

MAINE STATE LEGISLATURE

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VETERANS AND LEGAL AFFAIRS

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STATE OF MAINE

SENATE

131ST LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 901, L.D. 2108, "An Act to Amend Maine's Charitable Organization Gaming Laws"

Amend the bill by striking out everything after the enacting clause and inserting the following:

Sec. 1. 17 MRSA §317-A, sub-§1, ¶E, as amended by PL 2001, c. 342, §2, is further amended to read:

E. Immediately suspend or revoke a commercial beano hall permit if there is probable cause to believe that the permittee or the permittee's employee committed murder or a Class A, B or C crime or violated a provision of Title 17-A, chapter 15, 29, 37 or 39; and

Sec. 2. 17 MRSA §317-A, sub-§1, ¶F, as amended by PL 2017, c. 284, Pt. JJJJJ, §20, is further amended to read:

F. Issue a subpoena in the name of the Gambling Control Unit in accordance with Title 5, section 9060, except that this authority applies to any stage of an investigation under this chapter and is not limited to an adjudicatory hearing. This authority may not be used in the absence of reasonable cause to believe a violation has occurred. If a witness refuses to obey a subpoena or to give any evidence relevant to proper inquiry by the unit, the Attorney General may petition the Superior Court in the county where the refusal occurred to find the witness in contempt. The Attorney General shall cause to be served on that witness an order requiring the witness to appear before the Superior Court to show cause why the witness should not be adjudged in contempt. The court shall, in a summary manner, hear the evidence and, if it is such as to warrant the court in doing so, punish that witness in the same manner and to the same extent as for contempt committed before the Superior Court or with reference to the process of the Superior Court;

Sec. 3. 17 MRSA §317-A, sub-§1, ¶G is enacted to read:

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G. In addition to a fine imposed pursuant to section 325, impose a fine of not more than \$100 per violation, after notice of the opportunity for a hearing under subsection 4, on a licensee or registrant or a licensee's or registrant's agent or employee that has violated a provision of this chapter or a rule of the Gambling Control Unit prescribed by authority of this chapter; and

Sec. 4. 17 MRSA §317-A, sub-§1, ¶H is enacted to read:

H. Execute a consent agreement that resolves the issue of a fine imposed pursuant to paragraph G on a licensee or registrant or a licensee's or registrant's agent or employee without further proceedings. A consent agreement may be entered into only with the consent of the licensee or registrant or the licensee's or registrant's agent or employee, the Gambling Control Unit and the Department of the Attorney General. A consent agreement does not absolve a person from potential liability for criminal violations.

Sec. 5. 17 MRSA §317-A, sub-§4 is enacted to read:

4. Imposition of fine and opportunity for hearing. The Gambling Control Unit shall notify the licensee or registrant in writing that a fine is imposed pursuant to subsection 1, paragraph G and of the right to a hearing pursuant to this subsection. The licensee or registrant has the right to request a hearing before the Commissioner of Public Safety or the commissioner's designee. Upon the licensee's or registrant's request for a hearing, the Commissioner of Public Safety shall provide a hearing. The hearing must comply with the Maine Administrative Procedure Act. The purpose of the hearing is to determine whether a preponderance of the evidence establishes that the licensee or registrant or the licensee's or registrant's agent or employee violated a provision of this chapter or a rule of the Gambling Control Unit prescribed by authority of this chapter. A request for a hearing must be made no later than 10 days after the licensee or registrant is notified of the fine. The imposition of the fine must be stayed pending the hearing; the hearing must be held no later than 30 days after the date the Commissioner of Public Safety receives the request unless otherwise agreed to by the parties or continued upon request of a party for cause shown.

Sec. 6. 17 MRSA §1835-A, sub-§5, as amended by PL 2019, c. 117, §6, is further amended to read:

5. Location. A registration for a game of chance must specify the location where the organization may operate the game. ~~A registrant may not operate games of chance in more than one location at the same time.~~

A. An agricultural society or a bona fide nonprofit organization may operate a game of chance on the grounds of an agricultural society and during the annual fair of the agricultural society. An agricultural society shall determine the number of registrants permitted to operate a game of chance during the annual fair of the agricultural society.

~~B. No more than one registrant may operate a game of chance at a time on the same premises.~~ In any room where a registered game of chance is being conducted, there must be at least one member of the organization registered to conduct games of chance present in that room for every 2 nonmembers who are present. That member must have been a member of the registered organization for at least one year. A member of the organization registered to conduct games of chance, either directly or through another member or guest, may not stake or risk something of value in the registrant's game of chance unless the member has been a member of the organization registered to conduct

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games of chance for at least 14 days not including the day of admission into membership.

A bona fide nonprofit organization may operate a registered game of chance to which the general public has access no more than 4 times in a calendar year for a period not to exceed ~~4 consecutive days~~ the duration of the annual fair of an agricultural society or the duration of a special event. The game of chance may be operated at any location described in the organization's registration and may be conducted only by members of the registrant. This subsection does not apply to raffles conducted in accordance with section 1837-A.

Sec. 7. 17 MRSA §1842, sub-§3, ¶D, as amended by PL 2017, c. 284, Pt. KKKKK, §29, is further amended to read:

D. Issue a subpoena in the name of the State Police in accordance with Title 5, section 9060, except that this authority applies to any stage of an investigation under this chapter and is not limited to an adjudicatory hearing. This authority may not be used in the absence of reasonable cause to believe a violation has occurred. If a witness refuses to obey a subpoena or to give any evidence relevant to proper inquiry by the unit, the Attorney General may petition the Superior Court in the county where the refusal occurred to find the witness in contempt. The Attorney General shall cause to be served on that witness an order requiring the witness to appear before the Superior Court to show cause why the witness should not be adjudged in contempt. The court shall, in a summary manner, hear the evidence and, if it is such as to warrant the court in doing so, punish that witness in the same manner and to the same extent as for contempt committed before the Superior Court or with reference to the process of the Superior Court; ~~and~~

Sec. 8. 17 MRSA §1842, sub-§3, ¶E, as amended by PL 2017, c. 284, Pt. KKKKK, §29, is further amended to read:

E. Require such evidence as the unit determines necessary to satisfy the unit that an applicant or organization licensed or registered to conduct games under this chapter conforms to the restrictions and other provisions of this chapter. Charters, organizational papers, bylaws or other such written orders of founding that outline or otherwise explain the purpose for which an organization was founded must, upon request, be forwarded to the Gambling Control Unit. The Gambling Control Unit may require of any licensee, registrant or person registering or of any person operating, conducting or assisting in the operation of a game licensed or registered under this chapter; evidence as the unit may determine necessary to satisfy the unit that the person is a duly authorized member of the licensee, registrant or person registering or a person employed by the licensee, registrant or person registering as a bartender as required by section 1835, subsection 2 and section 1835-A, subsection 2. Upon request, this evidence must be forwarded to the Gambling Control Unit. The Gambling Control Unit may require such evidence as the unit may determine necessary regarding the conduct of games authorized under this chapter to determine compliance with this chapter;

Sec. 9. 17 MRSA §1842, sub-§3, ¶F is enacted to read:

F. In addition to a fine imposed pursuant to section 1844, impose a fine of not more than \$100 per violation, after notice of the opportunity for a hearing under subsection 5-A, on a licensee or registrant or a licensee's or registrant's agent or employee that has

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violated a provision of this chapter or a rule of the Gambling Control Unit prescribed by authority of this chapter; and

Sec. 10. 17 MRSA §1842, sub-§3, ¶G is enacted to read:

G. Execute a consent agreement that resolves the issue of a fine imposed pursuant to paragraph F on a licensee or registrant or a licensee's or registrant's agent or employee without further proceedings. A consent agreement may be entered into only with the consent of the licensee or registrant or the licensee's or registrant's agent or employee, the Gambling Control Unit and the Department of the Attorney General. A consent agreement does not absolve a person from potential liability for criminal violations.

Sec. 11. 17 MRSA §1842, sub-§5-A is enacted to read:

5-A. Imposition of fine and opportunity for hearing. The Gambling Control Unit shall notify the licensee or registrant in writing that a fine is imposed pursuant to subsection 3, paragraph F and of the right to a hearing pursuant to this subsection. The licensee or registrant has the right to request a hearing before the Commissioner of Public Safety or the commissioner's designee. Upon the licensee's or registrant's request for a hearing, the Commissioner of Public Safety shall provide a hearing. The hearing must comply with the Maine Administrative Procedure Act. The purpose of the hearing is to determine whether a preponderance of the evidence establishes that the licensee or registrant or the licensee's or registrant's agent or employee violated a provision of this chapter or a rule of the Gambling Control Unit prescribed by authority of this chapter. A request for a hearing must be made no later than 10 days after the licensee or registrant is notified of the fine. The imposition of the fine must be stayed pending the hearing; the hearing must be held no later than 30 days after the date the Commissioner of Public Safety receives the request unless otherwise agreed to by the parties or continued upon request of a party for cause shown.'

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

SUMMARY

This amendment, which replaces the bill, retains but clarifies the provision from the bill that provides that more than one registrant may operate a game of chance at the same time on the same premises and that, when games of chance are to be operated during the annual fair of an agricultural society, the agricultural society must determine the number of registrants permitted to operate a game of chance. It also provides, as in the bill, that a bona fide nonprofit organization may operate a registered game of chance to which the general public has access no more than 4 times in a calendar year for a period not to exceed the duration of the annual fair of an agricultural society or the duration of a special event, rather than for a period not to exceed 4 consecutive days as in current law.

The amendment makes other technical changes to provide clarity to the provisions related to the imposition of a fine of not more than \$100 per violation on a beano or game of chance licensee or registrant or a licensee's or registrant's agent or employee that has violated the laws or rules governing beano or games of chance, subject to an appeal and

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to S.P. 901, L.D. 2108 (S-582)

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hearing before the Commissioner of Public Safety, and to provisions allowing the issue of the imposition of such a fine to be resolved by the execution of a consent agreement.

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT



131st MAINE LEGISLATURE

LD 2108

LR 2776(02)

An Act to Amend Maine's Charitable Organization Gaming Laws

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-582)
Committee: Veterans and Legal Affairs
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

This bill may increase the number of civil suits filed in the court system.

The additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time.

The collection of additional filing fees will increase General Fund revenue by minor amounts.

Fiscal Detail and Notes

Any additional costs to the Office of the Attorney General or the Gambling Control Unit within the Department of Public Safety to implement the provisions of this bill are expected to be minor and can be absorbed within existing budgeted resources.