

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2021

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Legislative Document

No. 1352

S.P. 437

In Senate, April 7, 2021

### An Act To Regulate Sports Betting

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Received by the Secretary of the Senate on April 5, 2021. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator LUCHINI of Hancock.

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

2 **Sec. 1. 8 MRSA §1003, sub-§5**, as repealed and replaced by PL 2017, c. 475, Pt.  
3 A, §11, is amended to read:

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

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

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

15 **Sec. 3. 8 MRSA c. 35** is enacted to read:

16 **CHAPTER 35**

17 **REGULATION OF SPORTS WAGERING**

18 **§1201. Authorization of sports wagering; license required**

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

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

25 **§1202. Definitions**

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

28 **1. Adjusted gross sports wagering receipts.** "Adjusted gross sports wagering  
29 receipts" means an operator's gross receipts from sports wagering less the total of all  
30 winnings paid to patrons, which includes the cash equivalent of any merchandise or thing  
31 of value awarded as a prize, and less excise tax payments remitted to the Federal  
32 Government.

33 **2. Collegiate sports or athletic event.** "Collegiate sports or athletic event" means a  
34 sports or athletic event offered or sponsored by, or played in connection with, a public or  
35 private institution that offers postsecondary educational services.

36 **3. Commissioner.** "Commissioner" means the Commissioner of Public Safety.

37 **4. Department.** "Department" means the Department of Public Safety.

1           **5. Director.** "Director" means the director of the Gambling Control Unit within the  
2 department.

3           **6. Facility operator.** "Facility operator" means a facility sports wagering licensee  
4 under subsection 7, paragraph A.

5           **7. License.** "License" means any license applied for or issued by the director under  
6 this chapter, including, but not limited to:

7           A. A facility sports wagering license under section 1206 to conduct sports wagering  
8 in which wagers are placed within a physical location in this State;

9           B. A mobile sports wagering license under section 1207 to permit a mobile operator  
10 to operate sports wagering through an approved mobile application or other digital  
11 platform that involves, at least in part, the use of the Internet;

12           C. A supplier license under section 1208 to sell goods and services to be used in  
13 connection with sports wagering, but not to directly accept wagers;

14           D. A management services license under section 1209 to manage sports wagering on  
15 behalf of a facility sports wagering licensee or a mobile sports wagering licensee; and

16           E. An occupational license under section 1210 to be employed by a facility sports  
17 wagering licensee to operate sports wagering when the employee performs duties in  
18 furtherance of or associated with the operation of sports wagering.

19           **8. Mobile operator.** "Mobile operator" means a mobile sports wagering licensee  
20 under subsection 7, paragraph B.

21           **9. Operator.** "Operator" includes a facility operator and a mobile operator.

22           **10. Professional sports or athletic event.** "Professional sports or athletic event"  
23 means an event at which 2 or more persons participate in sports or athletic contests and  
24 receive compensation in excess of actual expenses for their participation in the event.

25           **11. Prohibited sports event.** "Prohibited sports event" means a high school sports or  
26 athletic event, any other event in which a majority of the participants are under 18 years of  
27 age or a collegiate sports or athletic event in which any Maine collegiate sports team  
28 participates, regardless of where the event takes place.

29           **12. Qualified gaming entity.** "Qualified gaming entity" means a gaming entity that  
30 offers sports wagering through mobile applications or digital platforms in any jurisdiction  
31 in the United States pursuant to a state regulatory structure.

32           **13. Sports event.** "Sports event" means any professional sports or athletic event,  
33 collegiate sports or athletic event or amateur sports or athletic event, including but not  
34 limited to an Olympic or international sports or athletic event, a motor vehicle race or an  
35 electronic sports event, commonly referred to as "e-sports."

36           **14. Sports wagering.** "Sports wagering" means the business of accepting wagers on  
37 sports events or portions of sports events, the individual performance statistics of athletes  
38 in a sports event or a combination of any of the same by any system or method of wagering  
39 approved by the director, including, but not limited to, in person on the property of a facility  
40 operator or via a mobile operator's mobile applications and digital platforms that use  
41 communications technology to accept wagers. "Sports wagering" does not include the sale

1 of pari-mutuel pools authorized under chapter 11 or the operation of fantasy contests as  
2 defined in section 1101, subsection 4.

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

5 **§1203. Powers and duties of director**

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

7 A. Has the power to regulate the conduct of sports wagering;

8 B. Shall determine the eligibility of a person to hold or continue to hold a license, shall  
9 issue all licenses and shall maintain a record of all licenses issued under this chapter;

10 C. Shall levy and collect all fees, civil penalties and tax on adjusted gross sports  
11 wagering receipts imposed by this chapter, except as otherwise provided under this  
12 chapter;

13 D. May sue to enforce any provision of this chapter or any rule of the director by civil  
14 action or petition for injunctive relief;

15 E. May hold hearings, administer oaths and issue subpoenas or subpoenas duces tecum  
16 in the manner provided by applicable law; and

17 F. May exercise any other powers necessary to effectuate the provisions of this chapter  
18 and the rules of the director.

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

21 A. Additional qualifications and procedures for obtaining a facility sports wagering  
22 license, supplier license, management services license, mobile sports wagering license  
23 or occupational license, including the procedure and qualifications for obtaining a  
24 waiver of the occupational license requirement;

25 B. Additional qualifications and procedures for obtaining a temporary facility sports  
26 wagering license, temporary supplier license, temporary management services license  
27 and temporary mobile sports wagering license;

28 C. The methods of operation of sports wagering, including but not limited to the  
29 permitted systems and methods of wagers; the use of credit and checks by persons  
30 making wagers; the types of wagering receipts that may be used; the method of issuing  
31 receipts; the prevention of sports wagering on prohibited sports events; the protection  
32 of patrons placing wagers; and the promotion of social responsibility and responsible  
33 gaming and display of information on resources for problem gambling at a facility  
34 operator's premises or on any mobile application or digital platform used to place  
35 wagers;

36 D. If the director determines that establishment of a maximum wager is necessary for  
37 the protection of public safety, the maximum wager that may be accepted from any one  
38 person on a single sports event;

39 E. Standards for the adoption of comprehensive house rules governing sports wagering  
40 by operators and the approval of house rules by the director as required under section  
41 1211;

1 F. Minimum design and security requirements for the physical premises of facility  
2 operators in which sports wagering is conducted, including but not limited to minimum  
3 requirements for the acceptance of wagers at a self-serve kiosk located on the premises  
4 and minimum required methods for verifying the identity and age of a person who  
5 places a wager with a facility operator, for verifying that the person making a wager is  
6 not prohibited from making a wager under section 1213 and for requiring the refund of  
7 any wager determined to have been placed by a person prohibited from making a wager  
8 under section 1213;

9 G. Minimum design and security requirements for mobile applications and digital  
10 platforms for the acceptance of wagers by mobile operators, including required  
11 methods for verifying the age and identity of a person who places a wager with a mobile  
12 operator, for verifying that the person making the wager is physically located in the  
13 State and is not prohibited from making a wager under section 1213 and for requiring  
14 the refund of any wager determined to have been placed by a person prohibited from  
15 making a wager under section 1213;

16 H. The types of interested parties, including sports team or league employees or  
17 owners, from whom operators are prohibited from accepting wagers under section  
18 1213, subsection 4;

19 I. Minimum design, security, testing and approval requirements for sports wagering  
20 equipment, systems or services sold by suppliers licensed under section 1208;

21 J. Minimum requirements for a contract between a management services licensee  
22 under section 1209 and an operator on whose behalf the management services licensee  
23 conducts sports wagering, including but not limited to requirements that the person  
24 providing management services is licensed prior to entering a contract and that the  
25 contract be approved by the director prior to the conduct of sports wagering;

26 K. Establishment of a list of persons who are not authorized to place a wager on a  
27 sports event, including but not limited to those persons who voluntarily request that  
28 their names be included on the list of unauthorized persons. The rules adopted under  
29 this paragraph must define the standards for involuntary placement on the list and for  
30 removal from the list;

31 L. Minimum internal control standards for operators, including but not limited to  
32 procedures for safeguarding assets and revenues; the recording of cash and evidence  
33 of indebtedness; the maintenance of reliable records, accounts and reports of  
34 transactions, operations and events; required audits; and the content and frequency of  
35 reports of sports wagering activities and revenues that must be made to the director;  
36 and

37 M. Restrictions on the advertisement and marketing of sports wagering, including but  
38 not limited to prohibiting misleading, deceptive or false advertisements; prohibiting  
39 advertising or marketing that has a high likelihood of reaching persons under 21 years  
40 of age or that is specifically designed to appeal particularly to persons under 21 years  
41 of age; and prohibiting the placement of signs or other advertisements near public or  
42 private schools.

43 **3. Rulemaking.** Rules adopted by the director pursuant to this chapter are routine  
44 technical rules as defined in Title 5, chapter 375, subchapter 2-A.

1           **§1204. Application; criminal history background check**

2           **1. Application.** An application for a license or for renewal of a license required under  
3 this chapter must be submitted on a form or in a format approved by the director. An  
4 application submitted to the director must, at a minimum, include the following:

5           A. The full name, current address and contact information of the applicant;

6           B. Disclosure of each person that has control of the applicant as described in subsection  
7 2;

8           C. Consent to permit the director to conduct a criminal history record check in  
9 accordance with subsection 3 of the applicant and each person disclosed under  
10 paragraph B in accordance with procedures established by the director;

11           D. For the applicant and each person disclosed under paragraph B, a record of previous  
12 issuances and denials of or any adverse action taken against a gambling-related license  
13 or application under this Title or in any other jurisdiction. For purposes of this  
14 paragraph, "adverse action" includes, but is not limited to, a condition resulting from  
15 an administrative, civil or criminal violation, a suspension or revocation of a license or  
16 a voluntary surrender of a license to avoid or resolve a civil, criminal or disciplinary  
17 action; and

18           E. Any additional information required by the director by rule.

19           **2. Persons that have control.** The following persons are considered to have control  
20 of an applicant or a licensee:

21           A. Each corporate holding company, parent company or subsidiary company of a  
22 corporate applicant or licensee and each person that owns 10% or more of the corporate  
23 applicant or licensee and that has the ability to control the activities of the corporate  
24 applicant or licensee or elect a majority of the board of directors of that corporate  
25 applicant or licensee, except for a bank or other licensed lending institution that holds  
26 a mortgage or other lien acquired in the ordinary course of business;

27           B. Each person associated with a noncorporate applicant or licensee that directly or  
28 indirectly holds a beneficial or proprietary interest in the noncorporate applicant's or  
29 licensee's business operation or that the director otherwise determines has the ability to  
30 control the noncorporate applicant or licensee; and

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

34           **3. Criminal history record check.** The director shall request a criminal history record  
35 check in accordance with this subsection for each applicant for initial licensure and each  
36 person required to be disclosed by the applicant for initial licensure under subsection 1,  
37 paragraph B. The director may require a criminal history record check in accordance with  
38 this subsection from a licensee seeking to renew a license, from any person the licensee is  
39 required to disclose under subsection 1, paragraph B as part of the license renewal  
40 application and from any person identified by the licensee under subsection 4. A criminal  
41 history record check conducted pursuant to this subsection must include criminal history  
42 record information obtained from the Maine Criminal Justice Information System  
43 established in Title 16, section 631 and the Federal Bureau of Investigation.

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

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

7 C. An individual required to submit to a criminal history record check under this  
8 subsection shall submit to having the individual's fingerprints taken. The State Police,  
9 upon payment by the individual of the fee required under paragraph D, shall take or  
10 cause to be taken the individual's fingerprints and shall immediately forward the  
11 fingerprints to the Department of Public Safety, Bureau of State Police, State Bureau  
12 of Identification. The State Bureau of Identification shall conduct the state and national  
13 criminal history record checks required under this subsection. Except for the portion  
14 of a payment, if any, that constitutes the processing fee for a criminal history record  
15 check charged by the Federal Bureau of Investigation, all money received by the State  
16 Police under this subsection must be paid to the Treasurer of State, who shall apply the  
17 money to the expenses incurred by the Department of Public Safety in the  
18 administration of this subsection.

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

21 E. The subject of a Federal Bureau of Investigation criminal history record check may  
22 obtain a copy of the criminal history record check by following the procedures outlined  
23 in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state  
24 criminal history record check may inspect and review the criminal history record  
25 information pursuant to Title 16, section 709.

26 F. State and national criminal history record information obtained by the director under  
27 this subsection may be used only for the purpose of screening an applicant for a license  
28 or a license renewal under this chapter.

29 G. All criminal history record information obtained by the director pursuant to this  
30 subsection is confidential, is for the official use of the director only and may not be  
31 disseminated by the director or disclosed to any other person or entity except as  
32 provided in paragraph E.

33 H. The director, after consultation with the Department of Public Safety, Bureau of  
34 State Police, State Bureau of Identification, shall adopt rules to implement this  
35 subsection.

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

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

43 **§1205. Denial of license; administrative sanctions**



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

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

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

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

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

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

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

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

25           (3) Has engaged in conduct in this State or any other jurisdiction that would  
26 constitute a violation of this chapter; chapter 11 involving gambling; chapter 31;  
27 Title 17, chapter 13-A or 62; Title 17-A, chapter 39; or substantially similar  
28 offenses in other jurisdictions;

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

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

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

38          G. If the applicant, the licensee or a person having control of the applicant or licensee  
39 under section 1204, subsection 2 has not demonstrated financial responsibility. For the  
40 purposes of this paragraph, "financial responsibility" means a demonstration of a  
41 current and expected future condition of financial solvency sufficient to satisfy the  
42 director that the applicant, the licensee or the person can successfully engage in  
43 business without jeopardy to the public health, safety and welfare. "Financial

1           responsibility" may be determined by an evaluation of the total history concerning the  
2           applicant, the licensee or the person, including past, present and expected condition  
3           and record of financial solvency, business record and accounting and managerial  
4           practices;

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

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

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

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

19           After hearing, if the commissioner finds grounds for denying a license or license renewal  
20           under subsection 1, the commissioner may deny the application for a license or for renewal  
21           of a license.

22           **3. Investigation of complaints; notice; hearing.** The director or the director's  
23           designee shall investigate a complaint on the director's own motion or upon receipt of a  
24           written complaint regarding noncompliance with or violation of this chapter or of any rules  
25           adopted under this chapter. Following the investigation, the director may mail the licensee  
26           a notice of violation informing the licensee of the administrative sanction under subsection  
27           4, the director proposes to impose and of the licensee's opportunity to request a hearing.

28           If the licensee fails to request a hearing within 30 days of the date that a notice was mailed  
29           under this subsection, the director may issue a final decision imposing the sanction  
30           proposed in the notice. If the licensee makes a timely request for a hearing, the  
31           commissioner shall conduct an adjudicatory hearing in accordance with Title 5, chapter  
32           375, subchapter 4. If, after the hearing, the commissioner finds that the factual basis of the  
33           complaint is true and is of sufficient gravity to warrant further action, the commissioner  
34           may impose an administrative sanction under subsection 4.

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

37           A. A written reprimand;

38           B. Conditions of probation of a license;

39           C. A license suspension;

40           D. A license revocation; or

41           E. A civil penalty of up to \$25,000 per violation of any provision of this chapter or  
42           rule adopted pursuant to this chapter.

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

4           **§1206. Facility sports wagering license**

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

8           2. Eligibility. To be eligible to receive a facility sports wagering license, an applicant  
9 must be:

10           A. A commercial track licensed under section 271;

11           B. An off-track betting facility licensed prior to January 1, 2021 under section 275-D  
12 or Public Law 2019, chapter 626, section 16;

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

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

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

17           3. Authority to conduct sports wagering; management services permitted. A  
18 facility sports wagering license granted by the director pursuant to this section grants a  
19 licensee lawful authority to conduct sports wagering in which wagers are placed within a  
20 physical location controlled by the licensee in the State within the terms and conditions of  
21 the license and any rules adopted under this chapter. A facility sports wagering licensee  
22 may contract with a management services licensee under section 1209.

23           4. Fees. The fee for an initial or renewed facility sports wagering license is \$2,000  
24 and must be retained by the director for the costs of administering this chapter. In addition  
25 to the license fee, the director may charge a processing fee for an initial or renewed license  
26 in an amount equal to the projected cost of processing the application and performing any  
27 background investigations. If the actual cost exceeds the projected cost, an additional fee  
28 may be charged to meet the actual cost. If the projected cost exceeds the actual cost, the  
29 difference may be refunded to the applicant or licensee.

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

35           6. Temporary license. An applicant for a facility sports wagering license that is  
36 qualified under subsection 2, paragraph A, B or C may submit with the application a request  
37 for a temporary license. An applicant for a facility sports wagering license that is qualified  
38 under subsection 2, paragraph D and that has a license to operate high-stakes beano under  
39 Title 17, section 314-A may submit with the application a request for a temporary license.

40           A request for a temporary license must include the initial license fee of \$2,000. If the  
41 director determines that the applicant is qualified under subsection 2, meets the  
42 requirements established by rule for a temporary license and has paid the initial license fee

1 and the director is not aware of any reason the applicant is ineligible for a license under  
2 this section, the director may issue a temporary facility sports wagering license. A  
3 temporary license issued under this subsection is valid for one year or until a final  
4 determination on the facility sports wagering license application is made, whichever is  
5 sooner. If after investigation the director determines that the applicant is eligible for a  
6 facility sports wagering license under this chapter, the director shall issue the initial facility  
7 sports wagering license, at which time the temporary license terminates. The initial facility  
8 sports wagering license is valid for 2 years from the date that the temporary license was  
9 issued by the director. Sports wagering conducted under authority of a temporary license  
10 must comply with the facility operator's house rules adopted under section 1211.

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

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

17 **§1207. Mobile sports wagering license**

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

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

23 A. A commercial track licensed under section 271;

24 B. An off-track betting facility licensed prior to January 1, 2021 under section 275-D  
25 or Public Law 2019, chapter 626, section 16;

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

27 D. A federally recognized Indian tribe in this State; or

28 E. A qualified gaming entity.

29 **3. Authority to conduct sports wagering; management services permitted.** A  
30 mobile sports wagering license granted by the director pursuant to this section grants a  
31 licensee lawful authority to conduct sports wagering in which wagers are placed by persons  
32 who are physically located in the State through any mobile applications or digital platforms  
33 approved by the director within the terms and conditions of the license and any rules  
34 adopted under this chapter. A mobile sports wagering licensee may contract with a  
35 management services licensee under section 1209.

36 **4. Fees.** The fee for an initial or renewed mobile sports wagering license is \$20,000  
37 and must be retained by the director for the costs of administering this chapter. In addition  
38 to the license fee, the director may charge a processing fee for an initial or renewed license  
39 in an amount equal to the projected cost of processing the application and performing any  
40 background investigations. If the actual cost exceeds the projected cost, an additional fee  
41 may be charged to meet the actual cost. If the projected cost exceeds the actual cost, the  
42 difference may be refunded to the applicant or licensee.

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

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

21           **§1208. Supplier license**

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

25           **2. Equipment.** An applicant for a supplier license shall demonstrate that the  
26 equipment, systems or services that the applicant plans to offer to an operator conform to  
27 standards established by rule by the director. The director may accept approval by another  
28 jurisdiction that is specifically determined by the director to have similar equipment  
29 standards as evidence the applicant meets the standards established by the director by rule.

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

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

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

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

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

19           **§1209. Management services license**

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

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

29           **3. Contract approval; material change in written contract.** A person may not  
30 contract with an operator to conduct sports wagering on behalf of the operator unless the  
31 person is licensed under this section and the director approves the written contract. A  
32 management services licensee shall submit to the director any proposed material change to  
33 the written contract that has been approved by the director under this subsection. A  
34 management services licensee may not transfer, assign, delegate or subcontract any portion  
35 of the management services licensee's responsibilities under the contract or any portion of  
36 the management services licensee's right to compensation under the contract to any other  
37 person who does not hold a management services license.

38           **4. Fees.** The fee for an initial or renewed management services license is \$20,000 and  
39 must be retained by the director for the costs of administering this chapter. In addition to  
40 the license fee, the director may charge a processing fee for an initial or renewed license in  
41 an amount equal to the projected cost of processing the application and performing any  
42 background investigations. If the actual cost exceeds the projected cost, an additional fee  
43 may be charged to meet the actual cost. If the projected cost exceeds the actual cost, the  
44 difference may be refunded to the applicant or licensee.

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

4           **6. Temporary license.** An applicant for a management services license may submit  
5 with the application a request for a temporary license. A request for a temporary license  
6 must include the initial license fee of \$20,000. If the director determines that the applicant  
7 is qualified under subsection 1, meets the requirements established by rule for a temporary  
8 license and has paid the initial license fee and the director is not aware of any reason the  
9 applicant is ineligible for a license under this section, the director may issue a temporary  
10 management services license. A temporary license issued under this subsection is valid for  
11 one year or until a final determination on the management services license application is  
12 made, whichever is sooner. If after investigation the director determines that the applicant  
13 is eligible for a management services license under this chapter, the director shall issue the  
14 initial management services license, at which time the temporary license terminates. The  
15 initial management services license is valid for 2 years from the date that the temporary  
16 license was issued by the director.

17           **§1210. Occupational license**

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

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

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

35           **4. Renewal fee and form.** An occupational licensee must pay to the director an annual  
36 renewal fee of \$50. The fee may be paid on behalf of the occupational licensee by the  
37 facility operator employer. In addition to a renewal fee, an occupational licensee must  
38 annually submit a renewal application on a form or in a format approved by the director.  
39 Fees paid under this subsection must be retained by the director for the costs of  
40 administering this chapter.

41           **5. Exception.** An individual who is actively licensed under section 1015 as an  
42 employee of a casino that has a facility sports wagering license may obtain or renew a  
43 license under this section without paying an initial license fee or a renewal license fee under  
44 this section.

1           **§1211. Sports wagering house rules**

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

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

12           **§1212. Access to premises and equipment**

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

17           **§1213. Persons prohibited from making wagers on sports events**

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

20           **1. Persons under 21 years of age.** A person who has not attained 21 years of age;

21           **2. Sports event participants.** An athlete or individual who participates or officiates  
22 in the sports event that is the subject of the wager;

23           **3. Operators and employees.** An operator or management services licensee;  
24 directors, officers and employees of an operator or management services licensee; or a  
25 relative living in the same household as any of these persons. This subsection does not  
26 prohibit a relative living in the same household as a director, officer or employee of an  
27 operator or management services licensee from making a sports wager with an unaffiliated  
28 operator or management services licensee;

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

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

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

40           **7. Regulatory staff.** An employee of the Gambling Control Unit within the  
41 department.

42           **§1214. Interception of sports wagering winnings to pay child support debt**



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

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

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

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

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

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

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

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

18          A. The name and social security number of each individual with outstanding child  
19 support debt;

20          B. The account number or identifier assigned by the department to the outstanding  
21 child support debt;

22          C. The amount of the outstanding child support debt; and

23          D. Any other information necessary to effectuate the purposes of this section.

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

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

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

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

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

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

9           **6. Withholding of winnings.** The licensee shall withhold from any winnings an  
10           amount equal to the amount of the lien created under subsection 5 and shall provide a notice  
11           of withholding to the winner. Within 7 days after withholding an amount pursuant to this  
12           subsection, the licensee shall transmit the amount withheld to the department together with  
13           a report of the name, address and social security number of the winner, the account number  
14           or identifier assigned to the debt, the amount withheld, the date of withholding and the  
15           name and location of the licensee.

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

19           **8. Administrative hearing.** A winner from whom an amount was withheld pursuant  
20           to this section has the right, within 15 days of receipt of the notice of withholding, to request  
21           from the department an administrative hearing. The hearing is limited to questions of  
22           whether the debt is liquidated and whether any postliquidation events have affected the  
23           winner's liability. The administrative hearing decision constitutes final agency action.

24           **9. Authorization to provide information.** Notwithstanding any provision of law to  
25           the contrary, the licensee may provide to the department or registry operator any  
26           information necessary to effectuate the intent of this section. The department or registry  
27           operator may provide to the licensee any information necessary to effectuate the intent of  
28           this section.

29           **10. Confidentiality of information.** The information obtained by the department or  
30           registry operator from a licensee pursuant to this section and the information obtained by  
31           the licensee from the department or registry operator pursuant to this section are  
32           confidential and may be used only for the purposes set forth in this section. An employee  
33           or prior employee of the department, the registry operator or a licensee who knowingly or  
34           intentionally discloses any such information commits a civil violation for which a fine not  
35           to exceed \$1,000 may be adjudged.

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

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

- 1           A. The number of names of winners submitted by licensees to the registry operator  
2           pursuant to this section in each of the preceding 2 calendar years;
- 3           B. The number of winners who were found to be listed in the registry in each of the  
4           preceding 2 calendar years;
- 5           C. The amount of winnings withheld by licensees pursuant to this section in each of  
6           the preceding 2 calendar years; and
- 7           D. The amount of withheld winnings refunded to winners as the result of  
8           administrative hearings requested pursuant to this section in each of the preceding 2  
9           calendar years.

10       **§1215. Allocation of funds**

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

- 14           A. One percent of the adjusted gross sports wagering receipts must be deposited in the  
15           General Fund for the administrative expenses of the Gambling Control Unit within the  
16           department;
- 17           B. One percent of the adjusted gross sports wagering receipts must be deposited in the  
18           Gambling Addiction Prevention and Treatment Fund established by Title 5, section  
19           20006-B; and
- 20           C. Eight percent of the adjusted gross sports wagering receipts must be deposited in  
21           the General Fund.

22           **2. Tax imposed on mobile operator; allocation of funds.** A mobile operator shall  
23           collect and distribute 16% of adjusted gross sports wagering receipts to the director to be  
24           forwarded by the director to the Treasurer of State for distribution as follows:

- 25           A. One percent of the adjusted gross sports wagering receipts must be deposited in the  
26           General Fund for the administrative expenses of the Gambling Control Unit within the  
27           department;
- 28           B. One percent of the adjusted gross sports wagering receipts must be deposited in the  
29           Gambling Addiction Prevention and Treatment Fund established by Title 5, section  
30           20006-B; and
- 31           C. Fourteen percent of the adjusted gross sports wagering receipts must be deposited  
32           in the General Fund.

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

36       **§1216. Applicability of other laws**

37           **1. Authorized conduct.** The provisions of Title 17, chapter 62 and Title 17-A, chapter  
38           39 do not apply to sports wagering conducted in accordance with this chapter and the rules  
39           adopted under this chapter.

40           **2. Unlicensed conduct.** A person who engages in an activity for which a license is  
41           required under this chapter and who does not possess the required license to engage in that

1 activity is subject to any criminal or civil penalties that may be imposed pursuant to Title  
2 17-A, chapter 39.

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

7 **Sec. 4. 17-A MRSA §951,** as amended by PL 2017, c. 284, Pt. KKKKK, §32, is  
8 further amended to read:

9 **§951. Inapplicability of chapter**

10 Any person licensed or registered by the Gambling Control Unit as provided in Title  
11 17, chapter 13-A or chapter 62, ~~or~~ authorized to operate or conduct a raffle pursuant to Title  
12 17, section 1837-A; or licensed to operate sports wagering pursuant to Title 8, chapter 35  
13 is exempt from the application of the provisions of this chapter insofar as that person's  
14 conduct is within the scope of the license or registration.

15 **Sec. 5. 25 MRSA §1542-A, sub-§1, ¶R,** as amended by PL 2019, c. 343, Pt. G,  
16 §5; c. 399, §3; c. 402, §3; and c. 416, §3, is repealed and the following enacted in its place:

17 R. Who is required to have a criminal background check under Title 22, section  
18 8302-A or 8302-B.

19 **Sec. 6. 25 MRSA §1542-A, sub-§1, ¶S,** as enacted by PL 2019, c. 399, §4 and c.  
20 402, §4 and reallocated by c. 343, Pt. G, §4 and c. 416, §2, is repealed and the following  
21 enacted in its place:

22 S. Who is required to have a criminal history record check under Title 22, section  
23 2425-A, subsection 3-A.

24 **Sec. 7. 25 MRSA §1542-A, sub-§1, ¶T,** as enacted by PL 2019, c. 399, §4; c. 402,  
25 §4; and c. 416, §4, is repealed and the following enacted in its place:

26 T. Who is required to have a criminal history record check under Title 22, section  
27 8110.

28 **Sec. 8. 25 MRSA §1542-A, sub-§1, ¶U,** as enacted by PL 2019, c. 616, Pt. S, §2,  
29 is reallocated to 25 MRSA §1542-A, sub-§1, ¶X.

30 **Sec. 9. 25 MRSA §1542-A, sub-§1, ¶V** is enacted to read:

31 V. Who is employed or may be offered employment by the Office of the State Auditor  
32 as required under Title 5, section 247.

33 **Sec. 10. 25 MRSA §1542-A, sub-§1, ¶W** is enacted to read:

34 W. Who is required to have a criminal history record check under Title 19-A, section  
35 2111.

36 **Sec. 11. 25 MRSA §1542-A, sub-§1, ¶Y** is enacted to read:

37 Y. Who is required to have a criminal background check under Title 8, section 1204.

38 **Sec. 12. 25 MRSA §1542-A, sub-§3, ¶O,** as repealed by PL 2019, c. 343, Pt. G,  
39 §8 and c. 416, §5 and repealed and replaced by c. 399, §5 and c. 402, §5, is repealed and  
40 the following enacted in its place:

1           O. The State Police shall take or cause to be taken the fingerprints of the person named  
2           in subsection 1, paragraph P at the request of that person and upon payment of the  
3           expenses by that person as required by Title 32, section 2571-A.

4           **Sec. 13. 25 MRSA §1542-A, sub-§3, ¶S**, as enacted by PL 2019, c. 399, §6; c.  
5           402, §6; and c. 416, §7, is repealed and the following enacted in its place:

6           S. The State Police shall take or cause to be taken the fingerprints of the person named  
7           in subsection 1, paragraph T at the request of that person or the Department of Health  
8           and Human Services pursuant to Title 22, section 8110.

9           **Sec. 14. 25 MRSA §1542-A, sub-§3, ¶T**, as enacted by PL 2019, c. 616, Pt. S, §3  
10          and c. 644, §2, is repealed and the following enacted in its place:

11          T. The State Police shall take or cause to be taken the fingerprints of the person named  
12          in subsection 1, paragraph U at the request of that person and upon payment of the  
13          expenses by the Department of Labor, Bureau of Unemployment Compensation as  
14          specified under Title 26, section 1085, subsection 3.

15          **Sec. 15. 25 MRSA §1542-A, sub-§3, ¶U** is enacted to read:

16          U. The State Police shall take or cause to be taken the fingerprints of the person named  
17          in subsection 1, paragraph V at the request of that person or the Office of the State  
18          Auditor and upon payment by the Office of the State Auditor of the fee established in  
19          Title 5, section 247, subsection 3.

20          **Sec. 16. 25 MRSA §1542-A, sub-§3, ¶V** is enacted to read:

21          V. The State Police shall take or cause to be taken the fingerprints of the person named  
22          in subsection 1, paragraph W at the request of that person or the Department of Health  
23          and Human Services pursuant to Title 19-A, section 2111.

24          **Sec. 17. 25 MRSA §1542-A, sub-§3, ¶W** is enacted to read:

25          W. The State Police shall take or cause to be taken the fingerprints of the person named  
26          in subsection 1, paragraph X, at the request of that person or the Department of  
27          Administrative and Financial Services, Office of Information Technology and upon  
28          payment of the fee as provided under Title 5, section 1986.

29          **Sec. 18. 25 MRSA §1542-A, sub-§3, ¶X** is enacted to read:

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

35          **Sec. 19. 25 MRSA §1542-A, sub-§4**, as repealed and replaced by PL 2019, c. 343,  
36          Pt. G, §10; c. 399, §7; c. 402, §7; and c. 416, §8, is repealed and the following enacted in  
37          its place:

38          **4. Duty to submit to State Bureau of Identification.** It is the duty of the law  
39          enforcement agency taking the fingerprints as required by subsection 3, paragraphs A, B  
40          and G to transmit immediately to the State Bureau of Identification the criminal fingerprint  
41          record. Fingerprints taken pursuant to subsection 1, paragraph C, D, E or F or pursuant to

1 subsection 5 may not be submitted to the State Bureau of Identification unless an express  
2 request is made by the commanding officer of the State Bureau of Identification.  
3 Fingerprints taken pursuant to subsection 1, paragraph G must be transmitted immediately  
4 to the State Bureau of Identification to enable the bureau to conduct state and national  
5 criminal history record checks for the Department of Education. The bureau may not use  
6 the fingerprints for any purpose other than that provided for under Title 20-A, section 6103.  
7 The bureau shall retain the fingerprints, except as provided under Title 20-A, section 6103,  
8 subsection 9. Fingerprints taken pursuant to subsection 1, paragraph I and subsection 3,  
9 paragraph I must be transmitted immediately to the State Bureau of Identification to enable  
10 the bureau to conduct state and national criminal history record checks for the court and  
11 the Department of Public Safety, Gambling Control Board, respectively. Fingerprints  
12 taken pursuant to subsection 1, paragraph J or S must be transmitted immediately to the  
13 State Bureau of Identification to enable the bureau to conduct state and national criminal  
14 history record checks for the Department of Administrative and Financial Services.  
15 Fingerprints taken pursuant to subsection 1, paragraph P must be transmitted immediately  
16 to the State Bureau of Identification to enable the bureau to conduct state and national  
17 criminal history record checks for the Board of Osteopathic Licensure, established in Title  
18 32, chapter 36. Fingerprints taken pursuant to subsection 1, paragraph N must be  
19 transmitted immediately to the State Bureau of Identification to enable the bureau to  
20 conduct state and national criminal history record checks for the Board of Licensure in  
21 Medicine, established in Title 32, chapter 48. Fingerprints taken pursuant to subsection 1,  
22 paragraph Q must be transmitted immediately to the State Bureau of Identification to enable  
23 the bureau to conduct state and national criminal history record checks for the State Board  
24 of Nursing, established in Title 32, chapter 31. Fingerprints taken pursuant to subsection  
25 1, paragraph O must be transmitted immediately to the State Bureau of Identification to  
26 enable the bureau to conduct state and national criminal history record checks under Title  
27 28-B, section 204. Fingerprints taken pursuant to subsection 1, paragraph R, T or W must  
28 be transmitted immediately to the State Bureau of Identification to enable the bureau to  
29 conduct state and national criminal history record checks for the Department of Health and  
30 Human Services. Fingerprints taken pursuant to subsection 1, paragraph V must be  
31 transmitted immediately to the State Bureau of Identification to enable the bureau to  
32 conduct state and national criminal history record checks for the Office of the State Auditor.

33 **Sec. 20. Emergency rules.** The director of the Gambling Control Unit within the  
34 Department of Public Safety may adopt emergency rules under the Maine Revised Statutes,  
35 Title 5, section 8054 as necessary to implement this Act without the necessity of  
36 demonstrating that immediate adoption is necessary to avoid a threat to public health, safety  
37 or general welfare.

## 38 SUMMARY

39 This bill authorizes the Department of Public Safety, Gambling Control Unit to  
40 regulate sports wagering in the State.

41 Licensed commercial tracks, off-track betting facilities licensed prior to January 1,  
42 2021, licensed slot machine facilities and casinos and federally recognized Indian tribes are  
43 eligible to apply for facility sports wagering licenses to conduct in-person sports wagering  
44 in the State. These entities are also eligible to apply for mobile sports wagering licenses to  
45 conduct sports wagering through mobile applications or digital platforms, as are qualified

1 gaming entities that offer sports wagering through mobile applications or digital platforms  
2 in any jurisdiction in the United States pursuant to a state regulatory structure. Facility  
3 sports wagering licensees and mobile sports wagering licensees, referred to in the bill as  
4 operators, may purchase or lease equipment, systems or services for sports wagering from  
5 entities with a supplier license, whose equipment, systems or services must meet standards  
6 established by rule. Operators may also enter into written contracts, approved by the  
7 director of the Gambling Control Unit within the Department of Public Safety, with  
8 management services licensees that have sufficient knowledge and experience in the  
9 business of operating sports wagering to effectively conduct sports wagering on behalf of  
10 operators. A person employed by a facility sports wagering licensee to be engaged directly  
11 in sports wagering-related activities must be licensed by the Gambling Control Unit.

12 Operators may accept wagers on professional, collegiate and amateur sports events,  
13 including international events, as well as on the individual performances of athletes, on  
14 motor vehicle races and on electronic sports. Sports wagers are prohibited on high school  
15 events, other events where a majority of participants are under 18 years of age and events  
16 involving Maine-based colleges and universities. Operators may not accept sports wagers  
17 from individuals under 21 years of age; participants in the sports event, including athletes  
18 and officials; persons with an interest in the outcome of the sports event identified by the  
19 director by rule; the operator's own directors or employees or persons living in their  
20 households; persons voluntarily or involuntarily placed on a list maintained by the  
21 Gambling Control Unit within the Department of Public Safety of persons not authorized  
22 to make sports wagers; persons making wagers on behalf of another person; and Gambling  
23 Control Unit employees. Mobile sports wagering licensees are also prohibited from  
24 accepting sports wagers from persons who are not physically located within the State. The  
25 bill also directs the director of the Gambling Control Unit to adopt rules prohibiting the  
26 marketing or advertising of sports wagering to persons under 21 years of age.

27 A facility sports wagering licensee must remit 10% of the licensee's adjusted gross  
28 sports wagering receipts to the State, and a mobile sports wagering licensee must remit  
29 16% of the licensee's adjusted gross sports wagering receipts to the State. One percent of  
30 adjusted gross sports wagering receipts must be deposited in the General Fund for the  
31 administrative expenses of the Gambling Control Unit within the Department of Public  
32 Safety and 1% of the adjusted gross sports wagering receipts must be deposited in the  
33 Gambling Addiction Prevention and Treatment Fund established by the Maine Revised  
34 Statutes, Title 5, section 20006-B. The remaining adjusted gross sports wagering receipts  
35 remitted to the State must be deposited in the General Fund.

36 The bill also allows a licensed fantasy contest operator to offer a fantasy contest based  
37 on the performances of participants in collegiate athletic events.