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Date: (Filing No. S-)

VETERANS AND LEGAL AFFAIRS

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

STATE OF MAINE

SENATE

132ND LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT “ ” to S.P. 267, L.D. 584, “An Act to Make the Director of the Office of Cannabis Policy an Appointed Position Subject to Confirmation by the Legislature”

Amend the bill by striking out the title and substituting the following:

'An Act to Make the Director of the Office of Cannabis Policy, the Director of the Bureau of Alcoholic Beverages and Lottery Operations and the Director of the Gambling Control Unit Appointed Positions Subject to Confirmation by the Legislature'

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

'Sec. 1. 5 MRSA §948, sub-§1, ¶L, as amended by PL 2011, c. 633, §1, is further amended to read:

L. Director, Maine Emergency Medical Services; ~~and~~

Sec. 2. 5 MRSA §948, sub-§1, ¶M, as amended by PL 2011, c. 633, §2, is further amended to read:

M. Director, Bureau of Consolidated Emergency Communications; and

Sec. 3. 5 MRSA §948, sub-§1, ¶O is enacted to read:

O. Director, Gambling Control Unit.

Sec. 4. 8 MRSA §1001, sub-§9, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by Pt. B, §11, is amended to read:

9. Director. "Director" means the Director of the Gambling Control Unit within the department, who also serves as the executive director ~~Executive Director~~ of the board Gambling Control Board.

Sec. 5. 8 MRSA §1003, sub-§2, as amended by PL 2023, c. 549, §§2 to 7 and affected by §15 and amended by c. 635, §§3 to 5, is further amended to read:

COMMITTEE AMENDMENT

1 **2. Duties.** ~~The Commissioner of Public Safety, with the advice and the consent of the~~
2 ~~board, and on a timetable directed by the board, shall hire an executive director.~~ The
3 executive director shall hire staff in accordance with the Civil Service Law and retain
4 professional services that the board considers necessary to carry out its responsibilities. In
5 addition, the board or the director or staff, as delegated by the board, shall:

6 A. Enforce the provisions of this chapter and any rules adopted under this chapter;

7 B. Hear and decide all license and registration applications under this chapter and
8 issues affecting the granting, suspension, revocation or renewal of licenses and
9 registrations;

10 C. Review the department's reports of its investigation of the qualifications of an
11 applicant before a license or registration is issued and investigate the circumstances
12 surrounding any act or transaction for which board approval is required;

13 D. Cause the department to investigate any alleged violations of this chapter or rules
14 adopted under this chapter and the direct or indirect ownership or control of any
15 licensee;

16 E. Refer violations of this chapter to the Attorney General to bring action in the courts
17 and administrative tribunals of this State or the United States, in the name of the State
18 of Maine. This paragraph does not limit the authority of district attorneys to prosecute
19 criminal violations of the law;

20 F. Collect all licensing and registration fees and taxes imposed by this chapter and
21 rules adopted pursuant to this chapter;

22 G. Develop a standard uniform location agreement;

23 H. Pursuant to subchapter 5, cause the department to investigate all complaints made
24 to the board regarding ownership, distribution or operation of slot machines or table
25 games and all violations of this chapter or rules adopted under this chapter;

26 I. Adopt rules to prevent undesirable conduct relating to the ownership, distribution
27 and operation of slot machines and table games and slot machine facilities and casinos,
28 including, but not limited to, the following:

29 (1) The practice of any fraud or deception upon a player of a slot machine or table
30 game or a licensee;

31 (2) The presence or location of a slot machine or table game in or at premises that
32 may be unsafe due to fire hazard or other public safety conditions;

33 (3) The infiltration of organized crime into the ownership, distribution or operation
34 of slot machines or table games and slot machine facilities or casinos; and

35 (4) The presence of disorderly persons in a location where slot machines or table
36 games are in use;

37 J-1. Ensure the board or the director or staff has the ability to regulate, manage and
38 audit the operation, financial data and program information relating to slot machines
39 that enables the department to audit the operation, financial data and program
40 information of a casino or slot machine facility licensee, as required by the board, and
41 provide the department with the ability to monitor at any time on a real-time basis

- 1 wagering patterns, payouts, tax collection and compliance with rules adopted by the
2 board for the regulation and control of slot machines operated under this chapter;
- 3 K. Ensure the board or the director or staff, in collaboration with the casino operator
4 or slot machine operator, has the ability to activate and deactivate the operation of
5 individual slot machines;
- 6 L. Ensure that the slot machine operator or casino operator does not have access to any
7 system that is capable of programming slot machines;
- 8 M. Inform commercial track operators applying for a license to operate slot machines
9 that any slot machines licensed by the board must be compatible with a facility-based
10 monitoring system;
- 11 N. Cause, in collaboration with the casino operator or slot machine operator, a slot
12 machine to be disabled that does not meet registration requirements provided by this
13 chapter or rules adopted under this chapter;
- 14 O. Cause, in collaboration with the casino operator or slot machine operator, a slot
15 machine to be disabled and cause the department to seize the proceeds of that slot
16 machine if the funds from that slot machine have not been distributed, deposited or
17 allocated in accordance with section 1036;
- 18 P. Collect all funds and taxes due to the State under sections 1018 and 1036;
- 19 Q. Certify monthly to the department a full and complete statement of all slot machine
20 and table game revenue, credits disbursed by licensees, administrative expenses and
21 the allocation of slot machine and table game income for the preceding month;
- 22 R. Submit by March 15th an annual report to the Governor and the joint standing
23 committee of the Legislature having jurisdiction over gambling affairs on slot machine
24 and table game revenue, credits disbursed by slot machine operators and table game
25 operators, administrative expenses and the allocation of slot machine and table game
26 income for the preceding year;
- 27 S. Prepare and submit to the department a budget for the administration of this chapter;
- 28 T. Keep accurate and complete records of its proceedings and certify the records as
29 may be appropriate; and
- 30 U. Adopt rules relating to the conduct of advance deposit wagering, including but not
31 limited to the following:
- 32 (1) Requirements for licensure to conduct advance deposit wagering;
- 33 (2) The prevention of any fraud or deception upon an advance deposit wagering
34 account holder;
- 35 (3) Distributions of account statements to advance deposit wagering account
36 holders from the advance deposit wagering licensee;
- 37 (4) Establishing a definition of an abandoned advance deposit wagering account
38 and provisions for disposition of funds in an abandoned account;
- 39 (5) Prescribing methods for verifying residency and age of an applicant for an
40 advance deposit wagering account;

1 (6) Prescribing methods for verifying that an applicant for an advance deposit
2 wagering account is a natural person and not a custodian, beneficiary, joint trust
3 corporation or other organization;

4 (7) Prescribing methods by which deposits are made to advance deposit wagering
5 accounts. The methods prescribed must prohibit the use of the electronic benefits
6 transfer system administered by the Department of Health and Human Services
7 under Title 22, chapter 1, subchapter 1-A;

8 (8) Prohibiting the assignment or transfer of an advance deposit wagering account
9 from an authorized account holder to another person; and

10 (9) Provisions allowing persons to restrict themselves from advance deposit
11 wagering upon request by placing themselves on the universal list pursuant to
12 subsection 3, paragraph I. The rules adopted under this subparagraph must define
13 the standards for involuntary placement on the universal list and for removal from
14 the list.

15 Rules initially adopted as required by this paragraph are major substantive rules as
16 described in Title 5, chapter 375, subchapter 2-A. Rules adopted after the first year of
17 operation of advance deposit wagering conducted by an advance deposit wagering
18 licensee are routine technical rules as described in Title 5, chapter 375, subchapter 2-A.

19 **Sec. 6. 8 MRSA §1003, sub-§5**, as amended by PL 2021, c. 681, Pt. J, §4, is
20 repealed.

21 **Sec. 7. 8 MRSA §1003, sub-§6** is enacted to read:

22 **6. Director of Gambling Control Unit.** The Commissioner of Public Safety, with
23 the advice and consent of the Governor and subject to review by the joint standing
24 committee of the Legislature having jurisdiction over gambling matters and to confirmation
25 by the Legislature, shall appoint the Director of the Gambling Control Unit, established as
26 a bureau within the Department of Public Safety under Title 25, section 2902, subsection
27 12, and referred to in this chapter as "the director." The director shall administer and enforce
28 the laws governing fantasy contests under chapter 33, sports wagering under chapter 35,
29 Internet gaming under chapter 39 and beano and games of chance under Title 17, chapters
30 13-A and 62, respectively. The director also serves as the executive director of the board.

31 **Sec. 8. 17 MRSA §311, sub-§2-A**, as enacted by PL 2017, c. 284, Pt. JJJJ, §1, is
32 amended to read:

33 **2-A. Director.** "Director" means the ~~Executive Director of the Gambling Control~~
34 ~~Board~~ and the Gambling Control Unit.

35 **Sec. 9. 17 MRSA §1831, sub-§2-A**, as enacted by PL 2017, c. 284, Pt. KKKKK,
36 §6, is amended to read:

37 **2-A. Director.** "Director" means the ~~Executive Director of the Gambling Control~~
38 ~~Unit~~.

39 **Sec. 10. 28-A MRSA §84, first ¶**, as amended by PL 2013, c. 368, Pt. V, §20, is
40 further amended to read:

41 The commissioner, with the advice and consent of the Governor and subject to review
42 by the joint standing committee of the Legislature having jurisdiction over alcoholic

1 beverages and lottery matters and to confirmation by the Legislature, shall appoint the
2 Director of the Bureau of Alcoholic Beverages and Lottery Operations, referred to in this
3 chapter as "the director of the bureau." The director of the bureau or the director's designee
4 shall:

5 **Sec. 11. 28-B MRSA §104-B, first ¶**, as enacted by PL 2023, c. 679, Pt. B, §6, is
6 amended to read:

7 The commissioner, with the advice and consent of the Governor and subject to review
8 by the joint standing committee of the Legislature having jurisdiction over cannabis matters
9 and to confirmation by the Legislature, shall appoint the Director of the Office of Cannabis
10 Policy, referred to in this chapter as "the director," The director may employ personnel as
11 necessary to implement, administer and enforce this chapter and the rules adopted pursuant
12 to this chapter and the Maine Medical Use of Cannabis Act and the rules adopted pursuant
13 to that Act.

14 **Sec. 12. Appointment.** The Commissioner of Administrative and Financial
15 Services shall appoint the Director of the Office of Cannabis Policy pursuant to the Maine
16 Revised Statutes, Title 28-B, section 104-B and the Director of the Bureau of Alcoholic
17 Beverages and Lottery Operations pursuant to Title 28-A, section 84 no later than 60 days
18 after the effective date of this Act. The Commissioner of Public Safety shall appoint the
19 Director of the Gambling Control Unit pursuant to Title 8, section 1003, subsection 6 no
20 later than 60 days after the effective date of this Act.

21 **Sec. 13. Effective date.** This Act takes effect January 6, 2027.'

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

24 SUMMARY

25 This amendment provides that the appointing authority for the Director of the Office
26 of Cannabis Policy within the Department of Administrative and Financial Services, the
27 Director of the Bureau of Alcoholic Beverages and Lottery Operations within the
28 Department of Administrative and Financial Services and the Director of the Gambling
29 Control Unit within the Department of Public Safety is the appropriate commissioner with
30 the advice and consent of the Governor. It further provides that these positions are subject
31 to confirmation by the Legislature.

32 The amendment directs the commissioners to appoint their respective positions no later
33 than 60 days after the effective date of this legislation and adds an effective date of January
34 6, 2027.