

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

FIRST REGULAR SESSION
December 2, 2020 to March 30, 2021

FIRST SPECIAL SESSION
April 28, 2021 to July 19, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 18, 2021

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2021

B. The threat of conversion of the working farmland property such that it would become unavailable for commercial production of agricultural products;

C. The percentage of soils classified by the United States Department of Agriculture as prime farmland, unique farmland, farmland of statewide importance and farmland of local importance;

D. The agricultural structures and improvements associated with the working farmland property;

E. The economic viability of the working farmland property in terms of current and potential future commercial agricultural activities in local, regional and statewide markets; connection of the working farmland property to agricultural services including processors, aggregators and distributors; and number of on-farm jobs supported by the working farmland property;

F. The proximity of other working farmland properties in the town or region;

G. The degree of community support for the proposed protection of the working farmland property;

H. The multiple natural resources values associated with the working farmland property, including open space land, forested land and wetlands; riparian buffers; wildlife habitat; and freshwater aquifers; and

I. Whether the applicant is from or serving an underserved or underprivileged community as defined by the department by rule. Rules adopted under this paragraph are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

4. Grant agreements. The commissioner shall enter into grant agreements with state agencies and cooperating entities for the purpose of receiving grants from the Maine Working Farmland Access and Protection Fund under Title 5, section 6203-C.

Sec. 6. Appropriations and allocations. The following appropriations and allocations are made.

AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF

Maine Working Farmland Access and Protection Fund N360

Initiative: Provides a base allocation to establish the Maine Working Farmland Access and Protection Fund to allow expenditure of contributions received from private and public sources for the acquisition of property or interests in property that are designed to protect access to working farmland.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
All Other	\$500	\$500

OTHER SPECIAL REVENUE	\$500	\$500
FUNDS TOTAL		

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 10, 2021.

CHAPTER 136

S.P. 256 - L.D. 671

An Act To Allow the Sale of Raffle Tickets Online

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, due to the pandemic related to coronavirus disease 2019, or COVID-19, nonprofit organizations have been unable to do fundraising necessary to support the causes championed by those nonprofit organizations; and

Whereas, this legislation provides one method of fundraising for nonprofit organizations and needs to be enacted as soon as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 17 MRSA §1831, sub-§3, as enacted by PL 2009, c. 487, Pt. A, §2, is amended to read:

3. Distributor. "Distributor" means a person, firm, corporation, association or organization, other than an Internet raffle operator, that sells, markets or otherwise distributes sealed tickets, gambling apparatus or any other implements of gambling that may be used in the conduct of a game of chance.

Sec. 2. 17 MRSA §1831, sub-§7-B is enacted to read:

7-B. Internet raffle. "Internet raffle" means a raffle in which a person purchases a raffle chance or ticket through a mobile application or other digital platform that involves, at least in part, the use of the Internet.

Sec. 3. 17 MRSA §1831, sub-§7-C is enacted to read:

7-C. Internet raffle operator. "Internet raffle operator" means a person, firm, corporation, association

or organization licensed under section 1837-B, subsection 2 to conduct an Internet raffle using an Internet raffle system.

Sec. 4. 17 MRSA §1831, sub-§7-D is enacted to read:

7-D. Internet raffle system. "Internet raffle system" means a mobile application or other digital platform and the accompanying computer software approved by the Gambling Control Unit under section 1837-B, subsection 4 for use in conducting an Internet raffle.

Sec. 5. 17 MRSA §1832, sub-§1, as amended by PL 2019, c. 129, §1, is further amended to read:

1. License or registration required. Except as provided in ~~section~~ sections 1837-A and 1837-B, a person, firm, corporation, association or organization may not hold, conduct or operate a game of chance without a license issued by or, as applicable, without registering with the Gambling Control Unit in accordance with this section. A license is not required when a game of chance constitutes social gambling.

Sec. 6. 17 MRSA §1834, sub-§5-A is enacted to read:

5-A. Internet raffle operator. The fee for an Internet raffle operator license is \$500 for each calendar year or portion of a calendar year.

Sec. 7. 17 MRSA §1835-A, sub-§2, as enacted by PL 2017, c. 284, Pt. KKKKK, §18, is amended to read:

2. Games conducted by members and bartenders of registrant only. A game of chance registered pursuant to this chapter must be operated and conducted for the exclusive benefit of the registrant and, except for an Internet raffle conducted by an Internet raffle operator, must be operated and conducted only by duly authorized members of the registrant or by persons employed by the registrant as bartenders, ~~except that nonmembers.~~ Nonmembers employed by the registrant as bartenders may not operate or conduct any game of chance permitted under subsection 5, paragraph B. The requirements of this subsection do not apply to any agricultural society registered to operate a game of chance.

Sec. 8. 17 MRSA §1837-A, sub-§2, as amended by PL 2019, c. 129, §3, is further amended to read:

2. Raffle with a prize of \$2,500 or less. Except for raffles conducted by an eligible organization under subsection ~~2-A~~ 7, a person or organization is not required to register with the Gambling Control Unit to conduct a raffle in which the total value of the prize offered to the holder of the winning chance does not exceed \$2,500. If the raffle is conducted in a manner in which there are multiple winning chances, the total

value of all prizes offered may not exceed a value of \$2,500.

Sec. 9. 17 MRSA §1837-A, sub-§2-A, as enacted by PL 2019, c. 129, §3, is amended to read:

2-A. Raffle with a prize of \$10,000 or less conducted by eligible organization. ~~As~~ Except as provided in subsection 7, an eligible organization as described in section 1832, subsection 2 is not required to register with the Gambling Control Unit to conduct a raffle in which the total value of the prize offered to the holder of the winning chance does not exceed \$10,000. If the raffle is conducted in a manner in which there are multiple winning chances, the total value of all prizes offered may not exceed a value of \$10,000.

Sec. 10. 17 MRSA §1837-A, sub-§7 is enacted to read:

7. Internet raffles; restrictions. An eligible organization described in section 1832, subsection 2 may conduct a raffle described in subsection 2-A or subsection 4 as an Internet raffle if the eligible organization registers with the Gambling Control Unit and the Internet raffle is operated in accordance with the requirements of this chapter by an Internet raffle operator identified on the registration form. The eligible organization and Internet raffle operator may not permit a person under 18 years of age to purchase a chance or ticket for an Internet raffle and may not advertise or market the Internet raffle in a manner that has a high likelihood of reaching persons under 18 years of age or that is specifically designed to appeal particularly to persons under 18 years of age.

Sec. 11. 17 MRSA §1837-B is enacted to read:
§1837-B. Internet raffle operator license; approval of Internet raffle system

1. License and approval required. A person may not operate an Internet raffle unless the person is licensed as an Internet raffle operator under subsection 2, the Internet raffle is conducted on behalf of an eligible organization registered under section 1837-A, subsection 7, each payment for a chance or ticket for the Internet raffle is made through an Internet raffle system approved under subsection 4 and the winning chance or chances are selected by an Internet raffle system approved under subsection 4.

2. Internet raffle operator license. The Gambling Control Unit may issue an Internet raffle operator license to a person, firm, corporation, association or organization. The Gambling Control Unit may not issue an Internet raffle operator license to a business entity unless it is organized under the laws of the State or authorized to transact business or conduct activities in the State. An applicant for an Internet raffle operator license or for renewal of an Internet raffle operator license shall submit an application to the Gambling Con-

trol Unit on a form or in a format approved by the Gambling Control Unit. The application must, at a minimum, include the following:

- A. The name, primary business location and contact information of the applicant;
- B. Disclosure of each person that owns 10% or more of a corporate applicant's equity or voting shares and that has the ability to control the activities of the corporate applicant; each person that directly or indirectly holds a beneficial or proprietary interest in a noncorporate applicant's business operation or that has the ability to control the noncorporate applicant's business operation; and key personnel of the applicant. For purposes of this subsection, "key personnel" means any officer, director, manager or general partner of an applicant that is a business entity and each executive, employee or agent having the power to exercise significant influence over decisions concerning any part of an applicant's relevant business operation;
- C. Consent to permit the Executive Director of the Gambling Control Unit to conduct a criminal history record check pursuant to subsection 3 for the applicant and each person disclosed under paragraph B;
- D. For the applicant and each person disclosed under paragraph B, a record of previous issuances and denials of or any adverse action taken against a gambling-related license or application under this Title or Title 8 or in any other jurisdiction. For purposes of this paragraph, "adverse action" includes, but is not limited to, a condition resulting from an administrative, civil or criminal violation, a suspension or revocation of a license or a voluntary surrender of a license to avoid or resolve a civil, criminal or disciplinary action; and
- E. Any additional information required by the Gambling Control Unit by rule.

3. Criminal history record check. The Executive Director of the Gambling Control Unit shall request a criminal history record check in accordance with this subsection for the applicant and for each person disclosed by the applicant under subsection 2, paragraph B. The director may require a criminal history record check in accordance with this subsection from a licensee seeking to renew a license and for any person the licensee is required to disclose under subsection 2, paragraph B as part of the license renewal application. A criminal history record check conducted pursuant to this subsection must include, at a minimum, a record of public criminal history record information as defined in Title 16, section 703, subsection 8. An applicant must reimburse the director for the actual costs of conducting the criminal history record checks required under this subsection.

4. Internet raffle system certification. An Internet raffle operator may not conduct an Internet raffle using an Internet raffle system unless it has been examined, tested and approved by the Gambling Control Unit or certified by an independent testing laboratory approved by the Gambling Control Unit. The Internet raffle system operator must pay the cost of the examination, testing and certification before the examination occurs. To be approved by the Gambling Control Unit or certified by an independent testing laboratory, the Internet raffle system:

- A. Must prohibit a person from purchasing a chance or ticket for an Internet raffle unless the person opens a raffle account into which the person deposits the funds used to purchase the chance or ticket;
- B. May not permit the use of a credit card to purchase a chance or ticket for an Internet raffle or the extension of credit from the Internet raffle operator to a person who purchases a chance or ticket for an Internet raffle;
- C. Must ensure that a person who opens a raffle account or who purchases a chance or ticket for an Internet raffle is at least 18 years of age; must provide for the immediate refund of any payment to purchase a chance or ticket for an Internet raffle made by a person whom the Internet raffle operator discovers is under 18 years of age; and must publish and facilitate the use of parental controls that permit adults to exclude minors from access to the system's mobile applications and electronic platforms;
- D. Must determine and verify that a person who purchases a chance or ticket for an Internet raffle is physically located within the State at the time the purchase is made;
- E. Must select the winning chance or chances in an Internet raffle by means of a cryptographically strong random number generator;
- F. Must protect the privacy and security of a raffle account owner's information and all of the raffle account owner's accounts maintained or accessed by the Internet raffle system;
- G. Must maintain for at least 3 years after the winner or winners are selected a list of all persons who purchased a chance or ticket for the Internet raffle and the name and contact information of the winner or winners of the Internet raffle; a copy of this list and an exact accounting of all gross revenue from the Internet raffle must be transmitted to the eligible organization on whose behalf the Internet raffle was conducted immediately after the winner or winners are selected; and
- H. Must meet any other requirements established by the Gambling Control Unit by rule.

Sec. 12. 17 MRSA §1838, sub-§1, ¶C is enacted to read:

C. An Internet raffle operator may not be paid more than 10% of the Internet raffle proceeds to operate an Internet raffle on behalf of an eligible organization.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 10, 2021.

CHAPTER 137

S.P. 527 - L.D. 1642

An Act Regarding Local Option Elections

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, current law requires that a municipality hold a referendum to approve the sale of liquor in that municipality; and

Whereas, based upon the affirmative referendum, the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations is authorized to issue a liquor license to a qualified establishment in that municipality; and

Whereas, it recently became clear that a large number of municipalities would have to conduct new local option elections due to changes in terminology that occurred in 1976 relating to types of establishments requiring liquor licenses; and

Whereas, Public Law 2019, chapter 672, enacted by the Legislature and approved by the Governor on March 18, 2020, authorized the bureau to continue to issue, renew or transfer licenses to sell liquor in an authorized municipality until July 1, 2022, by which date municipalities would be required to provide evidence of the results of a local option election authorizing such sales; and

Whereas, conducting local option elections to affirm that the pre-1977 local option vote should be extended to all establishment types constitutes a significant financial and administrative burden for many municipalities; and

Whereas, it is imperative that this legislation take effect as soon as possible to avoid irreparable harm to businesses that have complied with all requirements but could lose their licenses to sell liquor for reasons beyond their control; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 28-A MRSA §125, sub-§1, as enacted by PL 2019, c. 672, §4, is amended to read:

1. Prohibition on licensing. ~~The~~ Except as provided in subsection 4, the bureau may not issue a license for the retail sale of spirits, wine or malt liquor unless the premises to be licensed are located in a municipality or unincorporated place that has voted in favor of the issuance of the type of license sought.

Sec. 2. 28-A MRSA §125, sub-§4, as enacted by PL 2019, c. 672, §4, is amended to read:

4. Final determination of authorized retail liquor establishments in each municipality. On July 1, 2022, the bureau shall make a final determination of whether licenses for each type of licensed establishment or for agency liquor stores may be issued for the sale of liquor on Sundays and on days other than Sunday in each municipality. ~~In making this final determination, the bureau shall consider evidence submitted by the relevant municipality under subsection 3 and the results of any local option election conducted in that municipality in compliance with this chapter subsequent to the preliminary determination made by the bureau under subsection 2.~~ The bureau shall post a copy of the final determination for each municipality on its publicly accessible website.

In making its final determination under this subsection, the bureau shall consider:

A. The results of any local option election conducted in the relevant municipality in compliance with this chapter subsequent to the preliminary determination made by the bureau under subsection 2;

B. Evidence submitted by the relevant municipality under subsection 3; and

C. The bureau's records of local option elections in the municipality.

For purposes of paragraphs B and C, the results of any local option election conducted prior to January 1, 1977 in favor of a local option question pursuant to former Title 28, section 101 approving the issuance of licenses for the sale of liquor for on-premises consumption at any type of licensed establishment on Sundays or on days other than Sundays are deemed to be evidence that the municipality approved the issuance of licenses for the sale of liquor for on-premises consumption by all types of licensed establishments on those days unless the bureau's records demonstrate that the municipality