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Date: (Filing No. S-)

VETERANS AND LEGAL AFFAIRS

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**STATE OF MAINE
SENATE
131ST LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” 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. JJJJ, §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:

COMMITTEE AMENDMENT

1 G. In addition to a fine imposed pursuant to section 325, impose a fine of not more
2 than \$100 per violation, after notice of the opportunity for a hearing under subsection
3 4, on a licensee or registrant or a licensee's or registrant's agent or employee that has
4 violated a provision of this chapter or a rule of the Gambling Control Unit prescribed
5 by authority of this chapter; and

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

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

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

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

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

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

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

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

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

3 A bona fide nonprofit organization may operate a registered game of chance to which the
4 general public has access no more than 4 times in a calendar year for a period not to exceed
5 ~~4 consecutive days~~ the duration of the annual fair of an agricultural society or the duration
6 of a special event. The game of chance may be operated at any location described in the
7 organization's registration and may be conducted only by members of the registrant. This
8 subsection does not apply to raffles conducted in accordance with section 1837-A.

9 **Sec. 7. 17 MRSA §1842, sub-§3, ¶D**, as amended by PL 2017, c. 284, Pt. KKKKK,
10 §29, is further amended to read:

11 D. Issue a subpoena in the name of the State Police in accordance with Title 5, section
12 9060, except that this authority applies to any stage of an investigation under this
13 chapter and is not limited to an adjudicatory hearing. This authority may not be used
14 in the absence of reasonable cause to believe a violation has occurred. If a witness
15 refuses to obey a subpoena or to give any evidence relevant to proper inquiry by the
16 unit, the Attorney General may petition the Superior Court in the county where the
17 refusal occurred to find the witness in contempt. The Attorney General shall cause to
18 be served on that witness an order requiring the witness to appear before the Superior
19 Court to show cause why the witness should not be adjudged in contempt. The court
20 shall, in a summary manner, hear the evidence and, if it is such as to warrant the court
21 in doing so, punish that witness in the same manner and to the same extent as for
22 contempt committed before the Superior Court or with reference to the process of the
23 Superior Court; and

24 **Sec. 8. 17 MRSA §1842, sub-§3, ¶E**, as amended by PL 2017, c. 284, Pt. KKKKK,
25 §29, is further amended to read:

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

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

43 F. In addition to a fine imposed pursuant to section 1844, impose a fine of not more
44 than \$100 per violation, after notice of the opportunity for a hearing under subsection
45 5-A, on a licensee or registrant or a licensee's or registrant's agent or employee that has

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

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

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

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

11 **5-A. Imposition of fine and opportunity for hearing.** The Gambling Control Unit
12 shall notify the licensee or registrant in writing that a fine is imposed pursuant to subsection
13 3, paragraph F and of the right to a hearing pursuant to this subsection. The licensee or
14 registrant has the right to request a hearing before the Commissioner of Public Safety or
15 the commissioner's designee. Upon the licensee's or registrant's request for a hearing, the
16 Commissioner of Public Safety shall provide a hearing. The hearing must comply with the
17 Maine Administrative Procedure Act. The purpose of the hearing is to determine whether
18 a preponderance of the evidence establishes that the licensee or registrant or the licensee's
19 or registrant's agent or employee violated a provision of this chapter or a rule of the
20 Gambling Control Unit prescribed by authority of this chapter. A request for a hearing must
21 be made no later than 10 days after the licensee or registrant is notified of the fine. The
22 imposition of the fine must be stayed pending the hearing; the hearing must be held no later
23 than 30 days after the date the Commissioner of Public Safety receives the request unless
24 otherwise agreed to by the parties or continued upon request of a party for cause shown.'

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

27 **SUMMARY**

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

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

COMMITTEE AMENDMENT “ ” to S.P. 901, L.D. 2108

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

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FISCAL NOTE REQUIRED

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(See attached)