

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

H.P. 95 - L.D. 139

Resolve, Regarding Legislative Review of Chapters 33 to 43, Concerning the Regulation of Fantasy Contests, Major Substantive Rules of the Department of Public Safety, Gambling Control Unit

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, major substantive rules have been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rules; and

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

Sec. 1. Adoption. Resolved: That final adoption of Chapter 33: Introduction; Chapter 34: Definitions; Chapter 35: License Application; Chapter 36: License Fee and Renewal; Chapter 37: Fantasy Contest Monitoring; Chapter 38: Fantasy Contest Account Activity; Chapter 39: Registration of Fantasy Contestants; Chapter 40: Fantasy Contestant Funds and Required Reserves; Chapter 41: Licensee Records, Annual Reporting and Audits; Chapter 42: Collection of Payments; and Chapter 43: Complaints and Disciplinary Actions, provisionally adopted major substantive rules of the Department of Public Safety, Gambling Control Unit that have been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made:

1. The rules must be amended in Chapter 37, Section 3(3) and Section 3(4) to clarify that fantasy contest operators must include in all advertising and promotions a statement explaining that individuals under 18 years of age may not participate in fantasy contests

and that fantasy contest operators may not state or imply an endorsement by a minor in any advertising or promotions;

2. The rules must be amended in Chapter 37, Section 3(3) and Section 3(5) to clarify that fantasy contest operators must include a link to a local, state or federal hotline for assistance with problem gambling in all advertising and promotions and that fantasy contest operators may not target fantasy contestants who have a gambling addiction, including fantasy contestants who have requested to be restricted from play on a fantasy contest operator's platform, in any advertising or promotions;

3. The rules must be amended to substitute the phrase “fantasy contestant account” for the phrase "fantasy contest account" in the title of Chapter 38, in Chapter 38, Section 1 and in any other relevant sections;

4. The rules must be amended in Chapter 38, Section 1(14) and any other relevant sections to clarify that fantasy contest operators must implement methods to prevent cheating and improper manipulation of fantasy contests to the greatest extent possible;

5. The rules must be amended to relocate the provisions of Chapter 38, Sections 1(10) to 1(18) to Chapter 37 or another appropriate location;

6. The rules must be amended in Chapter 42, in the 2nd occurrence of Section 1, to clarify whether the director of the Gambling Control Unit will calculate a licensed fantasy contest operator's gross fantasy contest revenues over the calendar year, over the 12-month term of the license or over another specified 12-month period for purposes of Title 8, section 1105, subsection 2;

7. All necessary grammatical, formatting, punctuation and other technical nonsubstantive editing changes must be made to the rules, including, but not limited to, the amendment of incorrect cross-references, the correction of nonsequential section, subsection, paragraph and subparagraph numbering or lettering in the rules and the replacement of gender-specific terms with gender-neutral terms; and

8. All other necessary changes must be made to the rules to ensure conformity throughout the rules and consistency with the provisions of this section.

The Department of Public Safety, Gambling Control Unit is not required to hold hearings or undertake further proceedings prior to final adoption of the rules in accordance with this section.

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