10,000, except that this
13 limitation does not apply to any additional stipend provided for by Title 8, section 287 or
14 to funds distributed from the Fair Fund ~~or in accordance with section 85~~, the Agricultural
15 Fair Support Fund in accordance with section 91 or the Agricultural Fair Promotion Fund
16 in accordance with section 103.

17 **Sec. J-2. 7 MRSA §103** is enacted to read:

18 **§103. Agricultural Fair Promotion Fund**

19 **1. Eligible nonprofit organization defined.** As used in this section, "eligible nonprofit
20 organization" means a nonprofit organization that is exempt from federal income taxation
21 under Section 501(a) of the United States Internal Revenue Code of 1986 as an organization
22 described by Section 501(c) and that has had, for at least the preceding 25 years, a sole or
23 primary purpose of promoting agricultural fairs in the State.

24 **2. Identification of eligible nonprofit organizations.** On January 1st and July 1st of
25 each year, the commissioner shall send a list of all eligible nonprofit organizations to the
26 Treasurer of State.

27 **3. Fund created.** The Treasurer of State shall establish an account to be known as "the
28 Agricultural Fair Promotion Fund" and shall credit to it all money received under Title 8,
29 section 1219, subsection 1, paragraph E and Title 8, section 1219, subsection 2, paragraph
30 E. The fund is a dedicated, nonlapsing fund. All revenues deposited in the fund must be
31 disbursed in accordance with this section.

32 **4. Distribution.** On January 31st and July 31st of each year, all amounts credited to
33 the fund established by this section as of the last day of the preceding month and not
34 distributed before that day must be distributed by the Treasurer of State in equal shares to
35 each organization in the State that has been identified by the commissioner as an eligible
36 nonprofit organization under subsection 2.

37 **Sec. J-3. 8 MRSA §290**, as enacted by PL 1997, c. 528, §46, is amended to read:

38 **§290. Purse supplement**

39 **1. Payment.** Amounts received pursuant to section 1219, subsection 1, paragraph C
40 and section 1219, subsection 2, paragraph C and amounts calculated as purse supplement
41 share under section 286 must be paid to the commission for distribution as provided in
42 subsection 2.

ROS
JUL 11 2017

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39

2. Distribution. On May 30th, September 30th and January 30th, ~~payments made~~ amounts received under ~~this subsection and~~ subsection 1 for distribution in accordance with this subsection must be divided among the licensees conducting live racing in the State. The amount of the payment made to a licensee is calculated by ~~dividing~~ multiplying the amount of money available for distribution by a fraction, the numerator of which is the number of race dates on which that licensee conducted live racing in any calendar year by and the denominator of which is the total number of race dates on which all licensees conducted live racing in that year. Beginning January 30, 1997, the January 30th payment must be adjusted to reflect the dates when live racing was actually conducted during the previous year, not the dates granted.

Sec. J-4. 8 MRSA §1003, sub-§5, as repealed and replaced by PL 2017, c. 475, Pt. A, §11, is amended to read:

5. Additional duties of the director. The director also serves as the director of the Gambling Control Unit, established as a bureau within the Department of Public Safety under Title 25, section 2902, subsection 12. As director of the unit, the director shall administer and enforce the laws governing fantasy contests under chapter 33, sports wagering under chapter 35 and beano and games of chance under Title 17, chapters 13-A and 62, respectively.

Sec. J-5. 8 MRSA §1104, sub-§2, as enacted by PL 2017, c. 303, §2, is amended to read:

2. Certain leagues and contests prohibited. A fantasy contest operator may not offer a fantasy contest based on the performances of participants in ~~collegiate or~~ high school athletic events or other athletic events involving participants under 18 years of age.

Sec. J-6. 8 MRSA c. 35 is enacted to read:

CHAPTER 35

REGULATION OF SPORTS WAGERING

§1201. Authorization of sports wagering; license required

Notwithstanding any provision of law to the contrary, the operation of sports wagering and ancillary activities are lawful when conducted in accordance with the provisions of this chapter and the rules adopted under this chapter.

A person or entity may not engage in any activities in this State that require a license under this chapter unless all necessary licenses have been obtained in accordance with this chapter and rules adopted under this chapter.

§1202. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Adjusted gross sports wagering receipts. "Adjusted gross sports wagering receipts" means an operator's gross receipts from sports wagering less the total of all winnings paid to patrons, which includes the cash equivalent of any merchandise or thing

105

- 1 of value awarded as a prize, and less excise tax payments remitted to the Federal
2 Government.
- 3 **2. Collegiate sports or athletic event.** "Collegiate sports or athletic event" means a
4 sports or athletic event offered or sponsored by, or played in connection with, a public or
5 private institution that offers postsecondary educational services.
- 6 **3. Commissioner.** "Commissioner" means the Commissioner of Public Safety.
- 7 **4. Department.** "Department" means the Department of Public Safety.
- 8 **5. Director.** "Director" means the director of the Gambling Control Unit within the
9 department.
- 10 **6. Facility operator.** "Facility operator" means a facility sports wagering licensee
11 under subsection 7, paragraph A.
- 12 **7. License.** "License" means any license applied for or issued by the director under
13 this chapter, including, but not limited to:
- 14 A. A facility sports wagering license under section 1206 to conduct sports wagering
15 in which wagers are placed within a physical location in this State;
- 16 B. A mobile sports wagering license under section 1207 to permit a mobile operator
17 to operate sports wagering through an approved mobile application or other digital
18 platform that involves, at least in part, the use of the Internet;
- 19 C. A supplier license under section 1208 to sell goods and services to be used in
20 connection with sports wagering, but not to directly accept wagers;
- 21 D. A management services license under section 1209 to manage sports wagering on
22 behalf of a facility sports wagering licensee or a mobile sports wagering licensee; and
- 23 E. An occupational license under section 1210 to be employed by a facility sports
24 wagering licensee to operate sports wagering when the employee performs duties in
25 furtherance of or associated with the operation of sports wagering.
- 26 **8. Mobile operator.** "Mobile operator" means a mobile sports wagering licensee
27 under subsection 7, paragraph B.
- 28 **9. Operator.** "Operator" includes a facility operator and a mobile operator.
- 29 **10. Professional sports or athletic event.** "Professional sports or athletic event"
30 means an event at which 2 or more persons participate in sports or athletic contests and
31 receive compensation in excess of actual expenses for their participation in the event.
- 32 **11. Prohibited sports event.** "Prohibited sports event" means a high school sports or
33 athletic event, any other event in which a majority of the participants are under 18 years of
34 age or a collegiate sports or athletic event in which any Maine collegiate sports team
35 participates, regardless of where the event takes place. "Prohibited sports event" does not
36 include any game or match that is part of a tournament in which a Maine collegiate sports
37 team participates, as long as a Maine collegiate sports team does not participate in that
38 particular game or match.
- 39 **12. Sports event.** "Sports event" means any professional sports or athletic event,
40 collegiate sports or athletic event or amateur sports or athletic event, including but not

ROS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

limited to an Olympic or international sports or athletic event, a motor vehicle race or an electronic sports event, commonly referred to as "e-sports."

13. Sports governing body. "Sports governing body" means an organization that is headquartered in the United States and prescribes final rules and enforces codes of conduct with respect to a sports event and participants in the sports event.

14. Sports wagering. "Sports wagering" means the business of accepting wagers on sports events or portions of sports events, the individual performance statistics of athletes in a sports event or a combination of any of the same by any system or method of wagering approved by the director, including, but not limited to, in person on the property of a facility operator or via a mobile operator's mobile applications and digital platforms that use communications technology to accept wagers. "Sports wagering" does not include the sale of pari-mutuel pools authorized under chapter 11 or the operation of fantasy contests as defined in section 1101, subsection 4.

15. Wager. "Wager" means a sum of money or thing of value risked on an uncertain occurrence.

§1203. Powers and duties of director

1. Powers and duties. In administering and enforcing this chapter, the director:

- A. Has the power to regulate the conduct of sports wagering;
- B. Shall determine the eligibility of a person to hold or continue to hold a license, shall issue all licenses and shall maintain a record of all licenses issued under this chapter;
- C. Shall levy and collect all fees, civil penalties and tax on adjusted gross sports wagering receipts imposed by this chapter, except as otherwise provided under this chapter;
- D. May sue to enforce any provision of this chapter or any rule of the director by civil action or petition for injunctive relief;
- E. May hold hearings, administer oaths and issue subpoenas or subpoenas duces tecum in the manner provided by applicable law; and
- F. May exercise any other powers necessary to effectuate the provisions of this chapter and the rules of the director.

2. Rules. The director shall adopt rules governing the conduct of sports wagering in the State, which must, at a minimum, include the following:

- A. Additional qualifications and procedures for obtaining a facility sports wagering license, supplier license, management services license, mobile sports wagering license or occupational license, including the procedure and qualifications for obtaining a waiver of the occupational license requirement;
- B. Additional qualifications and procedures for obtaining a temporary facility sports wagering license, temporary supplier license, temporary management services license and temporary mobile sports wagering license;
- C. The methods of operation of sports wagering, including but not limited to the permitted systems and methods of wagers; the use of credit and checks by persons making wagers; the types of wagering receipts that may be used; the method of issuing receipts; the prevention of sports wagering on prohibited sports events; the protection

ROS

- 1 of patrons placing wagers; and the promotion of social responsibility and responsible
- 2 gaming and display of information on resources for problem gambling at a facility
- 3 operator's premises or on any mobile application or digital platform used to place
- 4 wagers;
- 5 D. If the director determines that establishment of a maximum wager is necessary for
- 6 the protection of public safety, the maximum wager that may be accepted from any one
- 7 person on a single sports event;
- 8 E. Standards for the adoption of comprehensive house rules governing sports wagering
- 9 by operators and the approval of house rules by the director as required under section
- 10 1211;
- 11 F. Minimum design and security requirements for the physical premises of facility
- 12 operators in which sports wagering is conducted, including but not limited to minimum
- 13 requirements for the acceptance of wagers at a self-serve kiosk located on the premises
- 14 and minimum required methods for verifying the identity and age of a person who
- 15 places a wager with a facility operator, for verifying that the person making a wager is
- 16 not prohibited from making a wager under section 1213 and for requiring the refund of
- 17 any wager determined to have been placed by a person prohibited from making a wager
- 18 under section 1213;
- 19 G. Minimum design and security requirements for mobile applications and digital
- 20 platforms for the acceptance of wagers by mobile operators, including required
- 21 methods for verifying the age and identity of a person who places a wager with a mobile
- 22 operator, for verifying that the person making the wager is physically located in the
- 23 State and is not prohibited from making a wager under section 1213 and for requiring
- 24 the refund of any wager determined to have been placed by a person prohibited from
- 25 making a wager under section 1213;
- 26 H. The types of interested parties, including sports team or league employees or
- 27 owners, from whom operators are prohibited from accepting wagers under section
- 28 1213, subsection 4;
- 29 I. Minimum design, security, testing and approval requirements for sports wagering
- 30 equipment, systems or services sold by suppliers licensed under section 1208;
- 31 J. Minimum requirements for a contract between a management services licensee
- 32 under section 1209 and an operator on whose behalf the management services licensee
- 33 conducts sports wagering, including but not limited to requirements that the person
- 34 providing management services is licensed prior to entering a contract and that the
- 35 contract be approved by the director prior to the conduct of sports wagering;
- 36 K. Establishment of a list of persons who are not authorized to place a wager on a
- 37 sports event, including but not limited to those persons who voluntarily request that
- 38 their names be included on the list of unauthorized persons. The rules adopted under
- 39 this paragraph must define the standards for involuntary placement on the list and for
- 40 removal from the list;
- 41 L. Minimum internal control standards for operators, including but not limited to
- 42 procedures for safeguarding assets and revenues; the recording of cash and evidence
- 43 of indebtedness; the maintenance of reliable records, accounts and reports of

SENATE AMENDMENT

ROS

- 1 transactions, operations and events; required audits; and the content and frequency of
2 reports of sports wagering activities and revenues that must be made to the director;
- 3 M. Restrictions on the advertisement and marketing of sports wagering under section
4 1214; and
- 5 N. Requirements for a mobile operator to determine if mobile wagers are placed within
6 or appurtenant to the physical location of a facility operator through the use of
7 technology that uses location information from an electronic device to track whether
8 that electronic device is in a certain area or other technical means.
- 9 3. Rulemaking. Rules adopted by the director pursuant to this chapter are routine
10 technical rules as defined in Title 5, chapter 375, subchapter 2-A.
- 11 §1204. Application; criminal history background check
- 12 1. Application. An application for a license or for renewal of a license required under
13 this chapter must be submitted on a form or in a format approved by the director. An
14 application submitted to the director must, at a minimum, include the following:
- 15 A. The full name, current address and contact information of the applicant;
- 16 B. Disclosure of each person that has control of the applicant as described in subsection
17 2;
- 18 C. Consent to permit the director to conduct a criminal history record check in
19 accordance with subsection 3 of the applicant and each person disclosed under
20 paragraph B in accordance with procedures established by the director;
- 21 D. For the applicant and each person disclosed under paragraph B, a record of previous
22 issuances and denials of or any adverse action taken against a gambling-related license
23 or application under this Title or in any other jurisdiction. For purposes of this
24 paragraph, "adverse action" includes, but is not limited to, a condition resulting from
25 an administrative, civil or criminal violation, a suspension or revocation of a license or
26 a voluntary surrender of a license to avoid or resolve a civil, criminal or disciplinary
27 action; and
- 28 E. Any additional information required by the director by rule.
- 29 2. Persons that have control. The following persons are considered to have control
30 of an applicant or a licensee:
- 31 A. Each corporate holding company, parent company or subsidiary company of a
32 corporate applicant or licensee and each person that owns 10% or more of the corporate
33 applicant or licensee and that has the ability to control the activities of the corporate
34 applicant or licensee or elect a majority of the board of directors of that corporate
35 applicant or licensee, except for a bank or other licensed lending institution that holds
36 a mortgage or other lien acquired in the ordinary course of business;
- 37 B. Each person associated with a noncorporate applicant or licensee that directly or
38 indirectly holds a beneficial or proprietary interest in the noncorporate applicant's or
39 licensee's business operation or that the director otherwise determines has the ability to
40 control the noncorporate applicant or licensee; and

YOS

1 C. Key personnel of an applicant or licensee, including any executive, employee or
2 agent, having the power to exercise significant influence over decisions concerning any
3 part of the applicant's or licensee's relevant business operation.

4 **3. Criminal history record check.** The director shall request a criminal history record
5 check in accordance with this subsection for each applicant for initial licensure and each
6 person required to be disclosed by the applicant for initial licensure under subsection 1,
7 paragraph B. The director may require a criminal history record check in accordance with
8 this subsection from a licensee seeking to renew a license, from any person the licensee is
9 required to disclose under subsection 1, paragraph B as part of the license renewal
10 application and from any person identified by the licensee under subsection 4. A criminal
11 history record check conducted pursuant to this subsection must include criminal history
12 record information obtained from the Maine Criminal Justice Information System
13 established in Title 16, section 631 and the Federal Bureau of Investigation.

14 A. Criminal history record information obtained from the Maine Criminal Justice
15 Information System pursuant to this subsection must include a record of public criminal
16 history record information as defined in Title 16, section 703, subsection 8.

17 B. Criminal history record information obtained from the Federal Bureau of
18 Investigation pursuant to this subsection must include other state and national criminal
19 history record information.

20 C. An individual required to submit to a criminal history record check under this
21 subsection shall submit to having the individual's fingerprints taken. The State Police,
22 upon payment by the individual of the fee required under paragraph E, shall take or
23 cause to be taken the individual's fingerprints and shall immediately forward the
24 fingerprints to the Department of Public Safety, Bureau of State Police, State Bureau
25 of Identification. Any person who fails to transmit criminal fingerprint records to the
26 State Bureau of Identification pursuant to this paragraph is subject to the provisions of
27 Title 25, section 1550.

28 D. The Department of Public Safety, Bureau of State Police, State Bureau of
29 Identification shall conduct the state and national criminal history record checks
30 required under this subsection. Except for the portion of a payment, if any, that
31 constitutes the processing fee for a criminal history record check charged by the Federal
32 Bureau of Investigation, all money received by the State Police under this subsection
33 must be paid to the Treasurer of State, who shall apply the money to the expenses
34 incurred by the Department of Public Safety in the administration of this subsection.

35 E. The director shall by rule set the amount of the fee to be paid for each criminal
36 history record check required to be performed under this subsection.

37 F. The subject of a Federal Bureau of Investigation criminal history record check may
38 obtain a copy of the criminal history record check by following the procedures outlined
39 in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state
40 criminal history record check may inspect and review the criminal history record
41 information pursuant to Title 16, section 709.

42 G. State and national criminal history record information obtained by the director
43 under this subsection may be used only for the purpose of screening an applicant for a
44 license or a license renewal under this chapter.

ROS

1 H. All criminal history record information obtained by the director pursuant to this
2 subsection is confidential, is for the official use of the director only and may not be
3 disseminated by the director or disclosed to any other person or entity except as
4 provided in paragraph F.

5 I. The director, after consultation with the Department of Public Safety, Bureau of
6 State Police, State Bureau of Identification, shall adopt rules to implement this
7 subsection.

8 **4. Material change to application.** A person licensed under this chapter shall give
9 the director written notice within 30 days of any material change to any information
10 provided in the licensee's application for a license or renewal, including any change in the
11 identity of persons considered to have control of the licensee as described in subsection 2.

12 **5. Gambling Control Unit employees prohibited.** An employee of the Gambling
13 Control Unit within the department may not be an applicant for a license issued under this
14 chapter.

15 **§1205. Denial of license; administrative sanctions**

16 **1. Grounds for denial of license or imposition of administrative sanctions.** The
17 following are grounds for the director to deny a license or license renewal or for the
18 imposition of administrative sanctions, in accordance with this section, on a person licensed
19 under this chapter:

20 A. If the applicant or licensee has knowingly made a false statement of material fact
21 to the director;

22 B. If the applicant or licensee has not disclosed the existence or identity of other
23 persons that have control of the applicant or licensee as required by section 1204,
24 subsections 1 and 4;

25 C. If the applicant or licensee has had a license revoked by any government authority
26 responsible for regulation of gaming activities;

27 D. If the applicant, the licensee or a person having control of the applicant or licensee
28 under section 1204, subsection 2 is not of good moral character. In determining
29 whether the applicant, licensee or person is of good moral character, the director shall
30 consider qualities that include but are not limited to honesty, candor, trustworthiness,
31 diligence, reliability, observance of fiduciary and financial responsibility and respect
32 for the rights of others;

33 E. If the applicant, the licensee or a person having control of the applicant or licensee
34 under section 1204, subsection 2:

35 (1) Has, in any jurisdiction, been convicted of or pled guilty or nolo contendere to
36 a crime punishable by one year or more of imprisonment;

37 (2) Has, in any jurisdiction, been adjudicated of committing a civil violation or
38 been convicted of a criminal violation involving dishonesty, deception,
39 misappropriation or fraud;

40 (3) Has engaged in conduct in this State or any other jurisdiction that would
41 constitute a violation of this chapter; chapter 11 involving gambling; chapter 31;

SENATE AMENDMENT

ROS

1 Title 17, chapter 13-A or 62; Title 17-A, chapter 39; or substantially similar
2 offenses in other jurisdictions;

3 (4) Is a fugitive from justice, a drug user, a person with substance use disorder, an
4 illegal alien or a person who was dishonorably discharged from the Armed Forces
5 of the United States; or

6 (5) Is not current in filing all applicable tax returns and in the payment of all taxes,
7 penalties and interest owed to this State, any other state or the United States
8 Internal Revenue Service, excluding items under formal appeal;

9 F. If the applicant or licensee has not demonstrated to the satisfaction of the director
10 sufficient financial assets to meet the requirements of the licensed business or proposed
11 business and to meet any financial obligations imposed by this chapter;

12 G. If the applicant, the licensee or a person having control of the applicant or licensee
13 under section 1204, subsection 2 has not demonstrated financial responsibility. For the
14 purposes of this paragraph, "financial responsibility" means a demonstration of a
15 current and expected future condition of financial solvency sufficient to satisfy the
16 director that the applicant, the licensee or the person can successfully engage in
17 business without jeopardy to the public health, safety and welfare. "Financial
18 responsibility" may be determined by an evaluation of the total history concerning the
19 applicant, the licensee or the person, including past, present and expected condition
20 and record of financial solvency, business record and accounting and managerial
21 practices;

22 H. If the applicant or licensee has not met the requirements of this chapter; or

23 I. If the applicant or licensee has violated any provision of this chapter or of the rules
24 adopted under this chapter.

25 **2. Denial of initial license or renewed license; notice; hearing.** The director may
26 deny an application for a license or for renewal of a license for the reasons set forth in
27 subsection 1. The director shall notify the applicant or the licensee in writing of the
28 decision and of the opportunity to request a hearing conducted by the commissioner.

29 If the applicant or licensee fails to request a hearing within 30 days of the date that the
30 notice was mailed under this subsection, the director may issue a final decision denying the
31 application for a license or for renewal of a license. If the applicant or licensee makes a
32 timely request for a hearing, the commissioner shall conduct an adjudicatory hearing in
33 accordance with Title 5, chapter 375, subchapter 4. The director's decision to deny the
34 license or license renewal stands until the commissioner issues a decision to uphold, modify
35 or overrule the director's decision.

36 After hearing, if the commissioner finds grounds for denying a license or license renewal
37 under subsection 1, the commissioner may deny the application for a license or for renewal
38 of a license.

39 **3. Investigation of complaints; notice; hearing.** The director or the director's
40 designee shall investigate a complaint on the director's own motion or upon receipt of a
41 written complaint regarding noncompliance with or violation of this chapter or of any rules
42 adopted under this chapter. Following the investigation, the director may mail the licensee
43 a notice of violation informing the licensee of the administrative sanction under subsection
44 4, the director proposes to impose and of the licensee's opportunity to request a hearing.

ROS

1 If the licensee fails to request a hearing within 30 days of the date that a notice was mailed
2 under this subsection, the director may issue a final decision imposing the sanction
3 proposed in the notice. If the licensee makes a timely request for a hearing, the
4 commissioner shall conduct an adjudicatory hearing in accordance with Title 5, chapter
5 375, subchapter 4. If, after the hearing, the commissioner finds that the factual basis of the
6 complaint is true and is of sufficient gravity to warrant further action, the commissioner
7 may impose an administrative sanction under subsection 4.

8 **4. Administrative sanctions.** The director or the commissioner may, pursuant to
9 subsection 3, impose the following administrative sanctions on a licensee:

- 10 A. A written reprimand;
- 11 B. Conditions of probation of a license;
- 12 C. A license suspension;
- 13 D. A license revocation; or
- 14 E. A civil penalty of up to \$25,000 per violation of any provision of this chapter or
15 rule adopted pursuant to this chapter.

16 **5. Appeals.** A person aggrieved by the final decision of the commissioner under
17 subsection 2 or 3 may appeal the commissioner's decision to the Superior Court in
18 accordance with Title 5, chapter 375, subchapter 7.

19 **§1206. Facility sports wagering license**

20 **1. Issuance of license.** The director shall issue a facility sports wagering license upon
21 finding that the applicant meets all requirements of this section, sections 1204 and 1205
22 and rules adopted under this chapter.

23 **2. Eligibility.** To be eligible to receive a facility sports wagering license, an applicant
24 must be:

- 25 A. A commercial track licensed under section 271;
- 26 B. An off-track betting facility licensed on or before January 1, 2021 under section
27 275-D or Public Law 2019, chapter 626, section 16;
- 28 C. A slot machine facility or casino licensed under section 1011; or
- 29 D. A federally recognized Indian tribe in this State.

30 Each entity or tribe identified in paragraphs A to D may receive only one facility sports
31 wagering license under this section.

32 **3. Authority to conduct sports wagering; management services permitted.** A
33 facility sports wagering license granted by the director pursuant to this section grants a
34 licensee lawful authority to conduct sports wagering in which wagers are placed within a
35 physical location controlled by the licensee in the State within the terms and conditions of
36 the license and any rules adopted under this chapter. A facility sports wagering licensee
37 may contract with a management services licensee under section 1209.

38 **4. Fees.** The fee for an initial or renewed facility sports wagering license is \$2,000
39 and must be retained by the director for the costs of administering this chapter. In addition
40 to the license fee, the director may charge a processing fee for an initial or renewed license
41 in an amount equal to the projected cost of processing the application and performing any

ROS

1 background investigations. If the actual cost exceeds the projected cost, an additional fee
2 may be charged to meet the actual cost. If the projected cost exceeds the actual cost, the
3 difference may be refunded to the applicant or licensee.

4 **5. Term of license.** Except as provided in subsection 6, a license granted or renewed
5 under this section is valid for 2 years unless sooner revoked by the director or the
6 commissioner under section 1205. The failure of an entity identified in subsection 2,
7 paragraph A, B or C to maintain the underlying license described in that paragraph voids
8 the entity's facility sports wagering license.

9 **6. Temporary license.** An applicant for a facility sports wagering license that is
10 qualified under subsection 2, paragraph A, B or C may submit with the application a request
11 for a temporary license. An applicant for a facility sports wagering license that is qualified
12 under subsection 2, paragraph D and that has a license to operate high-stakes beano under
13 Title 17, section 314-A may submit with the application a request for a temporary license.

14 A request for a temporary license must include the initial license fee of \$2,000. If the
15 director determines that the applicant is qualified under subsection 2, meets the
16 requirements established by rule for a temporary license and has paid the initial license fee
17 and the director is not aware of any reason the applicant is ineligible for a license under
18 this section, the director may issue a temporary facility sports wagering license. A
19 temporary license issued under this subsection is valid for one year or until a final
20 determination on the facility sports wagering license application is made, whichever is
21 sooner. If after investigation the director determines that the applicant is eligible for a
22 facility sports wagering license under this chapter, the director shall issue the initial facility
23 sports wagering license, at which time the temporary license terminates. The initial facility
24 sports wagering license is valid for 2 years from the date that the temporary license was
25 issued by the director. Sports wagering conducted under authority of a temporary license
26 must comply with the facility operator's house rules adopted under section 1211.

27 **7. Occupational license required.** A facility sports wagering licensee, including a
28 temporary licensee under subsection 6, may conduct sports wagering only through persons
29 holding a valid occupational license under section 1210.

30 **8. Municipal control.** Nothing in this chapter may be construed to restrict the
31 authority of municipalities under municipal home rule provisions of the Constitution of
32 Maine, including zoning and public safety authority.

33 **§1207. Mobile sports wagering license**

34 **1. Issuance of license.** The director shall issue a mobile sports wagering license upon
35 finding that the applicant meets all requirements of this section, sections 1204 and 1205
36 and rules adopted under this chapter.

37 **2. Eligibility.** To be eligible to receive a mobile sports wagering license, an applicant
38 must be:

39 A. A commercial track licensed under section 271;

40 B. An off-track betting facility licensed on or before January 1, 2021 under section
41 275-D or Public Law 2019, chapter 626, section 16;

42 C. A slot machine facility or casino licensed under section 1011; or

43 D. A federally recognized Indian tribe in this State.

ROS

1 **3. Authority to conduct sports wagering; management services permitted.** A
2 mobile sports wagering license granted by the director pursuant to this section grants a
3 licensee lawful authority to conduct sports wagering in which wagers are placed by persons
4 who are physically located in the State through any mobile applications or digital platforms
5 approved by the director within the terms and conditions of the license and any rules
6 adopted under this chapter. A mobile sports wagering licensee may contract with a
7 management services licensee under section 1209. A mobile sports wagering licensee that
8 is not a federally recognized Indian tribe may not conduct mobile sports wagering through
9 a mobile application or digital platform until at least one federally recognized Indian tribe
10 has been granted a mobile sports wagering license by the director or one year after the
11 effective date of this subsection, whichever is earlier.

12 **4. Fees.** The fee for an initial or renewed mobile sports wagering license is \$100,000
13 and must be retained by the director for the costs of administering this chapter. In addition
14 to the license fee, the director may charge a processing fee for an initial or renewed license
15 in an amount equal to the projected cost of processing the application and performing any
16 background investigations. If the actual cost exceeds the projected cost, an additional fee
17 may be charged to meet the actual cost. If the projected cost exceeds the actual cost, the
18 difference may be refunded to the applicant or licensee.

19 **5. Term of license.** Except as provided in subsection 6, a license granted or renewed
20 under this section is valid for 2 years unless sooner revoked by the director or the
21 commissioner under section 1205. The failure of an entity identified in subsection 2,
22 paragraph A, B or C to maintain the underlying license described in that paragraph voids
23 the entity's mobile sports wagering license.

24 **6. Temporary license.** An applicant for a mobile sports wagering license may submit
25 with the application a request for a temporary license. A request for a temporary license
26 must include the initial license fee of \$100,000. If the director determines that the applicant
27 is qualified under subsection 2, meets the requirements established by rule for a temporary
28 license and has paid the initial license fee and the director is not aware of any reason the
29 applicant is ineligible for a license under this section, the director may issue a temporary
30 mobile sports wagering license. A temporary license issued under this subsection is valid
31 for one year or until a final determination on the mobile sports wagering license application
32 is made, whichever is sooner. If after investigation the director determines that the
33 applicant is eligible for a mobile sports wagering license under this chapter, the director
34 shall issue the initial mobile sports wagering license, at which time the temporary license
35 terminates. The initial mobile sports wagering license is valid for 2 years from the date
36 that the temporary license was issued by the director. Sports wagering conducted under
37 authority of a temporary license must comply with the mobile operator's house rules
38 adopted under section 1211.

39 **§1208. Supplier license**

40 **1. Issuance of license; eligibility.** The director shall issue a supplier license upon
41 finding that the applicant meets all requirements of this section, sections 1204 and 1205
42 and rules adopted under this chapter.

43 **2. Equipment.** An applicant for a supplier license shall demonstrate that the
44 equipment, systems or services that the applicant plans to offer to an operator conform to
45 standards established by rule by the director. The director may accept approval by another

ROS

1 jurisdiction that is specifically determined by the director to have similar equipment
2 standards as evidence the applicant meets the standards established by the director by rule.

3 **3. Authority to supply operators.** A supplier license granted by the director pursuant
4 to this section grants a licensee lawful authority to sell or to lease sports wagering
5 equipment, systems or services to operators in the State within the terms and conditions of
6 the license and any rules adopted under this chapter.

7 **4. Fees.** The fee for an initial or renewed supplier license is \$20,000 and must be
8 retained by the director for the costs of administering this chapter. In addition to the license
9 fee, the director may charge a processing fee for an initial or renewed license in an amount
10 equal to the projected cost of processing the application and performing any background
11 investigations. If the actual cost exceeds the projected cost, an additional fee may be
12 charged to meet the actual cost. If the projected cost exceeds the actual cost, the difference
13 may be refunded to the applicant or licensee.

14 **5. Term of license.** Except as provided in subsection 6, a license granted or renewed
15 under this section is valid for 2 years unless sooner revoked by the director or the
16 commissioner under section 1205.

17 **6. Temporary license.** An applicant for a supplier license may submit with the
18 application a request for a temporary license. A request for a temporary license must
19 include the initial license fee of \$20,000. If the director determines that the applicant is
20 qualified under subsection 1, meets the requirements established by rule for a temporary
21 license and has paid the initial license fee and the director is not aware of any reason the
22 applicant is ineligible for a license under this section, the director may issue a temporary
23 supplier license. A temporary license issued under this subsection is valid for one year or
24 until a final determination on the supplier license application is made, whichever is sooner.
25 If after investigation the director determines that the applicant is eligible for a supplier
26 license under this chapter, the director shall issue the initial supplier license, at which time
27 the temporary license terminates. The initial supplier license is valid for 2 years from the
28 date that the temporary license was issued by the director.

29 **7. Inventory.** A supplier licensee shall submit to the director a list of all sports
30 wagering equipment, systems and services sold or leased to, delivered to or offered to an
31 operator in this State as required by the director, all of which must be tested and approved
32 by an independent testing laboratory approved by the director. An operator may continue
33 to use supplies acquired from a licensed supplier if the supplier's license subsequently
34 expires or is otherwise revoked, unless the director finds a defect in the supplies.

35 **§1209. Management services license**

36 **1. Issuance of license; eligibility.** The director shall issue a management services
37 license upon finding that the applicant meets all requirements of this section, sections 1204
38 and 1205 and rules adopted under this chapter and that the applicant has sufficient
39 knowledge and experience in the business of operating sports wagering to effectively
40 conduct sports wagering in accordance with this chapter and the rules adopted under this
41 chapter.

42 **2. Authority to enter contract with operator.** A management services licensee may
43 contract with an operator to manage sports wagering operations on behalf of the operator
44 in accordance with rules adopted under this chapter.

ROS

1 3. Contract approval; material change in written contract. A person may not
2 contract with an operator to conduct sports wagering on behalf of the operator unless the
3 person is licensed under this section and the director approves the written contract. A
4 management services licensee shall submit to the director any proposed material change to
5 the written contract that has been approved by the director under this subsection. A
6 management services licensee may not transfer, assign, delegate or subcontract any portion
7 of the management services licensee's responsibilities under the contract or any portion of
8 the management services licensee's right to compensation under the contract to any other
9 person who does not hold a management services license.

10 4. Fees. The fee for an initial or renewed management services license is \$20,000 and
11 must be retained by the director for the costs of administering this chapter. In addition to
12 the license fee, the director may charge a processing fee for an initial or renewed license in
13 an amount equal to the projected cost of processing the application and performing any
14 background investigations. If the actual cost exceeds the projected cost, an additional fee
15 may be charged to meet the actual cost. If the projected cost exceeds the actual cost, the
16 difference may be refunded to the applicant or licensee.

17 5. Term of license. Except as provided in subsection 6, a license granted or renewed
18 under this section is valid for 2 years unless sooner revoked by the director or the
19 commissioner under section 1205.

20 6. Temporary license. An applicant for a management services license may submit
21 with the application a request for a temporary license. A request for a temporary license
22 must include the initial license fee of \$20,000. If the director determines that the applicant
23 is qualified under subsection 1, meets the requirements established by rule for a temporary
24 license and has paid the initial license fee and the director is not aware of any reason the
25 applicant is ineligible for a license under this section, the director may issue a temporary
26 management services license. A temporary license issued under this subsection is valid for
27 one year or until a final determination on the management services license application is
28 made, whichever is sooner. If after investigation the director determines that the applicant
29 is eligible for a management services license under this chapter, the director shall issue the
30 initial management services license, at which time the temporary license terminates. The
31 initial management services license is valid for 2 years from the date that the temporary
32 license was issued by the director.

33 **§1210. Occupational license**

34 1. License required. A person may not be employed by a facility operator to be
35 engaged directly in sports wagering-related activities or otherwise to conduct or operate
36 sports wagering without a valid occupational license issued by the director under this
37 section. The director shall issue an occupational license to a person who meets the
38 requirements of this section, section 1204 and section 1205. The director shall by rule
39 establish a process for issuance of occupational licenses that is, as far as possible, identical
40 to the process for licensing employees of a casino under section 1015.

41 2. Authority to be employed in sports wagering. An occupational license authorizes
42 the licensee to be employed by a facility operator in the capacity designated by the director
43 while the license is active. The director may establish, by rule, job classifications with
44 different requirements to recognize the extent to which a particular job has the ability to
45 affect the proper operation of sports wagering.

ROS

1 3. Application and fee. Except as provided in subsection 5, an applicant shall submit
2 any required application forms established by the director and pay a nonrefundable
3 application fee of \$250. The fee may be paid on behalf of an applicant by the facility
4 operator employer. Fees paid under this subsection must be retained by the director for the
5 costs of administering this chapter.

6 4. Renewal fee and form. An occupational licensee must pay to the director an annual
7 renewal fee of \$50. The fee may be paid on behalf of the occupational licensee by the
8 facility operator employer. In addition to a renewal fee, an occupational licensee must
9 annually submit a renewal application on a form or in a format approved by the director.
10 Fees paid under this subsection must be retained by the director for the costs of
11 administering this chapter.

12 5. Exception. An individual who is actively licensed under section 1015 as an
13 employee of a casino that has a facility sports wagering license may obtain or renew a
14 license under this section without paying an initial license fee or a renewal license fee under
15 this section.

16 **§1211. Sports wagering house rules**

17 1. Adoption of house rules. An operator shall adopt comprehensive house rules for
18 game play governing sports wagering transactions with its patrons. House rules must be
19 approved by the director prior to implementation and meet the minimum standards
20 established by the director by rule, including, but not limited to, requiring that the house
21 rules specify the amounts to be paid on winning wagers and the effect of sports event
22 schedule changes, the circumstances under which the operator will void a wager and
23 treatment of errors, late wagers and related contingencies.

24 2. Advertisement of house rules. The house rules, together with any other
25 information the director determines to be appropriate, must be advertised as required by
26 the director by rule and must be made readily available to patrons.

27 **§1212. Access to premises and equipment**

28 A licensee under this chapter shall permit the director, the department or a designee of
29 the director unrestricted access, during regular business hours, including access to locked
30 or secured areas, to inspect any facility and any equipment, prizes, records or other items
31 to be used in the operation of sports wagering.

32 **§1213. Persons prohibited from making wagers on sports events**

33 An operator and a management services licensee conducting sports wagering on behalf
34 of an operator may not accept a wager on a sports event from the following persons:

- 35 1. Persons under 21 years of age. A person who has not attained 21 years of age;
- 36 2. Sports event participants. An athlete or individual who participates or officiates
37 in the sports event that is the subject of the wager;
- 38 3. Operators and employees. An operator or management services licensee;
39 directors, officers and employees of an operator or management services licensee; or a
40 relative living in the same household as any of these persons. This subsection does not
41 prohibit a relative living in the same household as a director, officer or employee of an
42 operator or management services licensee from making a sports wager with an unaffiliated
43 operator or management services licensee;

ROS

1 4. Interested parties. A person with an interest in the outcome of the sports event
2 identified by the director by rule. The interested parties identified by the director by rule
3 under this subsection may include, but are not limited to, legal or beneficial owners of or
4 employees of a sports team participating in the event or another sports team in the same
5 league as a sports team participating in the event as well as directors, owners or employees
6 of the sports league conducting the event;

7 5. Unauthorized persons. A person on a list established by rule by the director under
8 section 1203, subsection 2, paragraph K of persons who are not authorized to make wagers
9 on sports events;

10 6. Third parties. A person making a wager on behalf of or as the agent or custodian
11 of another person; and

12 7. Regulatory staff. An employee of the Gambling Control Unit within the
13 department.

14 **§1214. Signs, advertising and marketing**

15 1. Prohibitions. Signs, advertising and marketing used by or on behalf of a licensee
16 under this chapter:

17 A. May not be misleading, deceptive or false;

18 B. May not involve advertising or marketing that has a high likelihood of reaching
19 persons under 21 years of age or that is specifically designed to appeal particularly to
20 persons under 21 years of age; and

21 C. May not be placed or otherwise used within 1,000 feet of the property line of a
22 preexisting public or private school.

23 2. Rulemaking. The director shall adopt rules regarding the placement, content and
24 use of signs, advertising and marketing to implement this section. Rules adopted pursuant
25 to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter
26 2-A.

27 **§1215. Certain sports wagers prohibited**

28 1. Prohibited wagers. An operator may not, with respect to a sports event of a sport
29 governing body headquartered in the United States, offer or accept wagers on the
30 occurrence of injuries or penalties, the outcome of player disciplinary rulings or replay
31 reviews.

32 2. Request from sports governing body. A sports governing body may submit to the
33 director in writing a request to restrict, limit or exclude a certain type, form or category of
34 sports wagering with respect to sports events of that sports governing body if the sports
35 governing body believes that that type, form or category of sports wagering with respect to
36 sports events of that sports governing body may undermine the integrity or perceived
37 integrity of that sports governing body or sports events of that sports governing body. The
38 director shall request comment from operators on all requests under this subsection. After
39 giving due consideration to all comments received, the director shall, upon a demonstration
40 of good cause from the sports governing body that the type, form or category of sports
41 wagering is likely to undermine the integrity or perceived integrity of that sports governing
42 body or sports events of that sports governing body, grant the request. The director shall
43 respond to a request concerning a particular event before the start of the event or, if it is not

ROS

1 feasible to respond before the start of the event, no later than 7 days after the request is
2 made. If the director determines that the sports governing body is more likely than not to
3 prevail in successfully demonstrating good cause for its request, the director may
4 provisionally grant the request of the sports governing body until the director makes a final
5 determination as to whether the sports governing body has demonstrated good cause.
6 Absent such a provisional grant by the director, an operator may continue to offer sports
7 wagering on sports events that are the subject of that request during the pendency of the
8 director's consideration of the request.

9 **§1216. Abnormal wagering activity**

10 1. Duty to report. An operator shall, as soon as practicable, report to the director any
11 information relating to abnormal wagering activity or patterns that may indicate a concern
12 with the integrity of a sports event or any other conduct that corrupts a wagering outcome
13 of a sports event for purposes of financial gain, including match fixing. An operator shall
14 concurrently report that information to the relevant sports governing body.

15 2. Cooperation efforts. An operator shall use commercially reasonable efforts to
16 cooperate with investigations conducted by sports governing bodies or law enforcement
17 agencies, including but not limited to using commercially reasonable efforts to provide or
18 facilitate the provision of wagering information.

19 3. Information confidentiality. The director and operators shall maintain the
20 confidentiality of information provided by a sports governing body for purposes of
21 investigating or preventing the conduct described in this section, unless disclosure is
22 otherwise required by the director or by law, or unless the sports governing body consents
23 to disclosure.

24 4. Information use and disclosure. With respect to any information provided by an
25 operator to a sports governing body relating to conduct described in this section, a sports
26 governing body:

27 A. May use such information only for integrity-monitoring purposes and may not use
28 the information for any commercial or other purpose; and

29 B. Shall maintain the confidentiality of the information, unless disclosure is otherwise
30 required by the director or by law, or unless the operator consents to disclosure, except
31 that the sports governing body may make disclosures necessary to conduct and resolve
32 integrity-related investigations and may publicly disclose such information if required
33 by the sports governing body's integrity policies or if determined by the sports
34 governing body in its reasonable judgment to be necessary to maintain the actual or
35 perceived integrity of its sports events. Prior to any public disclosure that would
36 identify the operator by name, the sports governing body shall provide that operator
37 with notice of the disclosure and an opportunity to object to the disclosure.

38 **§1217. Security, maintenance and sharing of wagering records**

39 1. Records maintenance. An operator shall maintain records of all wagers placed,
40 including personally identifiable information of the person placing the wager, amount and
41 type of wager, time the wager was placed, location of the wager, including the Internet
42 protocol address if applicable, the outcome of the wager and instances of abnormal
43 wagering activity for 3 years after the sports event occurs, as well as video recordings in
44 the case of in-person wagers, for at least one year after the sports event occurs and shall

ROS

1 make that data available for inspection upon request of the director or as required by court
2 order.

3 **2. Anonymized information.** An operator shall use commercially reasonable efforts
4 to maintain, in real time and at the account level, anonymized information regarding a
5 person who places a wager and the amount and type of the wager, the time the wager was
6 placed, the location of the wager, including the Internet protocol address if applicable, the
7 outcome of the wager and records of abnormal wagering activity. The director may request
8 that information in the form and manner required by rule. Nothing in this subsection
9 requires an operator to provide any information that is prohibited by federal or state law,
10 including without limitation laws and rules relating to privacy and personally identifiable
11 information.

12 **3. Records monitoring.** If a sports governing body has notified the director that
13 access to the information described in subsection 2 for wagers placed on sports events of
14 that sports governing body is necessary to monitor the integrity of that sports governing
15 body's sports events, and the sports governing body represents to the director that it
16 specifically uses that data for the purpose of monitoring the integrity of sports events of
17 that sports governing body, then an operator shall share, in a commercially reasonable
18 frequency, form and manner, with the sports governing body or its designee the same
19 information the operator is required to maintain under subsection 2 with respect to sports
20 wagers on sports events of that sports governing body. A sports governing body and its
21 designee may use information received under this subsection only for integrity-monitoring
22 purposes and may not use information received under this subsection for any commercial
23 or other purpose. Nothing in this subsection requires an operator to provide any
24 information if prohibited by federal or state law, including without limitation laws and rules
25 relating to privacy and personally identifiable information.

26 **4. Security.** An operator shall use commercially reasonable methods to maintain the
27 security of wagering data, customer data and other confidential information from
28 unauthorized access and dissemination. Nothing in this chapter precludes the use of
29 Internet-based or so-called cloud-based hosting of that data and information or disclosure
30 as required by law.

31 **§1218. Interception of sports wagering winnings to pay child support debt**

32 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
33 following terms have the following meanings.

34 A. "Child support debt" means child support debt that has been liquidated by judicial
35 or administrative action.

36 B. "Department" means the Department of Health and Human Services.

37 C. "Licensee" means a facility operator, a mobile operator or a management services
38 licensee under section 1209.

39 D. "Registry operator" means the department or an entity with which the department
40 enters into a contract to maintain the registry pursuant to subsection 3.

41 E. "Winner" means a sports wagering patron to whom cash is returned as winnings for
42 placement of a sports wager.

ROS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43

2. Interception. A licensee shall intercept sports wagering winnings to pay child support debt in accordance with this section.

3. Registry. The department shall create and maintain, or shall contract with a private entity to create and maintain, a secure, electronically accessible registry containing information regarding individuals with outstanding child support debt. The department shall regularly enter into the registry information including:

- A. The name and social security number of each individual with outstanding child support debt;
- B. The account number or identifier assigned by the department to the outstanding child support debt;
- C. The amount of the outstanding child support debt; and
- D. Any other information necessary to effectuate the purposes of this section.

4. Electronic access to information; procedures. A licensee shall electronically access the registry in accordance with this subsection.

A. Before making a payout of winnings of an amount equal to or greater than the amount for which the licensee is required to file a Form W-2G or substantially equivalent form with the United States Internal Revenue Service, the licensee shall obtain the name, address, date of birth and social security number of the winner and shall electronically submit this information to the registry operator.

B. Upon receipt of information pursuant to paragraph A, the registry operator shall electronically inform the licensee whether the winner is listed in the registry. If the winner is listed in the registry, the registry operator shall inform the licensee of the amount of the winner's outstanding child support debt and the account number or identifier assigned to the outstanding child support debt and shall provide the licensee with a notice of withholding that informs the winner of the right to an administrative hearing.

C. If the registry operator informs the licensee that the winner is not listed in the registry or if the licensee is unable to obtain information from the registry operator on a real-time basis after attempting in good faith to do so, the licensee may make payment to the winner.

D. If the registry operator informs the licensee that the winner is listed in the registry, the licensee may not make payment to the winner unless the amount of the payout exceeds the amount of outstanding child support debt, in which case the licensee may make payment to the winner of the amount of winnings that is in excess of the amount of the winner's outstanding child support debt.

5. Lien against winnings. If the registry operator informs a licensee pursuant to this section that a winner is listed in the registry, the department has a valid lien upon and claim of lien against the winnings in the amount of the winner's outstanding child support debt.

6. Withholding of winnings. The licensee shall withhold from any winnings an amount equal to the amount of the lien created under subsection 5 and shall provide a notice of withholding to the winner. Within 7 days after withholding an amount pursuant to this subsection, the licensee shall transmit the amount withheld to the department together with a report of the name, address and social security number of the winner, the account number

SENATE AMENDMENT

1 or identifier assigned to the debt, the amount withheld, the date of withholding and the
2 name and location of the licensee.

3 7. Licensee costs. Notwithstanding subsection 6, the licensee may retain \$10 from an
4 amount withheld pursuant to this section to cover the cost of the licensee's compliance with
5 this section.

6 8. Administrative hearing. A winner from whom an amount was withheld pursuant
7 to this section has the right, within 15 days of receipt of the notice of withholding, to request
8 from the department an administrative hearing. The hearing is limited to questions of
9 whether the debt is liquidated and whether any post-liquidation events have affected the
10 winner's liability. The administrative hearing decision constitutes final agency action.

11 9. Authorization to provide information. Notwithstanding any provision of law to
12 the contrary, the licensee may provide to the department or registry operator any
13 information necessary to effectuate the intent of this section. The department or registry
14 operator may provide to the licensee any information necessary to effectuate the intent of
15 this section.

16 10. Confidentiality of information. The information obtained by the department or
17 registry operator from a licensee pursuant to this section and the information obtained by
18 the licensee from the department or registry operator pursuant to this section are
19 confidential and may be used only for the purposes set forth in this section. An employee
20 or prior employee of the department, the registry operator or a licensee who knowingly or
21 intentionally discloses any such information commits a civil violation for which a fine not
22 to exceed \$1,000 may be adjudged.

23 11. Effect of compliance; noncompliance. A licensee, the department and the
24 registry operator are not liable for any action taken in good faith to comply with this section.
25 A licensee who fails to make a good faith effort to obtain information from the registry
26 operator or who fails to withhold and transmit the amount of the lien created under
27 subsection 5 is liable to the department for the greater of \$500 and the amount the person
28 was required to withhold and transmit to the department under this section, together with
29 costs, interest and reasonable attorney's fees.

30 12. Biennial review. The department shall include in its report to the Legislature
31 under section 1066 the following information:

32 A. The number of names of winners submitted by licensees to the registry operator
33 pursuant to this section in each of the preceding 2 calendar years;

34 B. The number of winners who were found to be listed in the registry in each of the
35 preceding 2 calendar years;

36 C. The amount of winnings withheld by licensees pursuant to this section in each of
37 the preceding 2 calendar years; and

38 D. The amount of withheld winnings refunded to winners as the result of
39 administrative hearings requested pursuant to this section in each of the preceding 2
40 calendar years.

41 §1219. Allocation of funds

ROS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

1. Tax imposed on facility operator; allocation of funds. A facility operator shall collect and distribute 10% of adjusted gross sports wagering receipts to the director to be forwarded by the director to the Treasurer of State for distribution as follows:

A. One percent of the adjusted gross sports wagering receipts must be deposited in the General Fund for the administrative expenses of the Gambling Control Unit within the department;

B. One percent of the adjusted gross sports wagering receipts must be deposited in the Gambling Addiction Prevention and Treatment Fund established by Title 5, section 20006-B;

C. Fifty-five hundredths of 1% of the adjusted gross sports wagering receipts must be paid to the State Harness Racing Commission for distribution as described in section 290, subsection 2;

D. Fifty-five hundredths of 1% of the adjusted gross sports wagering receipts must be deposited in the Sire Stakes Fund established in section 281;

E. Four-tenths of 1% of the adjusted gross sports wagering receipts must be deposited in the Agricultural Fair Promotion Fund established pursuant to Title 7, section 103; and

F. Six and one-half percent of the adjusted gross sports wagering receipts must be deposited in the General Fund.

2. Tax imposed on mobile operator other than federally recognized Indian tribe; allocation of funds. Except as provided in subsection 3, a mobile operator shall collect and distribute 16% of adjusted gross sports wagering receipts to the director to be forwarded by the director to the Treasurer of State for distribution as follows:

A. One percent of the adjusted gross sports wagering receipts must be deposited in the General Fund for the administrative expenses of the Gambling Control Unit within the department;

B. One percent of the adjusted gross sports wagering receipts must be deposited in the Gambling Addiction Prevention and Treatment Fund established by Title 5, section 20006-B;

C. Fifty-five hundredths of 1% of the adjusted gross sports wagering receipts must be paid to the State Harness Racing Commission for distribution as described in section 290, subsection 2;

D. Fifty-five hundredths of 1% of the adjusted gross sports wagering receipts must be deposited in the Sire Stakes Fund established in section 281;

E. Four-tenths of 1% of the adjusted gross sports wagering receipts must be deposited in the Agricultural Fair Promotion Fund established pursuant to Title 7, section 103;

F. Six percent of the adjusted gross sports wagering receipts must be distributed in equal parts to the tribal governments of the federally recognized Indian tribes in this State; and

G. Six and one-half percent of the adjusted gross sports wagering receipts must be deposited in the General Fund.

SENATE AMENDMENT

ROS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

3. Tax imposed on federally recognized Indian tribe licensed as mobile operator; allocation of funds. A federally recognized Indian tribe licensed as a mobile operator shall collect and distribute 10% of adjusted gross sports wagering receipts to the director to be forwarded by the director to the Treasurer of State for distribution as follows:

A. One percent of the adjusted gross sports wagering receipts must be deposited in the General Fund for the administrative expenses of the Gambling Control Unit within the department;

B. One percent of the adjusted gross sports wagering receipts must be deposited in the Gambling Addiction Prevention and Treatment Fund established by Title 5, section 20006-B;

C. Fifty-five hundredths of 1% of the adjusted gross sports wagering receipts must be paid to the State Harness Racing Commission for distribution as described in section 290, subsection 2;

D. Fifty-five hundredths of 1% of the adjusted gross sports wagering receipts must be deposited in the Sire Stakes Fund established in section 281;

E. Four-tenths of 1% of the adjusted gross sports wagering receipts must be deposited in the Agricultural Fair Promotion Fund established pursuant to Title 7, section 103; and

F. Six and one-half percent of the adjusted gross sports wagering receipts must be deposited in the General Fund.

4. Due dates; late payments. The director may adopt rules establishing the dates on which payments required by this section are due. All payments not remitted when due must be paid together with interest on the unpaid balance at a rate of 1.5% per month.

§1220. Applicability of other laws

1. Authorized conduct. The provisions of Title 17, chapter 62 and Title 17-A, chapter 39 do not apply to sports wagering conducted in accordance with this chapter and the rules adopted under this chapter.

2. Unlicensed conduct. A person who engages in an activity for which a license is required under this chapter and who does not possess the required license to engage in that activity is subject to any criminal or civil penalties that may be imposed pursuant to Title 17-A, chapter 39.

3. Unauthorized conduct by licensees. In addition to any penalties that may be imposed pursuant to section 1205, a licensee who conducts sports wagering in violation of this chapter or the rules adopted under this chapter is subject to any criminal or civil penalties that may be imposed pursuant to Title 17-A, chapter 39.

Sec. J-7. 17-A MRSA §951, as amended by PL 2017, c. 284, Pt. KKKKK, §32, is further amended to read:

§951. Inapplicability of chapter

Any person licensed or registered by the Gambling Control Unit as provided in Title 17, chapter 13-A or chapter 62, or authorized to operate or conduct a raffle pursuant to Title 17, section 1837-A; or licensed to operate sports wagering pursuant to Title 8, chapter 35

1 is exempt from the application of the provisions of this chapter insofar as that person's
2 conduct is within the scope of the license or registration.

3 **Sec. J-8. 25 MRSA §1542-A, sub-§1, ¶Z** is enacted to read:

4 Z. Who is required to have a criminal history record check under Title 8, section 1204.

5 **Sec. J-9. 25 MRSA §1542-A, sub-§3, ¶Y** is enacted to read:

6 Y. The State Police shall take or cause to be taken the fingerprints of the person named
7 in subsection 1, paragraph Z at the request of that person or the director of the Gambling
8 Control Unit within the Department of Public Safety and upon payment of the fee
9 established by the director of the Gambling Control Unit pursuant to Title 8, section
10 1204, subsection 3.

11 **Sec. J-10. Emergency rules.** The director of the Gambling Control Unit within the
12 Department of Public Safety may adopt emergency rules under the Maine Revised Statutes,
13 Title 5, section 8054 as necessary to implement this Act without the necessity of
14 demonstrating that immediate adoption is necessary to avoid a threat to public health, safety
15 or general welfare.'

16 Amend the amendment by relettering or renumbering any nonconsecutive Part letter or
17 section number to read consecutively.

18 SUMMARY

19 This amendment removes the gaming provisions of Committee Amendment "A" and
20 replaces them with the provisions of Legislative Document 1352 as amended by Committee
21 Amendment "A" and House Amendment "A" with the following changes.

22 1. It requires the director of the Gambling Control Unit in the Department of Public
23 Safety to adopt rules governing requirements for a mobile operator to determine if mobile
24 wagers are placed within or appurtenant to the physical location of a facility operator
25 through the use of technology that uses location information from an electronic device to
26 track whether that electronic device is in a certain area or other technical means.

27 2. It specifies that an off-track betting facility licensed on or before January 1, 2021 is
28 eligible for a facility sports wagering license or mobile sports wagering license.

29 3. It provides that a mobile sports wagering licensee that is not a federally recognized
30 Indian tribe may not conduct mobile sports wagering through a mobile application or digital
31 platform until at least one federally recognized Indian tribe has been granted a mobile sports
32 wagering license or one year after the effective date of this legislation, whichever is earlier.

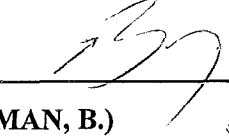
33 4. It provides that a mobile operator other than a federally recognized Indian tribe must
34 collect 6% of adjusted gross sports wagering receipts for distribution in equal parts to the
35 tribal governments of the federally recognized Indian tribes in this State.

ROS

SENATE AMENDMENT "D" to COMMITTEE AMENDMENT "A" to H.P. 428, L.D. 585 (S-586)

1
2
3
4
5
6

5. It requires a federally recognized Indian tribe licensed as a mobile operator to collect and distribute 10% of adjusted gross sports wagering receipts to the director of the Gambling Control Unit to be forwarded to the Treasurer of State for distribution.

SPONSORED BY:  _____

(Senator CHIPMAN, B.)

COUNTY: Cumberland

FISCAL NOTE REQUIRED
(See attached)

SENATE AMENDMENT



130th MAINE LEGISLATURE

LD 585

LR 1337(13)

An Act To Restore to the Penobscot Nation and Passamaquoddy Tribe the Authority To Exercise Jurisdiction under the Federal Tribal Law and Order Act of 2010

Fiscal Note for House Amendment 'D' to Committee Amendment "A" (S-580)

Sponsor: Sen. Chipman of Cumberland

Fiscal Note Required: Yes

Fiscal Note

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Net Cost (Savings)				
General Fund	\$0	\$41,000	(\$3,750)	(\$1,219,750)
Revenue				
General Fund	\$0	(\$41,000)	\$3,750	\$1,219,750
Other Special Revenue Funds	\$0	\$155,251	\$163,012	\$171,163

Fiscal Detail and Notes

This amendment replaces sections of Committee Amendment "A" regarding sports wagering with new license eligibility criteria, license fees, license terms, percentage of taxes on adjusted gross sports wagering receipts, facility-specific tax rates, non-tribal entity mobile operator specific tax rates and tribal entity mobile operator specific tax rates. Changes to licensing eligibility and terms will decrease General Fund revenue by an estimated \$41,000 in fiscal year 2022-23, but shorter license terms will increase General Fund license revenue by \$3,750 in fiscal year 2023-24 and by \$1,219,750 in fiscal year 2024-25. The changes to specific tax rates on facilities, non-tribal mobile operators and tribal mobile operators entities will result in Other Special Revenue Funds revenue increases of \$155,251 beginning in fiscal year 2022-23. The amendment does not change the staffing requirements of the Gambling Control Unit or other provisions related to the appropriations and allocations contained in Committee Amendment "A."