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No. 1405

S.P. 454

In Senate, April 12, 2021

An Act To Regulate, Tax and Control Sports Wagering

Received by the Secretary of the Senate on April 8, 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 President JACKSON of Aroostook.
Cosponsored by Representative McCREIGHT of Harpswell and
Senators: CHIPMAN of Cumberland, CYRWAY of Kennebec, Representatives: DOORE of
Augusta, LANDRY of Farmington, PARRY of Arundel.

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

2 **PART A**

3 **Sec. A-1. 7 MRSA §86, sub-§8,** as enacted by PL 2005, c. 563, §3, is amended to
4 read:

5 **8. Maximum allowed distribution from Stipend Fund.** A licensee may not receive
6 a stipend from the Stipend Fund greater than the amount actually raised and spent by the
7 licensee on premiums and gratuities in the classes provided in subsection 5. A licensee
8 may not receive a stipend from the Stipend Fund in excess of \$10,000, except that this
9 limitation does not apply to any additional stipend provided for by Title 8, section 287 or
10 to funds distributed from the Fair Fund ~~or in accordance with section 85,~~ the Agricultural
11 Fair Support Fund in accordance with section 91 or the Agricultural Fair Promotion Fund
12 in accordance with section 103.

13 **Sec. A-2. 7 MRSA §103** is enacted to read:

14 **§103. Agricultural Fair Promotion Fund**

15 **1. Eligible nonprofit organization defined.** As used in this section, "eligible nonprofit
16 organization" means a nonprofit organization that is exempt from federal income taxation
17 under Section 501(a) of the United States Internal Revenue Code of 1986 as an organization
18 described by Section 501(c) and that has had, for at least the preceding 25 years, a sole or
19 primary purpose of promoting agricultural fairs in the State.

20 **2. Identification of eligible nonprofit organizations.** On January 1st and July 1st of
21 each year, the commissioner shall send a list of all eligible nonprofit organizations to the
22 Treasurer of State.

23 **3. Fund created.** The Treasurer of State shall establish an account to be known as "the
24 Agricultural Fair Promotion Fund" and shall credit to it all money received under Title 8,
25 section 1215, subsection 1, paragraph E and Title 8, section 1215, subsection 2, paragraph
26 E. The fund is a dedicated, nonlapsing fund. All revenues deposited in the fund must be
27 disbursed in accordance with this section.

28 **4. Distribution.** On January 31st and July 31st of each year, all amounts credited to
29 the fund established by this section as of the last day of the preceding month and not
30 distributed before that day must be distributed by the Treasurer of State in equal shares to
31 each organization in the State that has been identified by the commissioner as an eligible
32 nonprofit organization under subsection 2.

33 **Sec. A-3. 8 MRSA §290,** as enacted by PL 1997, c. 528, §46, is amended to read:

34 **§290. Purse supplement**

35 **1. Payment.** Amounts received pursuant to section 1215, subsection 1, paragraph C
36 and section 1215, subsection 2, paragraph C and amounts calculated as purse supplement
37 share under section 286 must be paid to the commission for distribution as provided in
38 subsection 2.

39 **2. Distribution.** On May 30th, September 30th and January 30th, ~~payments made~~
40 amounts received under this subsection and subsection 1 for distribution in accordance with
41 this subsection must be divided among the licensees conducting live racing in the State.
42 The amount of the payment made to a licensee is calculated by ~~dividing~~ multiplying the

1 amount of money available for distribution by a fraction, the numerator of which is the
2 number of race dates on which that licensee conducted live racing in any calendar year by
3 and the denominator of which is the total number of race dates on which all licensees
4 conducted live racing in that year. Beginning January 30, 1997, the January 30th payment
5 must be adjusted to reflect the dates when live racing was actually conducted during the
6 previous year, not the dates granted.

7 **Sec. A-4. 8 MRSA §1003, sub-§5**, as repealed and replaced by PL 2017, c. 475,
8 Pt. A, §11, is amended to read:

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

15 **Sec. A-5. 8 MRSA §1104, sub-§2**, as enacted by PL 2017, c. 303, §2, is amended
16 to read:

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

20 **Sec. A-6. 8 MRSA c. 35** is enacted to read:

21 CHAPTER 35

22 REGULATION OF SPORTS WAGERING

23 §1201. Authorization of sports wagering; license required

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

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

30 §1202. Definitions

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

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

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

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

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

6 **5. Director.** "Director" means the director of the Gambling Control Unit within the
7 department.

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

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

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

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

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

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

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

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

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

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

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

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

38 **13. Sports wagering.** "Sports wagering" means the business of accepting wagers on
39 sports events or portions of sports events, the individual performance statistics of athletes
40 in a sports event or a combination of any of the same by any system or method of wagering
41 approved by the director, including, but not limited to, in person on the property of a facility

1 operator or via a mobile operator's mobile applications and digital platforms that use
2 communications technology to accept wagers. "Sports wagering" does not include the sale
3 of pari-mutuel pools authorized under chapter 11 or the operation of fantasy contests as
4 defined in section 1101, subsection 4.

5 **14. Wager.** "Wager" means a sum of money or thing of value risked on an uncertain
6 occurrence.

7 **§1203. Powers and duties of director**

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

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

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

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

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

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

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

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

23 A. Additional qualifications and procedures for obtaining a facility sports wagering
24 license, supplier license, management services license, mobile sports wagering license
25 or occupational license, including the procedure and qualifications for obtaining a
26 waiver of the occupational license requirement, consistent with the purposes and
27 provisions of this chapter;

28 B. Additional qualifications and procedures for obtaining a temporary facility sports
29 wagering license, temporary supplier license, temporary management services license
30 and temporary mobile sports wagering license, consistent with the purposes and
31 provisions of this chapter;

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

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

1 E. Standards for the adoption of comprehensive house rules governing sports wagering
2 by operators and the approval of house rules by the director as required under section
3 1211;

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

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

19 H. The types of interested parties, including sports team or league employees or
20 owners, from whom operators are prohibited from accepting wagers under section
21 1213, subsection 4;

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

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

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

34 L. Minimum internal control standards for operators, including but not limited to
35 procedures for safeguarding assets and revenues; the recording of cash and evidence
36 of indebtedness; the maintenance of reliable records, accounts and reports of
37 transactions, operations and events; the authority of operators to retain any winnings
38 that are not claimed within one year of the date that a sports wager was made; required
39 audits; and the content and frequency of reports of sports wagering activities and
40 revenues that must be made to the director.

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

43 **§1204. Application; criminal history background check**

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

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

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

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

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

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

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

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

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

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

33 **3. Criminal history record check.** The director shall request a criminal history record
34 check in accordance with this subsection for each applicant for initial licensure and each
35 person required to be disclosed by the applicant for initial licensure under subsection 1,
36 paragraph B. The director may require a criminal history record check in accordance with
37 this subsection from a licensee seeking to renew a license, from any person the licensee is
38 required to disclose under subsection 1, paragraph B as part of the license renewal
39 application and from any person identified by the licensee under subsection 4. A criminal
40 history record check conducted pursuant to this subsection must include criminal history
41 record information obtained from the Maine Criminal Justice Information System
42 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 of
14 a payment, if any, that constitutes the processing fee for a criminal history record check
15 charged by the Federal Bureau of Investigation, all money received by the State Police
16 under this subsection must be paid to the Treasurer of State, who shall apply the money
17 to the expenses incurred by the Department of Public Safety in the administration of
18 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, may 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 whether
14 the applicant, licensee or person is of good moral character, the director shall consider
15 qualities that include but are not limited to honesty, candor, trustworthiness, diligence,
16 reliability, observance of fiduciary and financial responsibility and respect for the
17 rights of others. The director may not consider the person's race, religion, national
18 origin or gender in determining whether a person is of good moral character;

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

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

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

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

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

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

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

39 G. If the applicant, the licensee or a person having control of the applicant or licensee
40 under section 1204, subsection 2 has not demonstrated financial responsibility. For the
41 purposes of this paragraph, "financial responsibility" means a demonstration of a
42 current and expected future condition of financial solvency sufficient to satisfy the
43 director that the applicant, the licensee or the person can successfully engage in

1 business without jeopardy to the public health, safety and welfare. "Financial
2 responsibility" may be determined by an evaluation of the total history concerning the
3 applicant, the licensee or the person, including past, present and expected condition
4 and record of financial solvency, business record and accounting and managerial
5 practices;

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

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

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

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

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

23 **3. Investigation of complaints; notice; hearing.** The director or the director's
24 designee shall investigate a complaint on the director's own motion or upon receipt of a
25 written complaint regarding noncompliance with or violation of this chapter or of any rules
26 adopted under this chapter. Following the investigation, the director may mail the licensee
27 a notice of violation informing the licensee of the administrative sanction under subsection
28 4 the director proposes to impose and of the licensee's opportunity to request a hearing.

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

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

38 A. A written reprimand;

39 B. Conditions of probation of a license;

40 C. A license suspension;

41 D. A license revocation; or

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

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

6 **§1206. Facility sports wagering license**

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

10 **2. Eligibility.** To be eligible to receive a facility sports wagering license, an applicant
11 must be:

12 A. A commercial track licensed under section 271;

13 B. An off-track betting facility licensed under section 275-D or under Public Law
14 2019, chapter 626, section 16;

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

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

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

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

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

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

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

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

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

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

20 **§1207. Mobile sports wagering license**

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

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

26 **A. A commercial track licensed under section 271;**

27 **B. An off-track betting facility licensed under section 275-D or Public Law 2019,**
28 **chapter 626, section 16;**

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

30 **D. A federally recognized Indian tribe in this State.**

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

38 **4. Fees.** The fee for an initial or renewed mobile sports wagering license is \$20,000
39 and must be retained by the director for the costs of administering this chapter. In addition
40 to the license fee, the director may charge a processing fee for an initial or renewed license
41 in 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

1 may be charged to meet the actual cost. If the projected cost exceeds the actual cost, the
2 difference may be refunded to the applicant or licensee.

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

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

23 **§1208. Supplier license**

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

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

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

36 **4. Fees.** The fee for an initial or renewed supplier license is \$20,000 and must be
37 retained by the director for the costs of administering this chapter. In addition to the license
38 fee, the director may charge a processing fee for an initial or renewed license in an amount
39 equal to the projected cost of processing the application and performing any background
40 investigations. If the actual cost exceeds the projected cost, an additional fee may be
41 charged to meet the actual cost. If the projected cost exceeds the actual cost, the difference
42 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 supplier license may submit with the
5 application a request for a temporary license. A request for a temporary license must
6 include the initial license fee of \$20,000. If the director determines that the applicant is
7 qualified under subsection 2, 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 supplier license. A temporary license issued under this subsection is valid for one year or
11 until a final determination on the supplier license application is made, whichever is sooner.
12 If after investigation the director determines that the applicant is eligible for a supplier
13 license under this chapter, the director shall issue the initial supplier license, at which time
14 the temporary license terminates. The initial supplier license is valid for 2 years from the
15 date that the temporary license was issued by the director.

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

22 **§1209. Management services license**

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

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

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

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

1 may be charged to meet the actual cost. If the projected cost exceeds the actual cost, the
2 difference may be refunded to the applicant or licensee.

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

6 **6. Temporary license.** An applicant for a management services 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 1, 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 management services license. A temporary license issued under this subsection is valid for
13 one year or until a final determination on the management services license application is
14 made, whichever is sooner. If after investigation the director determines that the applicant
15 is eligible for a management services license under this chapter, the director shall issue the
16 initial management services license, at which time the temporary license terminates. The
17 initial management services license is valid for 2 years from the date that the temporary
18 license was issued by the director.

19 **§1210. Occupational license**

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

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

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

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

43 **5. Exception.** An individual who is actively licensed under section 1015 as an
44 employee of a casino that has a facility sports wagering license may obtain or renew a

1 license under this section without paying an initial license fee or a renewal license fee under
2 this section.

3 **§1211. Sports wagering house rules**

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

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

14 **§1212. Access to premises and equipment**

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

19 **§1213. Persons prohibited from making wagers on sports events**

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

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

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

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

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

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

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

1 7. **Regulatory staff.** An employee of the Gambling Control Unit within the
2 department.

3 **§1214. Interception of sports wagering winnings to pay child support debt**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 **9. Authorization to provide information.** Notwithstanding any provision of law to
29 the contrary, the licensee may provide to the department or registry operator any
30 information necessary to effectuate the intent of this section. The department or registry
31 operator may provide to the licensee any information necessary to effectuate the intent of
32 this section.

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

40 **11. Effect of compliance; noncompliance.** A licensee, the department and the
41 registry operator are not liable for any action taken in good faith to comply with this section.
42 A licensee who fails to make a good faith effort to obtain information from the registry
43 operator or who fails to withhold and transmit the amount of the lien created under
44 subsection 5 is liable to the department for the greater of \$500 and the amount the person

1 was required to withhold and transmit to the department under this section, together with
2 costs, interest and reasonable attorney's fees.

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

5 A. The number of names of winners submitted by licensees to the registry operator
6 pursuant to this section in each of the preceding 2 calendar years;

7 B. The number of winners who were found to be listed in the registry in each of the
8 preceding 2 calendar years;

9 C. The amount of winnings withheld by licensees pursuant to this section in each of
10 the preceding 2 calendar years; and

11 D. The amount of withheld winnings refunded to winners as the result of
12 administrative hearings requested pursuant to this section in each of the preceding 2
13 calendar years.

14 **§1215. Allocation of funds**

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

18 A. One quarter of 1% of the adjusted gross sports wagering receipts must be deposited
19 in the General Fund for the administrative expenses of the Gambling Control Unit
20 within the department;

21 B. One quarter of 1% of the adjusted gross sports wagering receipts must be deposited
22 in the Gambling Addiction Prevention and Treatment Fund established by Title 5,
23 section 20006-B;

24 C. Fifty-five hundredths of 1% of the adjusted gross sports wagering receipts must be
25 paid to the State Harness Racing Commission for distribution as described in section
26 290, subsection 2;

27 D. Fifty-five hundredths of 1% of the adjusted gross sports wagering receipts must be
28 deposited in the Sire Stakes Fund established in section 281;

29 E. Four-tenths of 1% of the adjusted gross sports wagering receipts must be deposited
30 in the Agricultural Fair Promotion Fund established in Title 7, section 103; and

31 F. Eight percent of the adjusted gross sports wagering receipts must be deposited in
32 the General Fund.

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

36 A. One quarter of 1% of the adjusted gross sports wagering receipts must be deposited
37 in the General Fund for the administrative expenses of the Gambling Control Unit
38 within the department;

39 B. One quarter of 1% of the adjusted gross sports wagering receipts must be deposited
40 in the Gambling Addiction Prevention and Treatment Fund established by Title 5,
41 section 20006-B;

1 C. Fifty-five hundredths of 1% of the adjusted gross sports wagering receipts must be
2 paid to the State Harness Racing Commission for distribution as described in section
3 290, subsection 2;

4 D. Fifty-five hundredths of 1% of the adjusted gross sports wagering receipts must be
5 deposited in the Sire Stakes Fund established in section 281;

6 E. Four-tenths of 1% of the adjusted gross sports wagering receipts must be deposited
7 in the Agricultural Fair Promotion Fund established in Title 7, section 103; and

8 F. Fourteen percent of the adjusted gross sports wagering receipts must be deposited
9 in the General Fund.

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

13 **§1216. Unauthorized sports wagering**

14 Notwithstanding Title 17-A, chapter 39, a person who engages in an activity for which
15 a license is required under this chapter and who does not possess the required license under
16 this chapter to conduct that activity is subject to the penalties specified in this section and
17 is not subject to Title 17-A, chapter 39 for that unlicensed activity.

18 **1. First violation.** A person, other than a licensee under this chapter, that operates or
19 facilitates sports wagering commits a Class E crime and is subject to a fine of not more
20 than \$10,000 and a term of imprisonment of not more than 90 days.

21 **2. Second violation.** A person convicted of a 2nd violation of subsection 1 commits
22 a Class D crime and is subject to a fine of not more than \$50,000 and a term of
23 imprisonment of not more than 6 months.

24 **3. Third or subsequent violation.** A person convicted of a 3rd or subsequent
25 violation of subsection 1 commits a Class C crime and is subject to a fine of not less than
26 \$25,000 and not more than \$100,000 and a term of imprisonment of not less than one year
27 and not more than 5 years.

28 **§1217. Applicability of other laws**

29 The provisions of Title 17, chapter 62 and Title 17-A, chapter 39 do not apply to sports
30 wagering conducted in accordance with this chapter and the rules adopted under this
31 chapter.

32 **Sec. A-7. 25 MRSA §1542-A, sub-§1, ¶R,** as amended by PL 2019, c. 343, Pt. G,
33 §5; c. 399, §3; c. 402, §3; and c. 416, §3, is repealed and the following enacted in its place:

34 R. Who is required to have a criminal background check under Title 22, section
35 8302-A or 8302-B.

36 **Sec. A-8. 25 MRSA §1542-A, sub-§1, ¶S,** as enacted by PL 2019, c. 399, §4 and
37 c. 402, §4 and reallocated by c. 343, Pt. G, §4 and c. 416, §2, is repealed and the following
38 enacted in its place:

39 S. Who is required to have a criminal history record check under Title 22, section
40 2425-A, subsection 3-A.

1 **Sec. A-9. 25 MRSA §1542-A, sub-§1, ¶T**, as enacted by PL 2019, c. 399, §4; c.
2 402, §4; and c. 416, §4, is repealed and the following enacted in its place:

3 T. Who is required to have a criminal history record check under Title 22, section
4 8110.

5 **Sec. A-10. 25 MRSA §1542-A, sub-§1, ¶U**, as enacted by PL 2019, c. 616, Pt. S,
6 §2, is reallocated to 25 MRSA §1542-A, sub-§1, ¶X.

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

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

10 **Sec. A-12. 25 MRSA §1542-A, sub-§1, ¶W** is enacted to read:

11 W. Who is required to have a criminal history record check under Title 19-A, section
12 2111.

13 **Sec. A-13. 25 MRSA §1542-A, sub-§1, ¶Y** is enacted to read:

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

15 **Sec. A-14. 25 MRSA §1542-A, sub-§3, ¶O**, as repealed by PL 2019, c. 343, Pt.
16 G, §8 and c. 416, §5 and repealed and replaced by c. 399, §5 and c. 402, §5, is repealed and
17 the following enacted in its place:

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

21 **Sec. A-15. 25 MRSA §1542-A, sub-§3, ¶S**, as enacted by PL 2019, c. 399, §6; c.
22 402, §6; and c. 416, §7, is repealed and the following enacted in its place:

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

26 **Sec. A-16. 25 MRSA §1542-A, sub-§3, ¶T**, as enacted by PL 2019, c. 616, Pt. S,
27 §3 and c. 644, §2, is repealed and the following enacted in its place:

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

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

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

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

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

1 **Sec. A-19. 25 MRSA §1542-A, sub-§3, ¶W** is enacted to read:

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

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

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

12 **Sec. A-21. 25 MRSA §1542-A, sub-§4**, as repealed and replaced by PL 2019, c.
13 343, Pt. G, §10; c. 399, §7; c. 402, §7; and c. 416, §8, is repealed and the following enacted
14 in its place:

15 **4. Duty to submit to State Bureau of Identification.** It is the duty of the law
16 enforcement agency taking the fingerprints as required by subsection 3, paragraphs A, B
17 and G to transmit immediately to the State Bureau of Identification the criminal fingerprint
18 record. Fingerprints taken pursuant to subsection 1, paragraph C, D, E or F or pursuant to
19 subsection 5 may not be submitted to the State Bureau of Identification unless an express
20 request is made by the commanding officer of the State Bureau of Identification.
21 Fingerprints taken pursuant to subsection 1, paragraph G must be transmitted immediately
22 to the State Bureau of Identification to enable the bureau to conduct state and national
23 criminal history record checks for the Department of Education. The bureau may not use
24 the fingerprints for any purpose other than that provided for under Title 20-A, section 6103.
25 The bureau shall retain the fingerprints, except as provided under Title 20-A, section 6103,
26 subsection 9. Fingerprints taken pursuant to subsection 1, paragraph I and subsection 3,
27 paragraph I must be transmitted immediately to the State Bureau of Identification to enable
28 the bureau to conduct state and national criminal history record checks for the court and
29 the Department of Public Safety, Gambling Control Board, respectively. Fingerprints
30 taken pursuant to subsection 1, paragraph J or S must be transmitted immediately to the
31 State Bureau of Identification to enable the bureau to conduct state and national criminal
32 history record checks for the Department of Administrative and Financial Services.
33 Fingerprints taken pursuant to subsection 1, paragraph P must be transmitted immediately
34 to the State Bureau of Identification to enable the bureau to conduct state and national
35 criminal history record checks for the Board of Osteopathic Licensure, established in Title
36 32, chapter 36. Fingerprints taken pursuant to subsection 1, paragraph N must be
37 transmitted immediately to the State Bureau of Identification to enable the bureau to
38 conduct state and national criminal history record checks for the Board of Licensure in
39 Medicine, established in Title 32, chapter 48. Fingerprints taken pursuant to subsection 1,
40 paragraph Q must be transmitted immediately to the State Bureau of Identification to enable
41 the bureau to conduct state and national criminal history record checks for the State Board
42 of Nursing, established in Title 32, chapter 31. Fingerprints taken pursuant to subsection
43 1, paragraph O must be transmitted immediately to the State Bureau of Identification to
44 enable the bureau to conduct state and national criminal history record checks under Title
45 28-B, section 204. Fingerprints taken pursuant to subsection 1, paragraph R, T or W must

1 be transmitted immediately to the State Bureau of Identification to enable the bureau to
2 conduct state and national criminal history record checks for the Department of Health and
3 Human Services. Fingerprints taken pursuant to subsection 1, paragraph V must be
4 transmitted immediately to the State Bureau of Identification to enable the bureau to
5 conduct state and national criminal history record checks for the Office of the State Auditor.

6 **Sec. A-22. Emergency rules.** The director of the Gambling Control Unit within
7 the Department of Public Safety may adopt emergency rules under the Maine Revised
8 Statutes, Title 5, section 8054 as necessary to implement this Part without the necessity of
9 demonstrating that immediate adoption is necessary to avoid a threat to public health, safety
10 or general welfare.

11 **PART B**

12 **Sec. B-1. 8 MRSA §275-A, sub-§8,** as enacted by PL 1993, c. 388, §8, is amended
13 to read:

14 **8. Off-track betting facility.** "Off-track betting facility" means a facility at which a
15 person is licensed under Public Law 2019, chapter 626, section 16 or a facility other than
16 a racetrack at which a person is licensed under section 275-D to conduct pari-mutuel
17 wagering on simulcast racing.

18 **Sec. B-2. 8 MRSA §275-A, sub-§9,** as enacted by PL 1993, c. 388, §8, is amended
19 to read:

20 **9. Off-track betting licensee.** "Off-track betting licensee" means a person who has
21 obtained a license under section 275-D or Public Law 2019, chapter 626, section 16 to
22 conduct pari-mutuel wagering at an off-track betting facility.

23 **Sec. B-3. 8 MRSA §275-B, sub-§2,** as enacted by PL 1993, c. 388, §8, is amended
24 to read:

25 **2. Off-track betting facility.** A person licensed pursuant to section 275-D or Public
26 Law 2019, chapter 626, section 16 to operate an off-track betting facility may sell pari-
27 mutuel pools at that licensed facility.

28 **Sec. B-4. 8 MRSA §275-P** is enacted to read:

29 **§275-P. Off-track betting facilities licensed under Public Law 2019, chapter 626,**
30 **section 16**

31 **1. Provisions applicable.** The following provisions of section 275-D apply to off-
32 track betting facility licenses issued under Public Law 2019, chapter 626, section 16:

33 A. The off-track betting facility may conduct pari-mutuel wagering only at a facility
34 that meets the requirements of section 275-D, subsection 1;

35 B. The off-track betting facility license must be renewed in accordance with section
36 275-D, subsections 2-A and 2-B and is nontransferable as provided in section 275-D,
37 subsection 10;

38 C. The off-track betting facility must be operated in accordance with section 275-D,
39 subsections 7, 8 and 12; and

40 D. The off-track betting facility license is subject to the administrative sanctions set
41 forth in section 275-D, subsections 11 and 13.

1 **2. Provisions inapplicable.** The following provisions of section 275-D do not apply
2 to off-track betting facility licenses issued under Public Law 2019, chapter 626, section 16:

3 A. The application and notice requirements in section 275-D, subsections 2, 3 and 4;

4 B. The municipal approval process in section 275-D, subsection 5; and

5 C. The public hearing and commission determination requirements of section 275-D,
6 subsection 6.

7 **3. Effect of other laws.** Except as otherwise specified in this section, an off-track
8 betting facility licensed under Public Law 2019, chapter 626, section 16 is subject to the
9 same rights and privileges under the laws of this State as an off-track betting facility
10 licensed under section 275-D and is subject to the same duties, restrictions and penalties
11 under the laws of this State as an off-track betting facility licensed under section 275-D.

12 **Sec. B-5. 8 MRSA §286, sub-§4,** as amended by PL 2015, c. 200, §3, is further
13 amended to read:

14 **4. Off-track betting facility interstate simulcasting with commingled pools.** The
15 distribution of the commission on simulcasting of races with commingled pools originating
16 at a racetrack in another state by an off-track betting facility is calculated in accordance
17 with this subsection as a percentage of the commission with respect to the State's share and
18 as percentages of the net commission with respect to all other participants' shares and is
19 distributed. If the off-track betting facility is eligible to receive a distribution from the
20 Fund to Stabilize Off-track Betting Facilities established in section 300 or is licensed after
21 January 1, 2021, the distribution of the commission under this subsection is as follows.

22 A. On exotic wagers:

23 (1) The state share is 8.647% for an off-track betting facility located in the same
24 municipality as a commercial track and 9.801% for all other facilities;

25 (2) The Sire Stakes Fund share is 5.965%;

26 (3) The Stipend Fund share is 4.494%;

27 (4) The purse supplement share is 16.558%;

28 (5) The Harness Racing Promotional Fund share is 0.962%;

29 (6) The off-track betting facility share is all amounts not otherwise assigned; and

30 (7) The off-track betting facility simulcast fund share is 12.951%.

31 B. On regular wagers:

32 (1) The state share is 2.739% for an off-track betting facility located in the same
33 municipality as a commercial track and 4.405% for all other facilities;

34 (2) The Sire Stakes Fund share is 0.400%;

35 (3) The Stipend Fund share is 6.590%;

36 (4) The purse supplement share is 8.399%;

37 (5) The Harness Racing Promotional Fund share is 1.389%;

38 (6) The off-track betting facility share is all amounts not otherwise assigned; and

39 (7) The off-track betting facility simulcast fund share is 18.627%.

1 For an off-track betting facility licensed on or before January 1, 2021 that is not eligible to
2 receive a distribution from the Fund to Stabilize Off-track Betting Facilities established in
3 section 300, the distributions under paragraph A, subparagraphs (2), (3), (4), (5) and (7)
4 and the distributions in paragraph B, subparagraphs (2), (3), (4), (5) and (7) must be reduced
5 by 1/2.

6 **Sec. B-6. 8 MRSA §1071, sub-§1**, as enacted by PL 2015, c. 499, §8, is amended
7 to read:

8 **1. Eligible bidders; bid proposal factors.** The board may accept bids from an entity
9 that for a period of at least 2 years has been licensed to accept wagers on horse racing as
10 either the operator of a commercial track, as an off-track betting facility licensed under
11 section 275-D or Public Law 2019, chapter 626, section 16 or as an entity licensed in
12 another state to conduct advance deposit wagering. When considering bids for the privilege
13 to be licensed to conduct advance deposit wagering, the board shall consider the following:

14 A. The financial suitability of the bidder to operate advance deposit wagering,
15 including purchase of a bond to secure the accounts of advance deposit wagering
16 bettors;

17 B. The extent to which the bidder's proposal to conduct advance deposit wagering will
18 benefit the harness racing industry in the State and the General Fund;

19 C. The percentage of wagers the bidder proposes to pay to the board to cover the costs
20 of the board for administration and oversight of advance deposit wagering and to make
21 distributions required under section 1072;

22 D. The adequacy of systems the bidder will use to conduct advance deposit wagering
23 to ensure that bettors who establish accounts to place bets on horse racing via advance
24 deposit wagering are 18 years of age or older and residents of the State;

25 E. The likelihood that the bidder will meet the requirements for licensure to conduct
26 advance deposit wagering as prescribed by the rules of the board;

27 F. The methods by which the bidder will provide access to systems and records to
28 facilitate adequate monitoring and enforcement by the board; and

29 G. Factors other than those in paragraphs A to F disclosed in the board's request for
30 proposals that the board determines to be relevant.

31 **Sec. B-7. 8 MRSA §1072, sub-§1, ¶B**, as enacted by PL 2015, c. 499, §8, is
32 amended to read:

33 B. Twenty percent of the net commission must be distributed to all off-track betting
34 facilities licensed under section 275-D or Public Law 2019, chapter 626, section 16 so
35 that each off-track betting facility receives the same amount.

36 **Sec. B-8. PL 2019, c. 626, §16** is amended to read:

37 **Sec. 16. Commercial track ceases operation prior to March 1, 2021.** If the
38 State Harness Racing Commission as established by the Maine Revised Statutes, Title 8,
39 section 261-A determines that a commercial track ceased or agreed to cease operation prior
40 to March 1, 2021 following a request from a bona fide statewide organization of horsemen
41 in whole or in part to facilitate the prospect that a modernized commercial track might
42 open, notwithstanding the requirements of Title 8, section 275-D, subsections 2, 3, 4, 5 and

1 6, the commission may grant a license to the operator of the former commercial track or an
2 entity controlled by its owners to operate an off-track betting facility in the same
3 municipality of the commercial track at or after the commercial track ceases operation as a
4 commercial track. A license issued under this section is subject to the provisions of Title
5 8, section 275-P.

6 **SUMMARY**

7 Part A of this bill authorizes the Department of Public Safety, Gambling Control Unit
8 to regulate sports wagering in the State.

9 Licensed commercial tracks, licensed off-track betting facilities, including off-track
10 betting facilities licensed under Public Law 2019, chapter 626, section 16, licensed slot
11 machine facilities and casinos and federally recognized Indian tribes are eligible to apply
12 for facility sports wagering licenses to conduct in-person sports wagering in the State.
13 These entities are also eligible to apply for mobile sports wagering licenses to conduct
14 sports wagering through mobile applications or digital platforms. Facility sports wagering
15 licensees and mobile sports wagering licensees, referred to in the bill as operators, may
16 purchase or lease equipment, systems or services for sports wagering from entities with a
17 supplier license, whose equipment, systems or services must meet standards established by
18 rule. Operators may also enter into written contracts, approved by the director of the
19 Gambling Control Unit, with management services licensees that have sufficient
20 knowledge and experience in the business of operating sports wagering to effectively
21 conduct sports wagering on behalf of operators. A person employed by a facility sports
22 wagering licensee to be engaged directly in sports wagering-related activities must be
23 licensed by the Gambling Control Unit.

24 Operators may accept wagers on professional, collegiate and amateur sports events,
25 including international events, as well as on the individual performances of athletes, on
26 motor vehicle races and on electronic sports. Sports wagers are prohibited on high school
27 events, other events where a majority of participants are under 18 years of age and events
28 involving Maine-based colleges and universities. Operators may not accept sports wagers
29 from individuals under 21 years of age; participants in the sports event, including athletes
30 and officials; persons with an interest in the outcome of the sports event identified by the
31 director by rule; the operator's own directors or employees or persons living in their
32 households; persons voluntarily or involuntarily placed on a list maintained by the
33 Gambling Control Unit of persons not authorized to make sports wagers; persons making
34 wagers on behalf of another person; and Gambling Control Unit employees. Mobile sports
35 wagering licensees are also prohibited from accepting sports wagers from persons who are
36 not physically located within the State.

37 A facility sports wagering licensee must remit 10% of the licensee's adjusted gross
38 sports wagering receipts to the State, and a mobile sports wagering licensee must remit
39 16% of the licensee's adjusted gross sports wagering receipts to the State. One quarter of
40 1% of the adjusted gross sports wagering receipts must be deposited in the General Fund
41 for the administrative expenses of the Gambling Control Unit; 0.25% of the adjusted gross
42 sports wagering receipts must be deposited in the Gambling Addiction Prevention and
43 Treatment Fund; 0.55% of the adjusted gross sports wagering receipts must be distributed
44 by the State Harness Racing Commission to entities that conduct live harness racing in the
45 State; 0.55% of the adjusted gross sports wagering receipts must be deposited in the Sire

1 Stakes Fund; and 0.4% of the adjusted gross sports wagering receipts must be deposited in
2 the Agricultural Fair Promotion Fund established in the bill. The remaining adjusted gross
3 sports wagering receipts remitted to the State must be deposited in the General Fund.

4 Part A of the bill also allows a licensed fantasy contest operator to offer a fantasy
5 contest based on the performances of participants in collegiate athletic events.

6 Part B of the bill clarifies that although the process for issuance of off-track betting
7 facility licenses under Public Law 2019, chapter 626, section 16 differed from the process
8 for issuance of other off-track betting facility licenses in the State, the off-track betting
9 facilities licensed under Public Law 2019, chapter 626, section 16 are subject to the same
10 facility and operating requirements and restrictions, license renewal terms and fees and
11 administrative oversight as other licensed off-track betting facilities.

12 Part B of the bill also reduces by half the percentage of the commissions earned by off-
13 track betting facilities licensed before January 1, 2021 that are ineligible to receive
14 distributions from the Fund to Stabilize Off-track Betting Facilities when they accept
15 wagers on simulcasting of out-of-state races with commingled pools that are collected by
16 the State to be distributed to various harness racing funds and entities but does not reduce
17 the percentage of these commissions that are remitted to the General Fund.

18