TITLE 8

AMUSEMENTS AND SPORTS

CHAPTER 1

BOWLING, POOL AND SHOOTING GALLERIES

(REPEALED)

§1. Unlicensed alleys and billiard rooms

(REPEALED)

SECTION HISTORY

PL 2013, c. 595, Pt. U, §2 (RP).

§2. Licenses

(REPEALED)

SECTION HISTORY

PL 1977, c. 348, §1 (AMD). PL 1979, c. 562, §1 (AMD). PL 2013, c. 595, Pt. U, §2 (RP).

§3. Minors on premises

(REPEALED)

SECTION HISTORY

PL 1981, c. 44 (RP).

CHAPTER 3

CIRCUSES

§51. Equipment; rules and regulations

The tents and equipment of circuses and traveling amusement shows are required to be constructed of fire-resisting and flameproofed materials. Such equipment is required to be set up and arranged in such a way that it will provide safe means of egress in case of fire or other emergency. The Commissioner of Public Safety is authorized and directed to promulgate rules and regulations to carry out this section, and all regulations so made shall have the force of law insofar as they are not inconsistent with this section. [PL 1971, c. 622, §141-B (AMD).]

SECTION HISTORY

PL 1971, c. 622, §141B (AMD).

CHAPTER 5

BOXING

(REPEALED)

§101. Commission

(REPEALED)

SECTION HISTORY

PL 1967, c. 476, §14 (AMD). PL 1975, c. 115, §1 (AMD). PL 1977, c. 160 (AMD). PL 1977, c. 682, §1 (RPR). PL 1981, c. 501, §§3,4 (AMD). PL 1983, c. 413, §1 (RP).

§101-A. Declaration of policy

(REPEALED)

SECTION HISTORY

PL 1975, c. 115, §2 (NEW). PL 1983, c. 413, §1 (RP).

§102. Organization

(REPEALED)

SECTION HISTORY

PL 1983, c. 413, §1 (RP).

§103. Office location

(REPEALED)

SECTION HISTORY

PL 1983, c. 413, §1 (RP).

§104. Disbursements

(REPEALED)

SECTION HISTORY

PL 1973, c. 585, §1 (AMD). PL 1979, c. 541, §A78 (AMD). PL 1983, c. 413, §1 (RP).

§105. Annual reports

(REPEALED)

SECTION HISTORY

PL 1975, c. 115, §3 (AMD). PL 1975, c. 767, §1 (RPR). PL 1983, c. 413, §1 (RP).

§106. Jurisdiction

(REPEALED)

SECTION HISTORY

PL 1973, c. 684 (AMD). PL 1975, c. 115, §4 (AMD). PL 1977, c. 694, §147 (AMD). PL 1983, c. 413, §1 (RP).

§107. Licenses

(REPEALED)

SECTION HISTORY

PL 1973, c. 303, §3 (AMD). PL 1975, c. 115, §5 (RPR). PL 1977, c. 694, §148 (AMD). PL 1983, c. 413, §1 (RP).

§108. Permits for foreign co-promoters

(REPEALED)

SECTION HISTORY

PL 1983, c. 413, §1 (RP).

§109. Accident insurance

(REPEALED)

SECTION HISTORY

PL 1973, c. 585, §12 (AMD). PL 1983, c. 413, §1 (RP).

§110. Rules and regulations

(REPEALED)

SECTION HISTORY

PL 1975, c. 115, §6 (AMD). PL 1983, c. 413, §1 (RP).

§111. Taxes

(REPEALED)

SECTION HISTORY

PL 1965, c. 461 (AMD). PL 1981, c. 501, §5 (AMD). PL 1983, c. 413, §1 (RP).

§112. Decisions

(REPEALED)

SECTION HISTORY

PL 1983, c. 413, §1 (RP).

CHAPTER 6

PROFESSIONAL WRESTLING MATCHES, SHOWS AND EXHIBITIONS

(REPEALED)

§131. Commission

(REPEALED)

SECTION HISTORY

PL 1977, c. 13 (NEW). PL 1983, c. 413, §1 (RP).

§132. Declaration of policy

(REPEALED)

SECTION HISTORY

PL 1977, c. 13 (NEW). PL 1983, c. 413, §1 (RP).

§133. Reports

(REPEALED)

SECTION HISTORY

PL 1977, c. 13 (NEW). PL 1983, c. 413, §1 (RP).

§134. Jurisdiction

(REPEALED)

SECTION HISTORY

PL 1977, c. 13 (NEW). PL 1977, c. 694, §149 (AMD). PL 1983, c. 413, §1 (RP).

§135. Licenses

(REPEALED)

SECTION HISTORY

PL 1977, c. 13 (NEW). PL 1977, c. 694, §§150-150B (AMD). PL 1979, c. 663, §26 (AMD). PL 1983, c. 413, §1 (RP).

§136. Licenses for foreign copromoters

(REPEALED)

SECTION HISTORY

PL 1977, c. 13 (NEW). PL 1983, c. 413, §1 (RP).

§137. Accident insurance

(REPEALED)

SECTION HISTORY

PL 1977, c. 13 (NEW). PL 1983, c. 413, §1 (RP).

§138. Rules and regulations

(REPEALED)

SECTION HISTORY

PL 1977, c. 13 (NEW). PL 1983, c. 413, §1 (RP).

§139. Taxes

(REPEALED)

SECTION HISTORY

PL 1977, c. 13 (NEW). PL 1981, c. 501, §6 (AMD). PL 1983, c. 413, §1 (RP).

§140. Decisions

(REPEALED)

SECTION HISTORY

PL 1977, c. 13 (NEW). PL 1983, c. 413, §1 (RP).

CHAPTER 6-A

THE MAINE ATHLETIC COMMISSION

(REPEALED)

§141. Commission

(REPEALED)

SECTION HISTORY

PL 1983, c. 413, §2 (NEW). PL 1983, c. 553, §46 (AMD). PL 1983, c. 812, §54 (AMD). PL 1985, c. 634, §1 (AMD). PL 1987, c. 395, §A32 (RP).

§142. Declaration of policy

(REPEALED)

SECTION HISTORY

PL 1983, c. 413, §2 (NEW). PL 1985, c. 634, §2 (AMD). PL 1987, c. 395, §A32 (RP).

§143. Meetings; chairman; quorum

(REPEALED)

SECTION HISTORY

PL 1983, c. 413, §2 (NEW). PL 1987, c. 395, §A32 (RP).

§144. Disposal of fees; expenses

(REPEALED)

SECTION HISTORY

PL 1983, c. 413, §2 (NEW). PL 1983, c. 553, §3 (RPR). PL 1985, c. 785, §B49 (AMD). PL 1987, c. 395, §A32 (RP).

§145. Annual reports

(REPEALED)

SECTION HISTORY

PL 1983, c. 413, §2 (NEW). PL 1987, c. 395, §A32 (RP).

§146. Jurisdiction

(REPEALED)

SECTION HISTORY

PL 1983, c. 413, §2 (NEW). PL 1983, c. 553, §4 (AMD). PL 1985, c. 303, §1 (AMD). PL 1985, c. 634, §3 (AMD). PL 1987, c. 395, §A32 (RP).

§147. Powers and duties

(REPEALED)

SECTION HISTORY

PL 1983, c. 413, §2 (NEW). PL 1985, c. 303, §2 (AMD). PL 1985, c. 634, §§4-6 (AMD). PL 1987, c. 395, §A32 (RP).

§147-A. Headgear required; safety equipment

(REPEALED)

SECTION HISTORY

PL 1985, c. 303, §3 (NEW). PL 1987, c. 395, §A32 (RP).

§147-B. Head injuries

(REPEALED)

SECTION HISTORY

PL 1985, c. 303, §3 (NEW). PL 1987, c. 395, §A32 (RP).

§148. Boxing and kick-boxing licenses

(REPEALED)

SECTION HISTORY

PL 1983, c. 413, §2 (NEW). PL 1983, c. 553, §5 (AMD). PL 1985, c. 634, §7 (AMD). PL 1987, c. 395, §A32 (RP).

§149. Wrestling licenses

(REPEALED)

SECTION HISTORY

PL 1983, c. 413, §2 (NEW). PL 1983, c. 553, §6 (AMD). PL 1987, c. 395, §A32 (RP).

§150. Permits for foreign copromoters

(REPEALED)

SECTION HISTORY

PL 1983, c. 413, §2 (NEW). PL 1983, c. 553, §7 (AMD). PL 1987, c. 395, §A32 (RP).

§151. Promoter's reports

(REPEALED)

SECTION HISTORY

PL 1983, c. 413, §2 (NEW). PL 1985, c. 634, §8 (AMD). PL 1987, c. 395, §A32 (RP).

§152. Taxes

(REPEALED)

SECTION HISTORY

PL 1983, c. 413, §2 (NEW). PL 1983, c. 553, §8 (AMD). PL 1983, c. 862, §29 (AMD). PL 1985, c. 389, §2 (AMD). PL 1985, c. 634, §9 (AMD). PL 1987, c. 395, §A32 (RP).

§153. Decisions

(REPEALED)

SECTION HISTORY

PL 1983, c. 413, §2 (NEW). PL 1985, c. 634, §10 (AMD). PL 1987, c. 395, §A32 (RP).

§154. Disciplinary actions

(REPEALED)

SECTION HISTORY

PL 1983, c. 413, §2 (NEW). PL 1987, c. 395, §A32 (RP).

§155. Penalties; injunction

(REPEALED)

SECTION HISTORY

PL 1983, c. 413, §2 (NEW). PL 1985, c. 634, §11 (AMD). PL 1987, c. 395, §A32 (RP).

CHAPTER 7

DANCES

§161. Licenses and fees

The following provisions govern the licensing of public dances. [PL 1997, c. 728, §1 (RPR).]

1. Law enforcement. A public dance at which minors are admitted may not be held in any pavilion, hall or other building unless a law enforcement officer or, if permitted under local regulation or ordinance, a private security guard, licensed under Title 32, chapter 93, is present during the dance and unless there are in such pavilion, hall or other building separate toilets for men and women. This subsection does not apply to dances conducted by and for students in either public, private or state-owned school buildings or municipally owned buildings.
[PL 1997, c. 728, §1 (NEW).]

2. Posting of license. A building or any part of the building used for public dancing purposes, either habitually or occasionally, must have posted at all times of dances a proper license obtained from the Commissioner of Public Safety.
[PL 1997, c. 728, §1 (NEW).]

3. Application; inspection. The owner, lessee or tenant of the building shall apply for a license from the Commissioner of Public Safety. Upon receipt of an application, the Commissioner of Public Safety or the commissioner's designee shall inspect the building, including its entrances, exits, fire escapes and structural and fire safety. If the building complies with all laws and rules, the Commissioner of Public Safety shall issue a license. The license must name the owner, the name of the hall, the location in the building of the dance area and the capacity of this area for dancing.
[PL 1997, c. 728, §1 (NEW).]

4. Scope; expiration. The license covers all dancing in the building or parts of the building as stated on the license. A dancing license expires one year from the date of issue unless sooner revoked.
[PL 1997, c. 728, §1 (NEW).]

5. Fee. The fee for a dancing license is $117. The fee must accompany the application for the license and is not refunded in those cases in which the premises are inspected. Fees collected under this section must be deposited into a special revenue account to carry out the purposes of this section. A fee is not required for the licensing of dances conducted by and for students in public, private or state-owned school buildings or municipally owned buildings.
[PL 2001, c. 437, §1 (AMD); PL 2001, c. 437, §8 (AFF).]

6. Rules. The Commissioner of Public Safety shall adopt the necessary rules and regulations relative to the fire protection, fire prevention and structural accident prevention governing the buildings in which public dances are held.
[PL 1997, c. 728, §1 (NEW).]

7. Temporary license. Following the transfer of ownership of a building used for public dances licensed under this section, a new owner that applies for a new dancing license for that building may simultaneously apply to the Commissioner of Public Safety for a temporary dancing license. The commissioner may issue a temporary dancing license, which is valid for a period of 60 days or until a decision is made on the application submitted pursuant to subsection 3, whichever is shorter. The fee for a temporary dancing license issued pursuant to this subsection is $25.
[PL 2011, c. 333, §1 (NEW).]

SECTION HISTORY

PL 1967, c. 265 (RPR). PL 1971, c. 622, §141B (AMD). PL 1971, c. 622, §141C (AMD). PL 1973, c. 78, §§1-3 (AMD). PL 1977, c. 15 (AMD). PL 1987, c. 213 (AMD). PL 1991, c. 464, §1 (AMD). PL 1997, c. 728, §1 (RPR). PL 2001, c. 437, §1 (AMD). PL 2001, c. 437, §§6,8 (AFF). PL 2011, c. 333, §1 (AMD).

§162. Violations

An owner, lessee, tenant or licensee of a pavilion, hall or other building in which a dance is held in violation of any restriction imposed by section 161 commits a Class E crime. [PL 2007, c. 82, §1 (AMD).]

SECTION HISTORY

PL 1967, c. 265 (RPR). PL 2007, c. 82, §1 (AMD).

CHAPTER 9

FIREWORKS

(REPEALED)

§211. Sale of fireworks

(REPEALED)

SECTION HISTORY

PL 1967, c. 12 (AMD). PL 1971, c. 592, §§1,2 (AMD). PL 1977, c. 237 (AMD). PL 1985, c. 23, §1 (RP).

§212. Permits for displays; rules and regulations

(REPEALED)

SECTION HISTORY

PL 1971, c. 592, §32 (AMD). PL 1973, c. 725, §1 (AMD). PL 1983, c. 174, §1 (AMD). PL 1985, c. 23, §1 (RP).

§213. Storage

(REPEALED)

SECTION HISTORY

PL 1971, c. 592, §32 (AMD). PL 1985, c. 23, §1 (RP).

§214. Displays and exhibitions

(REPEALED)

SECTION HISTORY

PL 1971, c. 592, §32 (AMD). PL 1985, c. 23, §1 (RP).

§215. Application of provisions

(REPEALED)

SECTION HISTORY

PL 1985, c. 23, §1 (RP).

§216. Violations

(REPEALED)

SECTION HISTORY

PL 1985, c. 23, §1 (RP).

§217. Appeals

(REPEALED)

SECTION HISTORY

PL 1971, c. 592, §32 (AMD). PL 1985, c. 23, §1 (RP).

CHAPTER 9-A

FIREWORKS

§221. Definitions

(REPEALED)

SECTION HISTORY

PL 1985, c. 23, §2 (NEW). PL 1999, c. 671, §1 (RP).

§221-A. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1999, c. 671, §2 (NEW).]

1. Commissioner. "Commissioner" means the Commissioner of Public Safety or a designee. [PL 1999, c. 671, §2 (NEW).]

1-A. Consumer fireworks. "Consumer fireworks" has the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provision, but includes only products that are tested and certified by a 3rd-party testing laboratory as conforming with United States Consumer Product Safety Commission standards, in accordance with 15 United States Code, Chapter 47. "Consumer fireworks" does not include the following products:

A. Missile-type rockets, as defined by the State Fire Marshal by rule; [PL 2011, c. 416, §1 (NEW); PL 2011, c. 416, §9 (AFF).]

B. Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and [PL 2011, c. 416, §1 (NEW); PL 2011, c. 416, §9 (AFF).]

C. Sky rockets and bottle rockets. For purposes of this paragraph, "sky rockets and bottle rockets" means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule, with a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight. [PL 2011, c. 416, §1 (NEW); PL 2011, c. 416, §9 (AFF).]

[PL 2011, c. 416, §1 (NEW); PL 2011, c. 416, §9 (AFF).]

2. Department. "Department" means the Department of Public Safety. [PL 1999, c. 671, §2 (NEW).]

3. Display. "Display" means an entertainment feature where the public or a private group is admitted or permitted to view the display or discharge of fireworks, flame effects or special effects. "Display" includes a special effects display. [PL 2019, c. 249, §1 (AMD).]

3-A. Fire safety official. "Fire safety official" means a state or municipal official who has authority to enforce life and fire safety laws, statutes, ordinances, rules or regulations. [PL 2011, c. 416, §2 (NEW); PL 2011, c. 416, §9 (AFF).]

4. Fireworks. "Fireworks" means any:

A. Combustible or explosive composition or substance; [PL 1999, c. 671, §2 (NEW).]

B. Combination of explosive compositions or substances; [PL 1999, c. 671, §2 (NEW).]

C. Other article that was prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, including blank cartridges or toy cannons in which explosives are used, the type of balloon that requires fire underneath to propel it, firecrackers, torpedoes, skyrockets, roman candles, bombs, rockets, wheels, colored fires, fountains, mines, serpents and other fireworks of like construction; [PL 1999, c. 671, §2 (NEW).]

D. Fireworks containing any explosive or flammable compound; or [PL 1999, c. 671, §2 (NEW).]

E. Tablets or other device containing any explosive substance or flammable compound. [PL 1999, c. 671, §2 (NEW).]

The term "fireworks" does not include consumer fireworks or toy pistols, toy canes, toy guns or other devices in which paper caps or plastic caps containing 25/100 grains or less of explosive compound are used if they are constructed so that the hand can not come in contact with the cap when in place for the explosion, toy pistol paper caps or plastic caps that contain less than 20/100 grains of explosive mixture, sparklers that do not contain magnesium chlorates or perchlorates or signal, antique or replica cannons if no projectile is fired.
[PL 2011, c. 416, §3 (AMD); PL 2011, c. 416, §9 (AFF).]

5. Fireworks technician. "Fireworks technician" means a person licensed pursuant to section 231 who, by examination, experience and training, has demonstrated the required skill and competence in the use and discharge of fireworks to conduct a display or special effects display. A fireworks technician is the person who is responsible for safety, setting up and conducting the display.
[PL 1999, c. 671, §2 (NEW).]

5-A. Flame effect. "Flame effect" means an effect caused by the use of a solid, liquid or gaseous fuel to produce a flame in front of an audience.
[PL 2013, c. 56, §1 (NEW).]

5-B. Flame effect technician. "Flame effect technician" means a person licensed pursuant to section 231 who, by examination, experience and training, has demonstrated the required skill and competence in the use of flame effects to conduct a display or special effects display. A flame effect technician is the person who is responsible for the safe use of flame effects and setting up and conducting the flame effects display.
[PL 2013, c. 56, §1 (NEW).]

6. Permit. "Permit" means the nontransferable permission granted by the commissioner pursuant to section 227-A to hold a display.
[PL 1999, c. 671, §2 (NEW).]

7. Person. "Person" means any individual, combination of individuals, association, municipality, amusement park or other legal or commercial entity.
[PL 1999, c. 671, §2 (NEW).]

8. Possession. "Possession" means the intentional or knowing possession of what the possessor knows or believes to be fireworks.
[PL 1999, c. 671, §2 (NEW).]

8-A. Proximate audience technician. "Proximate audience technician" means a person licensed pursuant to section 231 who, by examination, experience and training, has demonstrated the required skill and competence in the use and discharge of fireworks proximate to an audience to conduct a display or special effects display proximate to an audience. A proximate audience technician is the person who is responsible for the safety of the proximate audience and setting up and conducting the display.

[PL 2013, c. 56, §2 (NEW).]

9. Sale or sell. "Sale" or "sell" means any transfer or delivery of fireworks to a person for consideration.
[PL 1999, c. 671, §2 (NEW).]

10. Special effects display. "Special effects display" means an entertainment feature using pyrotechnics manufactured or designed to be used with or discharged in conjunction with theatrical, musical or similar productions. "Special effects display" includes the indoor use of pyrotechnics before a proximate audience.
[PL 1999, c. 671, §2 (NEW).]

11. Value. "Value" is determined in accordance with Title 17-A, section 352, subsection 5.
[PL 2003, c. 452, Pt. C, §1 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 1999, c. 671, §2 (NEW). PL 2003, c. 452, §C1 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2011, c. 202, §1 (AMD). PL 2011, c. 416, §§1-3 (AMD). PL 2011, c. 416, §9 (AFF). PL 2013, c. 56, §§1, 2 (AMD). PL 2019, c. 249, §1 (AMD).

§222. Possession of fireworks

1. Possession prohibited. A person may not possess or have under that person's control fireworks.
[PL 2003, c. 452, Pt. C, §2 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

2. Value does not exceed $100. If the value of the fireworks does not exceed $100, a person who violates subsection 1 commits a civil violation for which a fine of not more than $50 may be adjudged.
[PL 2003, c. 452, Pt. C, §2 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

3. Value exceeds $100. If the value of the fireworks exceeds $100, a person who violates subsection 1 commits a Class E crime.
[PL 2003, c. 452, Pt. C, §2 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

4. Exception. This section does not apply to a person issued a permit pursuant to section 227-A.
[PL 2003, c. 452, Pt. C, §2 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 1985, c. 23, §2 (NEW). PL 1995, c. 528, §1 (AMD). PL 1999, c. 671, §3 (AMD). PL 2003, c. 452, §C2 (RPR). PL 2003, c. 452, §X2 (AFF).

§223. Sale of fireworks

1. Sale of fireworks prohibited. Except for the sale of consumer fireworks under section 223-A, a person may not sell, possess with the intent to sell or offer for sale fireworks.
[PL 2011, c. 416, §4 (AMD); PL 2011, c. 416, §9 (AFF).]

2. Value exceeds $5,000. If the value of the fireworks exceeds $5,000, a person who violates subsection 1 commits a Class B crime.
[PL 2003, c. 452, Pt. C, §3 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

3. Value exceeds $1,000. If the value of the fireworks exceeds $1,000 but does not exceed $5,000, a person who violates subsection 1 commits a Class C crime.
[PL 2003, c. 452, Pt. C, §3 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

4. Value does not exceed $1,000. If the value of the fireworks does not exceed $1,000, a person who violates subsection 1 commits a Class D crime.
[PL 2003, c. 452, Pt. C, §3 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

5. Value.

[PL 2003, c. 452, Pt. C, §3 (RP); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 1985, c. 23, §2 (NEW). PL 2003, c. 452, §C3 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2011, c. 416, §4 (AMD). PL 2011, c. 416, §9 (AFF).

§223-A. Sale of consumer fireworks

1. Sale of consumer fireworks. A person may not sell consumer fireworks unless that person is 21 years of age or older and possesses:

A. A federal permit to sell fireworks under 18 United States Code, Section 843; [PL 2011, c. 416, §5 (NEW); PL 2011, c. 416, §9 (AFF).]

B. A license under subsection 3; and [PL 2011, c. 416, §5 (NEW); PL 2011, c. 416, §9 (AFF).]

C. A municipal permit if required under subsection 2. [PL 2011, c. 416, §5 (NEW); PL 2011, c. 416, §9 (AFF).]

[PL 2011, c. 416, §5 (NEW); PL 2011, c. 416, §9 (AFF).]

2. Municipalities. The legislative body of a municipality may adopt an ordinance to prohibit or restrict the sale or use of consumer fireworks within the municipality. Municipalities that prohibit or restrict the sale or use of consumer fireworks shall provide to the Office of the State Fire Marshal a copy of the relevant restriction or prohibition within 60 days of adoption. A municipality may require that a person obtain a municipal permit for selling consumer fireworks within the municipality. A municipality that chooses to issue municipal permits under this subsection shall notify the Office of the State Fire Marshal at least 60 days prior to the initiation of its permitting program for the sale of consumer fireworks. A municipal permit may not be issued unless:

A. The applicant is 21 years of age or older; [PL 2011, c. 416, §5 (NEW); PL 2011, c. 416, §9 (AFF).]

B. The applicant applies for a permit under this subsection on a form prescribed by the commissioner; [PL 2011, c. 416, §5 (NEW); PL 2011, c. 416, §9 (AFF).]

C. The applicant possesses the federal permit required under subsection 1, paragraph A; [PL 2011, c. 416, §5 (NEW); PL 2011, c. 416, §9 (AFF).]

D. The applicant complies with the provisions of subsection 4; and [PL 2011, c. 416, §5 (NEW); PL 2011, c. 416, §9 (AFF).]

E. The application is approved by the municipality's police chief, fire chief and code enforcement officer if those positions exist. [PL 2011, c. 416, §5 (NEW); PL 2011, c. 416, §9 (AFF).]

A municipality may require a reasonable fee for a permit issued under this subsection. A person holding a permit issued by a municipality under this subsection may not sell consumer fireworks unless the person satisfies all the requirements of subsection 1.

[PL 2011, c. 416, §5 (NEW); PL 2011, c. 416, §9 (AFF).]

3. State license. The commissioner may issue a license to sell consumer fireworks to an applicant who:

A. Is 21 years of age or older; [PL 2011, c. 416, §5 (NEW); PL 2011, c. 416, §9 (AFF).]

B. Possesses the permits required under subsection 1, paragraphs A and C; [PL 2011, c. 416, §5 (NEW); PL 2011, c. 416, §9 (AFF).]

C. Complies with the provisions of subsection 4; and [PL 2011, c. 416, §5 (NEW); PL 2011, c. 416, §9 (AFF).]

D. Has not been convicted of an offense or violated a state, federal or municipal law, rule or regulation involving fireworks or explosives within the 2 years prior to the application. [PL 2011, c. 416, §5 (NEW); PL 2011, c. 416, §9 (AFF).]

The commissioner shall charge a fee of $5,000 for the initial license issued to an applicant and $1,500 for each annual license renewal. The term of a license is one year. A separate license is required for each location at which an applicant seeks to sell consumer fireworks. Fees collected under this subsection must be deposited in a nonlapsing account of the Office of the State Fire Marshal to be used for the purpose of enforcing this section.
[PL 2011, c. 416, §5 (NEW); PL 2011, c. 416, §9 (AFF).]

4. Storage and handling. A person authorized to sell consumer fireworks under subsection 1 may store and sell the fireworks only in a permanent, fixed, stand-alone building dedicated solely to the storage and sale of consumer fireworks in accordance with this subsection.

A. The building must be constructed, maintained and operated, and all consumer fireworks must be stored, in compliance with the requirements of National Fire Protection Association Standard 1124, as adopted by the Office of the State Fire Marshal, relevant building codes, zoning ordinances and other municipal ordinances. [PL 2011, c. 416, §5 (NEW); PL 2011, c. 416, §9 (AFF).]

B. The building may not be less than 60 feet from another permanent building and may not be less than 300 feet from a structure at which gasoline, propane or other flammable material is sold or dispensed. [PL 2011, c. 416, §5 (NEW); PL 2011, c. 416, §9 (AFF).]

C. Cigarettes, tobacco products or lighters or other flame-producing devices may not be permitted in the building. [PL 2011, c. 416, §5 (NEW); PL 2011, c. 416, §9 (AFF).]

D. A person under 21 years of age may not be admitted to the building unless accompanied by a parent or guardian. [PL 2011, c. 416, §5 (NEW); PL 2011, c. 416, §9 (AFF).]

E. Notwithstanding paragraph D, a person at least 18 years of age may handle and sell consumer fireworks if the person is under the direct supervision of a person 21 years of age or older. [PL 2011, c. 416, §5 (NEW); PL 2011, c. 416, §9 (AFF).]
[PL 2011, c. 416, §5 (NEW); PL 2011, c. 416, §9 (AFF).]

5. Insurance. A person authorized to sell consumer fireworks under subsection 1 shall at all times maintain public liability and product liability insurance with minimum coverage limits of $2,000,000 to cover the losses, damages or injuries that might ensue to persons or property as a result of the person selling consumer fireworks.
[PL 2011, c. 416, §5 (NEW); PL 2011, c. 416, §9 (AFF).]

6. Advertising. A person may not advertise the sale of consumer fireworks in a way that is misleading about the conditions under which consumer fireworks may be purchased or used or about the requirements of this section. An advertisement for the sale of consumer fireworks must contain the words "Check with your local fire department to see if consumer fireworks are allowed in your community" in a conspicuous location and in a consistent font as approved by the commissioner.
[PL 2011, c. 416, §5 (NEW); PL 2011, c. 416, §9 (AFF).]

7. Civil liability. A person who violates the provisions of this section is liable in a civil action for damages for bodily injury or property damage resulting from violation, and the defenses under Title 14, section 156 or a defense based on assumption of risk may not be used by the person.
[PL 2011, c. 416, §5 (NEW); PL 2011, c. 416, §9 (AFF).]

8. Restrictions on use of consumer fireworks. The use of consumer fireworks is governed by this subsection.

A. Consumer fireworks may be used between the hours of 9:00 a.m. and 10:00 p.m., except that on the following dates they may be used between the hours of 9:00 a.m. and 12:30 a.m. the following day:

(1) July 4th;

(2) December 31st; and

(3) The weekends immediately before and after July 4th and December 31st. [PL 2011, c. 416, §5 (NEW); PL 2011, c. 416, §9 (AFF).]

B. A person may use consumer fireworks only on that person's property or on the property of a person who has consented to the use of consumer fireworks on that property. [PL 2011, c. 416, §5 (NEW); PL 2011, c. 416, §9 (AFF).]

A person who violates this subsection commits a civil violation for which a fine of not less than $50 and not more than $500, plus court costs, may be adjudged for any one offense.
[PL 2011, c. 416, §5 (NEW); PL 2011, c. 416, §9 (AFF).]

9. Enforcement against licensees. The commissioner, a state law enforcement officer, a municipal law enforcement officer, a code enforcement officer or a fire safety official may petition the Superior Court or District Court to seize or remove at the expense of a licensee consumer fireworks sold, offered for sale, stored, possessed or used in violation of this section. The commissioner may immediately suspend a license granted under subsection 3 for a violation of this section. A person whose license is suspended under this subsection must receive a hearing within 10 days of the suspension under Title 5, chapter 375, subchapter 4. A person whose license is suspended under this subsection may not receive a license under subsection 3 for a period of at least one year from the date of suspension.
[PL 2011, c. 416, §5 (NEW); PL 2011, c. 416, §9 (AFF).]

10. Disclosures to customers. A person authorized to sell consumer fireworks shall provide to the purchaser at the point of sale written guidelines, which must be published or approved by the commissioner before distribution, describing the safe and proper use of consumer fireworks, including, but not limited to, guidelines regarding the safe and proper use of consumer fireworks around bodies of water; guidelines regarding the prevention of littering in the use of consumer fireworks; and guidelines regarding the effects from the use of consumer fireworks on wildlife, livestock and domesticated animals. The guidelines must also include the following statements in a conspicuous location:

A. "MAINE LAW EXPRESSLY PROHIBITS PERSONS UNDER 21 YEARS OF AGE FROM PURCHASING, POSSESSING OR USING CONSUMER FIREWORKS"; [PL 2021, c. 510, §1 (NEW).]

B. "FURNISHING CONSUMER FIREWORKS TO PERSONS UNDER 21 YEARS OF AGE IS A CRIMINAL OFFENSE IN MAINE"; and [PL 2021, c. 510, §1 (NEW).]

C. "LOCAL ORDINANCES MAY PROHIBIT OR RESTRICT THE USE OF CONSUMER FIREWORKS WITHIN A MUNICIPALITY. INFORMATION REGARDING LOCAL PROHIBITIONS OR RESTRICTIONS IS AVAILABLE THROUGH THE OFFICE OF THE MAINE STATE FIRE MARSHAL." [PL 2021, c. 510, §1 (NEW).]
[PL 2021, c. 510, §1 (AMD).]

11. Prohibited acts. This subsection governs prohibited acts.

A. A person may not sell consumer fireworks within the State unless that person holds a valid license or is an employee or agent of a person that holds a valid license. [PL 2011, c. 416, §5 (NEW); PL 2011, c. 416, §9 (AFF).]

B. A person licensed to sell consumer fireworks under this chapter may not sell consumer fireworks to a person under 21 years of age or who appears to be under the influence of alcohol or drugs. [PL 2011, c. 416, §5 (NEW); PL 2011, c. 416, §9 (AFF).]

C. Except as specifically allowed under subsection 4, paragraph E, a person may not knowingly:

(1) Procure, or in any way aid or assist in procuring, furnish, give, sell or deliver consumer fireworks for or to a person under 21 years of age; or

(2) Allow a person under 21 years of age under that person's control or in a place under that person's control to possess or use consumer fireworks. [PL 2011, c. 416, §5 (NEW); PL 2011, c. 416, §9 (AFF).]

D. A person under 21 years of age may not purchase, use or possess consumer fireworks within the State or present to a person licensed to sell consumer fireworks any evidence of age that is false, fraudulent or not actually the person's own for the purpose of purchasing consumer fireworks. [PL 2011, c. 416, §5 (NEW); PL 2011, c. 416, §9 (AFF).]

It is an affirmative defense to prosecution for a violation of paragraph B or C that the licensee sold consumer fireworks to a person under 21 years of age in reasonable reliance upon fraudulent proof of age presented by the purchaser.
[PL 2011, c. 416, §5 (NEW); PL 2011, c. 416, §9 (AFF).]

12. Violations. The following penalties apply to violations of subsection 11.

A. A person who violates subsection 11, paragraph A, B or C commits a Class D crime. If the violation involves furnishing consumer fireworks to a minor, a fine of not less than $500 must be imposed in addition to any term of imprisonment the court may impose. If a person violates subsection 11, paragraph A, B or C after having been convicted of violating the same paragraph one or more times within the previous 6-year period, a fine of not less than $1,000 must be imposed in addition to any term of imprisonment the court may impose. [PL 2011, c. 416, §5 (NEW); PL 2011, c. 416, §9 (AFF).]

B. A person who violates subsection 11, paragraph D commits a civil violation for which a fine of not less than $200 and not more than $400 must be imposed. If the person has been previously convicted of violating subsection 11, paragraph D one or more times, a fine of not less than $300 and not more than $600 must be imposed. [PL 2011, c. 416, §5 (NEW); PL 2011, c. 416, §9 (AFF).]

Fines collected under this subsection must be deposited in a nonlapsing account of the Office of the State Fire Marshal to be used for the purpose of enforcing this section.
[PL 2011, c. 416, §5 (NEW); PL 2011, c. 416, §9 (AFF).]

13. Annual report to the Legislature. Beginning in 2013, the Office of the State Fire Marshal shall submit to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters a written report regarding the sale and use of consumer fireworks in this State. The report must, at a minimum, include information on the issuance and oversight of licenses to sell consumer fireworks, reported consumer fireworks-related injuries, reported consumer fireworks-related fires or other property damage and municipal restrictions or prohibitions on the sale or use of consumer fireworks. The report must be submitted not later than March 1st each year.
[PL 2011, c. 416, §5 (NEW); PL 2011, c. 416, §9 (AFF).]

SECTION HISTORY

PL 2011, c. 416, §5 (NEW). PL 2011, c. 416, §9 (AFF). PL 2019, c. 646, §1 (AMD). PL 2021, c. 510, §1 (AMD).

§224. Storage and manufacture of fireworks

1. Storage. A person may not store fireworks in a building or structure outside the premises of a fireworks manufactory if that building or other structure is located within 1,000 feet of any church, hospital, theatre, hall, place of assembly, workshop, factory or any inhabited building unless rules adopted by the commissioner permit storage in that building or structure.
[PL 2003, c. 452, Pt. C, §4 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

2. Certificate of public liability insurance required for manufacture. A person may not manufacture fireworks without first furnishing the Commissioner of Public Safety, in an amount to be determined by the commissioner, a certificate of public liability insurance to cover the losses, damages or injuries to persons or property that might result.
[PL 2003, c. 452, Pt. C, §4 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

3. Penalty. A person who violates this section commits a Class E crime.
[PL 2003, c. 452, Pt. C, §4 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

4. Strict liability. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.
[PL 2003, c. 452, Pt. C, §4 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 1985, c. 23, §2 (NEW). PL 2003, c. 452, §C4 (AMD). PL 2003, c. 452, §X2 (AFF).

§225. Transportation of fireworks

1. Transportation of fireworks. A person may not transport fireworks in a motor vehicle or conveyance except as permitted by the rules adopted by the commissioner.
[PL 2003, c. 452, Pt. C, §5 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

2. Penalty. A person who violates this section commits a Class E crime.
[PL 2003, c. 452, Pt. C, §5 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

3. Strict liability. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.
[PL 2003, c. 452, Pt. C, §5 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 1985, c. 23, §2 (NEW). PL 2003, c. 452, §C5 (RPR). PL 2003, c. 452, §X2 (AFF).

§226. Displays and exhibitions of fireworks

(REPEALED)

SECTION HISTORY

PL 1985, c. 23, §2 (NEW). PL 1999, c. 671, §4 (RP).

§227. Permits for displays; rules

(REPEALED)

SECTION HISTORY

PL 1985, c. 23, §2 (NEW). PL 1991, c. 464, §2 (AMD). PL 1999, c. 671, §5 (RP).

§227-A. Requirements for obtaining permit

1. Permits; requirements. A person may not conduct a display without a permit. The commissioner shall issue a permit to possess and conduct a fireworks or flame effects display to an applicant who:

A. Applies in writing to the commissioner for a permit at least 20 days in advance of the proposed display; [PL 2003, c. 521, §1 (AMD).]

B. Applies on forms furnished by the department. An application for a permit must include:

(1) A certificate of public liability insurance in the amount of $1,000,000 to cover loss, damage or injuries to persons or property that might result from the display; and

(2) A site plan for the proposed display depicting a diagram of the grounds or facilities at which or in which the display will be held. The diagram must show points of discharge, fallout areas, any buildings or other structures in proximity to the display site and the location of any audience that may be present. Distances of and distances between the points of discharge and any buildings or structures must be stated on the diagram; and [PL 2003, c. 521, §1 (AMD).]

C. Submits with the application fees set out in subsection 3. [PL 1999, c. 671, §6 (NEW).]
[PL 2019, c. 249, §2 (AMD).]

2. Inspection. Upon receipt of a complete application, the department shall conduct an inspection of the proposed display site to determine the hazard posed by the display.
[PL 1999, c. 671, §6 (NEW).]

3. Fees. The fee for a permit is $30 per display and the fee for a site inspection is $111. The fee for all inspected indoor pyrotechnic and flame effects events that occur outside of normal business hours is $100.
[PL 2019, c. 249, §3 (AMD).]

4. Permits; violation. A person may not conduct a fireworks or flame effects display in violation of the permit issued under subsection 1.
[PL 2019, c. 249, §4 (AMD).]

5. Penalties. The following penalties apply.

A. A person who conducts a fireworks or flame effects display without a permit commits a Class D crime. [PL 2019, c. 249, §4 (AMD).]

B. A person who conducts a fireworks or flame effects display in violation of a permit issued under subsection 1 commits a Class E crime. [PL 2019, c. 249, §4 (AMD).]
[PL 2019, c. 249, §4 (AMD).]

6. Strict liability. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.
[PL 2003, c. 452, Pt. C, §6 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

7. Indoor pyrotechnics and flame effects. All indoor pyrotechnic and flame effects events must be inspected by the State Fire Marshal or the State Fire Marshal's designee.
[PL 2019, c. 249, §5 (AMD).]

SECTION HISTORY

PL 2003, c. 521, §§1-3 (AMD). PL 1999, c. 671, §6 (NEW). PL 2001, c. 437, §2 (AMD). PL 2001, c. 437, §§6,8 (AFF). PL 2003, c. 452, §C6 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2019, c. 249, §§2-5 (AMD).

§227-B. Regulation restricted; exception

1. Regulation restricted. Except as provided in subsection 2, a political subdivision of the State, including, but not limited to, a municipality, county, township or village corporation, may not adopt an order, ordinance, rule or regulation concerning the issuance of permits under section 227-A.
[PL 1999, c. 671, §6 (NEW).]

2. Exception. This section does not prohibit an order, ordinance, rule or regulation of a political subdivision that, with the exception of appropriate penalty provisions, conforms exactly with an applicable provision of state law or that regulates the issuance of these permits within a jurisdiction.

[PL 1999, c. 671, §6 (NEW).]

SECTION HISTORY

PL 1999, c. 671, §6 (NEW).

§227-C. Denial, suspension or revocation of permit

The commissioner may, after a hearing in conformance with the applicable provisions of the Maine Administrative Procedure Act, suspend or revoke a permit issued under this chapter. The following are grounds for denial, suspension or revocation of a permit: [PL 1999, c. 671, §6 (NEW).]

1. Incomplete. The application or a document filed with the application is incomplete;
[PL 1999, c. 671, §6 (NEW).]

2. Misstatement. The application or a document filed with the application contains a material misstatement;
[PL 1999, c. 671, §6 (NEW).]

3. Site inspection. The site fails to pass an inspection conducted by the department pursuant to section 227-A; or
[PL 1999, c. 671, §6 (NEW).]

4. Failure to employ or use fireworks technician. The applicant fails to use a licensed fireworks technician, proximate audience technician or flame effect technician as required to conduct the display.
[PL 2013, c. 56, §3 (AMD).]

SECTION HISTORY

PL 1999, c. 671, §6 (NEW). PL 2013, c. 56, §3 (AMD).

§228. Application of provisions

1. Firecrackers and pyrotechnical ship or railway signals. Firecrackers and pyrotechnical ship or railway signals are included and classed as fireworks, but sections 222, 224 and 225 do not apply to the storage of pyrotechnical ship or railway signals nor to the discharge, firing or exploding of the signals when used for the protection of life and property.
[PL 1985, c. 23, §2 (NEW).]

2. Exceptions. This chapter does not apply:

A. To any article named in this chapter to be shipped directly out of the State; [PL 1985, c. 23, §2 (NEW).]

B. [PL 1999, c. 671, §7 (RP).]

C. To the sale of flares, lanterns or fireworks for use by railroads, railways, boats, motor vehicles or other transportation agencies, or other activity lawfully permitted or required to use any or all of the articles named in this chapter for signal purposes, illumination or otherwise; [PL 1985, c. 23, §2 (NEW).]

D. To the sale or use of blank cartridges for signal or ceremonial purposes in athletics or sports; [PL 1999, c. 671, §8 (AMD).]

E. To experiments at a factory for explosives; [PL 1985, c. 23, §2 (NEW).]

F. To the sale of blank cartridges for use by the militia or any organization of war veterans or other organizations authorized by law to parade in public a color guard armed with firearms; [PL 1985, c. 23, §2 (NEW).]

G. In teaching the use of firearms; or [PL 1999, c. 671, §9 (AMD).]

H. To the sale of shells for firearms, cartridges, gunpowder and explosives for the purpose of any legal use of firearms. [PL 1999, c. 671, §9 (AMD).]

I. [PL 1999, c. 671, §10 (RP).]

[PL 1999, c. 671, §§7-10 (AMD).]

SECTION HISTORY

PL 1985, c. 23, §2 (NEW). PL 1999, c. 671, §§7-10 (AMD).

§229. Violations

(REPEALED)

SECTION HISTORY

PL 1985, c. 23, §2 (NEW). PL 1995, c. 528, §2 (AMD). PL 1999, c. 671, §11 (AMD). PL 2003, c. 452, §C7 (RP). PL 2003, c. 452, §X2 (AFF).

§230. Appeals

Any person aggrieved by any decision of the Commissioner of Public Safety may appeal the decision to the Superior Court within 30 days. The court shall, after notice and hearing, affirm or reverse the commissioner's decision. The finding of the Superior Court may be reviewed by appeal to the Supreme Judicial Court sitting as the Law Court. [PL 2011, c. 559, Pt. A, §5 (AMD).]

SECTION HISTORY

PL 1985, c. 23, §2 (NEW). PL 1985, c. 506, §§B7,8 (AMD). PL 2011, c. 559, Pt. A, §5 (AMD).

§231. Fireworks technician, proximate audience technician and flame effect technician license qualifications

A person may not act as a fireworks technician, proximate audience technician or flame effect technician unless the person meets the qualifications specified in this section and obtains a license. The person must: [PL 2013, c. 56, §4 (AMD).]

1. Age. Be at least 21 years of age;

[PL 1999, c. 671, §12 (NEW).]

2. Citizenship. Be a citizen or resident alien of the United States;

[PL 1999, c. 671, §12 (NEW).]

3. Experience. Have experience and training working under the direction of a technician during at least 5 displays, or comparable experience as determined by the department. The technician must hold the same license as applied for by the person;

[PL 2013, c. 56, §4 (AMD).]

4. Character. Be of good moral character as determined by the department and not have been convicted of a crime that is punishable by a maximum term of imprisonment equal to or exceeding one year. In making the determination of good moral character, the commissioner shall consider matters recorded within the previous 5 years, including, but not limited to:

A. Records of incidents of abuse by the applicant of family or household members provided pursuant to Title 19-A, section 4114, subsection 1; [PL 2021, c. 647, Pt. B, §3 (AMD); PL 2021, c. 647, Pt. B, §65 (AFF).]

B. Records provided by the Department of Health and Human Services regarding the failure of the applicant to meet child or family support obligations; [PL 1999, c. 671, §12 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

C. Records of 3 or more convictions of the applicant for Class D or Class E crimes; [PL 1999, c. 671, §12 (NEW).]

D. Records of 3 or more civil violations by the applicant; and [PL 1999, c. 671, §12 (NEW).]

E. Records that the applicant has engaged in recklessness or negligence that endangered the safety of others; [PL 1999, c. 671, §12 (NEW).]

[PL 2021, c. 647, Pt. B, §3 (AMD); PL 2021, c. 647, Pt. B, §65 (AFF).]

5. Examination. Successfully complete a written examination administered by the department encompassing codes, rules and information specific to the license applied for; and

[PL 2013, c. 56, §4 (AMD).]

6. Application. Submit an application to the department that contains:

A. The applicant's full name, full current address, social security number and date of birth; and [PL 1999, c. 671, §12 (NEW).]

B. A statement granting the commissioner authority to check the criminal records of the applicant. [PL 1999, c. 671, §12 (NEW).]

[PL 1999, c. 671, §12 (NEW).]

SECTION HISTORY

PL 1999, c. 671, §12 (NEW). PL 2003, c. 689, §B6 (REV). PL 2013, c. 56, §4 (AMD). PL 2021, c. 647, Pt. B, §3 (AMD). PL 2021, c. 647, Pt. B, §65 (AFF).

§232. Fees

All license and permit fees received pursuant to this chapter by the department must be used for carrying out this chapter. Any balance of these fees may not lapse but must be carried forward as a continuing account to be expended for the same purpose in the following fiscal years. [PL 1999, c. 671, §12 (NEW).]

1. Fee for fireworks technician. The fee for an initial fireworks technician license is $180. The fee for renewal of the license is $25.

[PL 2001, c. 437, §3 (AMD); PL 2001, c. 437, §8 (AFF).]

2. Fee for proximate audience technician. The fee for an initial proximate audience technician license is $180. The fee for renewal of the license is $25.

[PL 2013, c. 56, §5 (NEW).]

3. Fee for flame effect technician. The fee for an initial flame effect technician license is $180. The fee for renewal of the license is $25.

[PL 2013, c. 56, §5 (NEW).]

SECTION HISTORY

PL 1999, c. 671, §12 (NEW). PL 2001, c. 437, §3 (AMD). PL 2001, c. 437, §§6,8 (AFF). PL 2013, c. 56, §5 (AMD).

§233. Renewal of license

Each fireworks technician, proximate audience technician or flame effect technician license is valid for a term of one year. Unless revoked or suspended, the license is renewable annually. [PL 2013, c. 56, §6 (AMD).]

1. Complete application required. A licensee shall submit a complete application for renewal at least 30 days prior to the expiration of a license under this chapter. An application is not complete unless it includes all materials required to be evaluated for licensure.

[PL 2003, c. 521, §4 (NEW).]

2. Renewal submitted within 90 days following license expiration. Notwithstanding subsection 1, a person may renew a license under this chapter for up to 90 days after the date of expiration of the license. The 90-day period does not postpone the expiration date of the existing license. A licensee

whose license has lapsed may not work as a fireworks technician, proximate audience technician or flame effect technician until a renewed license is issued.
[PL 2013, c. 56, §7 (AMD).]

3. Renewal submitted more than 90 days following license expiration. An application for license renewal under this section submitted more than 90 days after the license expiration date is considered an application for a new license and is subject to all requirements governing a new application.
[PL 2003, c. 521, §4 (NEW).]

SECTION HISTORY

PL 1999, c. 671, §12 (NEW). PL 2003, c. 521, §4 (AMD). PL 2013, c. 56, §§6, 7 (AMD).

§234. Denial; suspension; revocation; grounds

The commissioner may, after a hearing in conformance with applicable provisions of the Maine Administrative Procedure Act, suspend or revoke a license issued under this chapter. The following are grounds for denial, suspension or revocation of a license: [PL 1999, c. 671, §12 (NEW).]

1. Fraud or deceit. The practice of fraud or deceit in obtaining a license under this chapter or in the performance of services within the scope of the license issued;
[PL 1999, c. 671, §12 (NEW).]

2. Conviction of certain crimes. Conviction of a crime that relates directly to the practice for which the person is licensed or conviction of a crime for which incarceration for one year or more may be imposed;
[PL 1999, c. 671, §12 (NEW).]

3. Violation of chapter or rule. A violation of this chapter or a rule adopted by the commissioner;
[PL 1999, c. 671, §12 (NEW).]

4. Aiding or abetting unlicensed practice. Aiding or abetting the practice of displaying or discharging fireworks by a person not duly licensed under this chapter; or
[PL 1999, c. 671, §12 (NEW).]

5. Incompetence. Incompetence in the practice of displaying or discharging fireworks. A licensee is considered incompetent in the practice if the licensee has:

A. Engaged in professional conduct that evidences a lack of ability or fitness to perform the duties for which that licensee is licensed; or [PL 1999, c. 671, §12 (NEW).]

B. Engaged in professional conduct that evidences a lack of knowledge of, or inability to apply, appropriate principles or skills to carry out the practice for which that licensee is licensed. [PL 1999, c. 671, §12 (NEW).]

[PL 1999, c. 671, §12 (NEW).]

SECTION HISTORY

PL 1999, c. 671, §12 (NEW).

§235. Suspension by commissioner

1. Immediate suspension. If the commissioner has probable cause to believe that a person licensed under this chapter poses, because of gross negligence in the performance of duties associated with the license, an immediate threat to the public, the commissioner shall immediately suspend that person's license.
[PL 1999, c. 671, §12 (NEW).]

2. Duration of suspension. A suspension remains in effect for 30 days unless a revocation procedure under section 234 is commenced within the 30 days, in which case the suspension continues until the revocation procedure is complete.
[PL 1999, c. 671, §12 (NEW).]

SECTION HISTORY

PL 1999, c. 671, §12 (NEW).

§236. Adoption of rules

1. Routine technical rules. The commissioner may adopt rules concerning the sale, use, storage, transportation and display of consumer fireworks, fireworks and special effect pyrotechnics and to carry out the purposes of this chapter. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.
[PL 2011, c. 416, §6 (NEW); PL 2011, c. 416, §9 (AFF).]

2. Major substantive rules. After December 31, 2013, the commissioner may adopt rules governing the reporting of consumer fireworks-related injuries by health care providers. Rules adopted pursuant to this subsection are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A.
[PL 2011, c. 416, §6 (NEW); PL 2011, c. 416, §9 (AFF).]

SECTION HISTORY

PL 1999, c. 671, §12 (NEW). PL 2011, c. 416, §6 (RPR). PL 2011, c. 416, §9 (AFF).

§237. Seizure, forfeiture and disposal of fireworks

1. Seizure of fireworks. A law enforcement officer may seize fireworks that the law enforcement officer has probable cause to believe are:

A. Stored, sold, manufactured, transported or found in any person's possession in violation of this chapter; [PL 2007, c. 81, §1 (NEW).]

B. Shipped by common carrier in violation of this chapter to the address of a person in the State; or [PL 2007, c. 81, §1 (NEW).]

C. Surrendered to or otherwise lawfully acquired by a law enforcement agency when there is no permitted claimant under this chapter. [PL 2007, c. 81, §1 (NEW).]
[PL 2007, c. 81, §1 (NEW).]

2. Forfeiture of seized fireworks. All fireworks lawfully seized under this section are contraband and are forfeited to the State.
[PL 2007, c. 81, §1 (NEW).]

3. Disposal of forfeited fireworks. The commissioner may dispose of fireworks forfeited to the State under this section in any lawful manner considered appropriate by the commissioner, including, but not limited to, by their auction or destruction or by using them for training purposes.
[PL 2007, c. 81, §1 (NEW).]

4. Exceptions. This section does not apply to:

A. Fireworks stored by, manufactured by, transported by, shipped by common carrier to, sold to or in the possession of a person issued a permit pursuant to section 227-A; or [PL 2007, c. 81, §1 (NEW).]

B. Fireworks otherwise permitted or exempted under this chapter. [PL 2007, c. 81, §1 (NEW).]
[PL 2007, c. 81, §1 (NEW).]

5. Procedure. The following governs the process of disposing of fireworks seized pursuant to this section.

A. As soon as reasonably possible following a seizure under subsection 1, the law enforcement officer or agency effecting the seizure shall cross-reference the commissioner's permit records to determine whether a permit exception applies. [PL 2007, c. 81, §1 (NEW).]

B. If a review of the permit records pursuant to paragraph A discloses that the fireworks were lawfully possessed, sold, stored, transported or manufactured, then the seizing agency shall return them to the lawful possessor as soon as reasonably possible. [PL 2007, c. 81, §1 (NEW).]

C. A public notice is not required to effect a lawful seizure, forfeiture and disposal if no permit exception applies. [PL 2007, c. 81, §1 (NEW).]

[PL 2007, c. 81, §1 (NEW).]

SECTION HISTORY

PL 2007, c. 81, §1 (NEW).

CHAPTER 11

HARNESS RACING

§261. Commission

(REPEALED)

SECTION HISTORY

PL 1975, c. 771, §103 (AMD). PL 1983, c. 75 (AMD). PL 1983, c. 812, §55 (AMD). PL 1983, c. 834, §1 (RPR). PL 1987, c. 402, §A81 (RPR). PL 1989, c. 503, §B48 (AMD). PL 1991, c. 579, §3 (RP). PL 1991, c. 579, §18 (AFF).

§261-A. Commission

1. Establishment. The State Harness Racing Commission as established by Title 5, section 12004-G, subsection 32 and referred to in this chapter as the "commission," shall carry out the functions specified in this chapter. The commission is affiliated with the department as specified in this chapter. [PL 1997, c. 528, §3 (AMD).]

2. Members. The commission consists of 5 members appointed by the Governor. One member must be a member of the general public with no industry affiliation. One member must be affiliated with an agricultural society that conducts an annual agricultural fair. The other 3 members must be persons with a knowledge of harness racing.
[PL 1991, c. 579, §4 (NEW); PL 1991, c. 579, §18 (AFF).]

3. Geographic distribution. The members must be appointed to provide broad geographic representation.
[PL 1991, c. 579, §4 (NEW); PL 1991, c. 579, §18 (AFF).]

4. Term of office. Members of the commission serve 3-year terms. For appointments that expire in 2003, the Governor shall appoint one commissioner for a term of one year, 2 commissioners for a term of 2 years and 2 commissioners for a term of 3 years. Any vacancy is filled by appointment for the remainder of the unexpired term of that member. Members whose terms expire serve until their successors are qualified and appointed.
[PL 2001, c. 63, §1 (AMD).]

5. Confirmation. Appointees must be reviewed by the joint standing committee of the Legislature having jurisdiction over agricultural matters and are subject to confirmation by the Legislature.
[PL 1991, c. 579, §4 (NEW); PL 1991, c. 579, §18 (AFF).]

6. Chair. The Governor shall appoint one of the 5 commission members as chair. The chair serves at the pleasure of the Governor.
[PL 2001, c. 63, §2 (AMD).]

7. Removal. Except as provided in subsection 6, the Governor may remove any member of the commission for just cause. A member who is subject to removal must be given a copy of the charges against that member and must, upon request, be given an opportunity to be heard upon 10 days' notice.
[PL 1991, c. 824, Pt. A, §9 (AMD).]

8. Conflict of interest. A commission member may not participate in any matter before the commission in which that member has a direct or indirect pecuniary interest or personal bias or if any other conflict of interest is determined by the commission to exist, either on its own motion or in response to a written complaint.
[PL 1991, c. 579, §4 (NEW); PL 1991, c. 579, §18 (AFF).]

SECTION HISTORY

PL 1991, c. 579, §4 (NEW). PL 1991, c. 579, §18 (AFF). PL 1991, c. 780, §RR2 (AMD). PL 1991, c. 824, §A9 (AMD). PL 1997, c. 527, §1 (AMD). PL 1997, c. 528, §§3-5 (AMD). PL 2001, c. 63, §§1,2 (AMD).

§262. Organization

Three of the members of the commission constitute a quorum to do business. The commission shall meet as necessary to accomplish the purposes of this chapter and shall keep a record of all proceedings of the commission and preserve all books, maps, documents, papers and records entrusted to its care. [PL 2017, c. 231, §1 (AMD).]

SECTION HISTORY

PL 1971, c. 594, §14 (AMD). PL 1973, c. 537, §§5-A (AMD). PL 1979, c. 731, §19 (AMD). PL 1983, c. 834, §2 (AMD). PL 1991, c. 579, §5 (AMD). PL 2017, c. 231, §1 (AMD).

§263. Offices

The commission shall have an office in Augusta and, during the time in which racing is conducted in the State, may maintain branch offices elsewhere.

§263-A. Commission responsibilities

The commission has the following responsibilities under this chapter. [PL 1997, c. 528, §6 (NEW).]

1. Rulemaking. The commission shall adopt rules for:

A. The conduct of harness racing and off-track betting facilities, including rules that may reduce the required number of separate live races for a licensee that is associated with an agricultural fair as defined in Title 7, section 81 to qualify as a racing program from 8 separate live races to 7 separate live races if a minimum number of horses is not available; [PL 2019, c. 626, §1 (AMD).]

B. The licensing of racetracks and off-track betting facilities; [PL 1997, c. 528, §6 (NEW).]

C. The licensing of individuals participating in harness racing and off-track betting facilities, including rules requiring applicants to submit information sufficient for the report required to be submitted by the executive director of the commission as required by section 1037; [PL 2011, c. 358, §3 (AMD).]

D. The procedures for hearing appeals from decisions of track judges; [PL 1997, c. 528, §6 (NEW).]

E. The procedures and standards for setting race dates; and [PL 2017, c. 475, Pt. A, §8 (AMD).]

F. Any other responsibility assigned to the commission under this chapter. [PL 1997, c. 528, §6 (NEW).]

Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.
[PL 2019, c. 626, §1 (AMD).]

2. Appeals. The commission shall hear appeals of decisions of track judges involving violations of this chapter and rules adopted under this chapter.
[PL 1997, c. 528, §6 (NEW).]

3. Licensing of tracks and off-track betting facilities. The commission shall license racetracks and off-track betting facilities as provided in sections 271 and 275-D.
[PL 1997, c. 528, §6 (NEW).]

4. Setting race dates. The commission shall set race dates as provided under section 271.
[PL 1997, c. 528, §6 (NEW).]

5. Establishing minimum number of race dates for commercial tracks. The commission shall establish a minimum number of race dates for commercial tracks.
[PL 2017, c. 231, §2 (NEW).]

6. Promotion of harness racing. The commission shall promote harness racing in the State through the formation of advisory subcommittees, the facilitation of marketing plans and the expenditure or granting of funds.
[PL 2017, c. 371, §1 (NEW).]

7. Input on the promotion of harness racing. The commission shall invite input from a statewide association of harness horse owners, trainers and drivers, a statewide association of Standardbred breeders, a statewide association of agricultural fairs and persons who are members of organizations representing the interests of commercial harness racing tracks and off-track betting facilities on the marketing and promotion of harness racing in this State.
[PL 2025, c. 390, Pt. B, §2 (AMD).]

REVISOR'S NOTE: §263-A. Executive director (As enacted by PL 1997, c. 527, §2 is REALLOCATED TO TITLE 8, SECTION 263-C)

SECTION HISTORY

PL 1997, c. 528, §6 (NEW). PL 2011, c. 358, §3 (AMD). PL 2017, c. 231, §2 (AMD). PL 2017, c. 371, §1 (AMD). PL 2017, c. 475, Pt. A, §8 (AMD). PL 2019, c. 626, §1 (AMD). PL 2025, c. 390, Pt. B, §2 (AMD).

§263-B. Department responsibilities

The department has the following responsibilities under this chapter. [PL 1997, c. 528, §6 (NEW).]

1. Strategies. The department shall work with members of the harness racing industry to formulate common strategies for improving the status of harness racing in the State.
[PL 1997, c. 528, §6 (NEW).]

2. Leadership in policy making. The department, in conjunction with the commission, shall develop state policy with regard to the harness racing industry and shall address the needs of the industry to remain competitive.
[PL 2003, c. 401, §1 (AMD).]

3. Review of statutes. The department, in conjunction with the commission, shall maintain an ongoing review of the statutes relating to harness racing and make recommendations to the Governor

and the Legislature regarding the need for changes in statutes to improve the condition of the harness racing industry and the conduct and regulation of harness racing and off-track betting.
[PL 2003, c. 401, §1 (AMD).]

4. Oversight of disbursements. The department may require licensees to provide financial records and reports related to sections 281, 298, 299 and 300. The department may audit records and reports provided under this subsection.
[PL 2017, c. 231, §3 (NEW).]

SECTION HISTORY

PL 1997, c. 528, §6 (NEW). PL 2003, c. 401, §1 (AMD). PL 2017, c. 231, §3 (AMD).

§263-C. Executive director

(REALLOCATED FROM TITLE 8, SECTION 263-A)

The chief operating officer of the State Harness Racing Commission is the executive director. [PL 1997, c. 527, §2 (NEW); PL 1999, c. 790, Pt. A, §8 (RAL).]

1. Position. The executive director is a classified position within the department.
[PL 2003, c. 401, §2 (AMD).]

2. Appointment. The commissioner shall appoint an executive director with the approval of the commission. The executive director is the principal administrative, operational and executive employee of the commission.
[PL 2003, c. 401, §3 (RPR).]

3. Qualifications. The executive director must have knowledge of harness racing and a proven record of leadership.
[PL 1997, c. 527, §2 (NEW); PL 1999, c. 790, Pt. A, §8 (RAL).]

4. Duties. The executive director has the following duties:

A. Management of the work of the commission, including:

(1) Rulemaking;

(2) Processing appeals;

(3) Licensing of tracks and off-track betting facilities;

(4) Setting race dates;

(5) Making reports to the Governor and Legislature and recommendations to the commissioner regarding harness racing and off-track betting operations and the need for changes in statutes and rules; and

(6) Presenting evidence in adjudicatory hearings before the commission regarding alleged violations of this chapter or rules adopted in accordance with this chapter; and [PL 2007, c. 611, §4 (AMD).]

B. Management of the work of the department regarding harness racing and off-track betting, including:

(1) Supervision of all staff involved in harness racing and off-track betting functions;

(2) Management of the collection and distribution of revenues under this chapter;

(3) Budget development and management;

(4) Policy development with regard to harness racing and off-track betting;

(5) Management of participant licensing;

(6) Enforcement of harness racing and off-track betting statutes and rules;

(7) Investigation of harness racing and off-track betting violations; and

(8) Facilitating the development of positive working relationships in the harness racing industry and State Government. [PL 2003, c. 687, Pt. B, §2 (RPR); PL 2003, c. 687, Pt. B, §11 (AFF).]

[PL 2007, c. 611, §4 (AMD).]

SECTION HISTORY

PL 1997, c. 527, §2 (NEW). PL 1999, c. 790, §A8 (RAL). PL 2003, c. 401, §§2-4 (AMD). IB 2003, c. 1, §2 (AMD). PL 2003, c. 687, §B2 (AMD). PL 2003, c. 687, §B11 (AFF). PL 2007, c. 611, §4 (AMD).

§264. Employees

The department may employ such personnel as it considers necessary to provide adequate oversight and enforcement and to carry out the purposes of this chapter, subject to the Civil Service Law. The department may fix the compensation of the employees on a per diem basis, subject to the Civil Service Law. [PL 1997, c. 735, §1 (RPR).]

Notwithstanding the provisions of this section, all officials whose presence is regularly required at a race meet must be licensed by the commission. The commission shall adopt rules providing for standards for the licensure and conduct of presiding and associate judges. For purposes of the Maine Tort Claims Act, the presiding judge and associate judges licensed pursuant to this section are deemed to be employees of the State, as those terms are defined in Title 14, section 8102, subsections 1 and 4. [PL 2017, c. 231, §4 (AMD).]

When a presiding judge or an associate judge is required to attend an appeal hearing under section 263-A before the commission, the judge is entitled to mileage reimbursement consistent with Title 5, section 8 and a per diem of $100 per day. To receive compensation for appearance at an appeal hearing, a presiding judge or associate judge must submit an expense voucher consistent with Title 5, section 12002-C. [PL 2017, c. 231, §4 (NEW).]

SECTION HISTORY

PL 1971, c. 594, §15 (RPR). PL 1979, c. 731, §19 (AMD). PL 1985, c. 785, §B50 (AMD). PL 1991, c. 579, §6 (RPR). PL 1997, c. 528, §7 (AMD). PL 1997, c. 735, §1 (RPR). PL 2001, c. 567, §1 (AMD). PL 2003, c. 401, §5 (AMD). PL 2017, c. 231, §4 (AMD).

§265. Compensation

Members of the commission are entitled to be compensated as provided in Title 5, chapter 379. [PL 1997, c. 527, §3 (AMD); PL 1997, c. 528, §8 (AMD).]

Compensation of the members of the commission and all other necessary expenses of the commission must be paid out of the operating account established under section 267-A. [PL 2007, c. 539, Pt. G, §2 (AMD); PL 2007, c. 539, Pt. G, §15 (AFF).]

SECTION HISTORY

PL 1979, c. 672, §A45 (RPR). PL 1983, c. 812, §56 (RPR). PL 1991, c. 579, §7 (AMD). PL 1997, c. 527, §3 (AMD). PL 1997, c. 528, §8 (AMD). PL 2007, c. 539, Pt. G, §2 (AMD). PL 2007, c. 539, Pt. G, §15 (AFF).

§266. Disbursements

Compensation of the commissioners, their assistants and all other necessary expenses of the commission shall be paid out of the operating account established under section 267-A. [PL 2007, c. 539, Pt. G, §3 (AMD); PL 2007, c. 539, Pt. G, §15 (AFF).]

SECTION HISTORY

PL 2007, c. 539, Pt. G, §3 (AMD). PL 2007, c. 539, Pt. G, §15 (AFF).

§267. Budget; report

1. Budget. The department shall develop a recommended operating budget covering All Other account expenses for the biennium for the operating account established in section 267-A. The recommended budget must provide for the conduct of core activities necessary to carry out the provisions of this chapter and may allow for expenditures for discretionary activities, provided those activities are consistent with the purposes of this chapter. The commission shall conduct a hearing, provide notice of the hearing in accordance with Title 5, section 9052 and receive testimony on the recommended operating budget. Notice of the hearing must be provided to persons who receive distributions from the funds established by sections 281, 298, 299 and 300 and Title 7, section 91. The commission shall make findings based on the hearing and submit its recommendations to the commissioner, who may incorporate the recommendations in the final draft of the recommended budget. The commissioner shall transmit the final draft of the recommended budget to the Department of Administrative and Financial Services, Bureau of the Budget as provided in Title 5, section 1665. During the biennium, the commission may conduct additional hearings and receive additional testimony on revisions to the budget, including an expenditure for a discretionary activity. The commission may approve revisions to the budget, including an expenditure for a discretionary activity, if the commission determines that the activity is consistent with the provisions of this chapter and best serves the interest of the harness racing industry.

A. [PL 2019, c. 626, §2 (RP).]

B. [PL 2017, c. 231, §5 (RP).]

[PL 2019, c. 626, §2 (RPR).]

2. Report. Beginning February 15, 2019, and annually thereafter, the commission shall submit a report to the commissioner and the joint standing committees of the Legislature having jurisdiction over slot machines, harness racing, agricultural fairs and appropriations and financial affairs. This report must include an account of the commission's operations and actions, a report of its financial position, including receipts and disbursements, an account of the practical effects of application of this chapter and any recommended legislation. The operations report must include the number and types of violations of racing laws and rules, the disposition of those violations and the amount of time required for their disposition, including a history of any appeals. The report must include the date and amount of each administrative assessment withdrawn in accordance with section 267-A from each of the assessed funds under section 267-A, subsection 4. The report must include an account of the commission's operations and actions regarding the promotion of harness racing, a summary of income and expenses of the Harness Racing Promotional Fund, including any receipts and disbursements, and an assessment of the economic condition of the harness racing industry in this State.

[PL 2017, c. 371, §2 (AMD).]

SECTION HISTORY

PL 1991, c. 579, §8 (RPR). PL 1997, c. 528, §9 (AMD). PL 2007, c. 539, Pt. G, §§4, 5 (AMD). PL 2007, c. 539, Pt. G, §15 (AFF). PL 2017, c. 231, §5 (AMD). PL 2017, c. 371, §2 (AMD). PL 2019, c. 626, §2 (AMD).

§267-A. Operating account for the commission

1. Account established. An operating account for the commission, referred to in this section as "the operating account," is established as a dedicated, nonlapsing fund. Funds in the operating account may be allocated and expended only for the purposes of funding the operations of the commission. The fund may not be charged for indirect costs under a departmental indirect cost allocation plan.

[PL 2007, c. 539, Pt. G, §6 (NEW); PL 2007, c. 539, Pt. G, §15 (AFF).]

2. Revenues. The following must be deposited in the operating account:

A. The state share as required under section 287; [PL 2007, c. 539, Pt. G, §6 (NEW); PL 2007, c. 539, Pt. G, §15 (AFF).]

B. All fees collected by the commission pursuant to sections 271, 275-D and 279-A; [PL 2015, c. 493, §1 (AMD).]

C. Any funds allocated or appropriated to the operating account; and [PL 2015, c. 493, §1 (AMD).]

D. Any funds deposited in the operating account pursuant to section 299, subsection 3. [PL 2015, c. 493, §2 (NEW).]

[PL 2015, c. 493, §§1, 2 (AMD).]

3. Additional revenue needs. Using the total legislative allocation of the operating account for the fiscal year and the revenue received and anticipated under subsection 2, the commission shall calculate the amount of additional revenue needed, referred to in this section as "the shortfall," to equal the total legislative allocation. This calculation must be made at least annually and more frequently if needed.

[PL 2007, c. 539, Pt. G, §6 (NEW); PL 2007, c. 539, Pt. G, §15 (AFF).]

4. Administrative assessments. The following funds, referred to collectively in this section as "the assessed funds," are subject to an administrative assessment determined under subsection 5:

A. The fund established in section 298 to supplement harness racing purses; [PL 2007, c. 539, Pt. G, §6 (NEW); PL 2007, c. 539, Pt. G, §15 (AFF).]

B. The Sire Stakes Fund established in section 281; [PL 2007, c. 539, Pt. G, §6 (NEW); PL 2007, c. 539, Pt. G, §15 (AFF).]

C. The Agricultural Fair Support Fund established in Title 7, section 91; [PL 2007, c. 539, Pt. G, §6 (NEW); PL 2007, c. 539, Pt. G, §15 (AFF).]

D. The Fund to Encourage Racing at Maine's Commercial Tracks established in section 299; and [PL 2007, c. 539, Pt. G, §6 (NEW); PL 2007, c. 539, Pt. G, §15 (AFF).]

E. The Fund to Stabilize Off-track Betting Facilities established in section 300. [PL 2007, c. 539, Pt. G, §6 (NEW); PL 2007, c. 539, Pt. G, §15 (AFF).]

Only those balances in the assessed funds from revenues received under section 1036, subsection 2, paragraphs B, C, D, H and I are subject to an assessment under this section.

[PL 2007, c. 539, Pt. G, §6 (NEW); PL 2007, c. 539, Pt. G, §15 (AFF).]

5. Calculation and transfer of administrative assessment. The commission shall establish by rule an administrative assessment that when applied to each of the assessed funds yields a total that approximates the amount of the shortfall. The assessment is a percentage of the revenue each fund receives under section 1036. An assessment may be made on a monthly basis. The commission shall certify the amounts to be assessed on each of the assessed funds to the Treasurer of State, who shall transfer those amounts to the operating account.

[PL 2007, c. 539, Pt. G, §6 (NEW); PL 2007, c. 539, Pt. G, §15 (AFF).]

6. Working capital advance. In addition to the administrative assessment established under subsection 5, the commission may assess a working capital advance from each of the assessed funds to meet the cash flow needs of the commission. The amount of the advance under this subsection must be established by rule and must be calculated as a single percentage applied to each of the assessed funds. The commission shall certify the amounts to be advanced from each of the assessed funds to the Treasurer of State, who shall transfer those amounts to the operating account.

The commission shall credit against future assessments calculated under subsection 5 any amounts advanced as a working capital advance under this subsection.
[PL 2007, c. 539, Pt. G, §6 (NEW); PL 2007, c. 539, Pt. G, §15 (AFF).]

7. Rulemaking. Rules adopted under subsections 5 and 6 to establish administrative assessments and working capital advances are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2007, c. 539, Pt. G, §6 (NEW); PL 2007, c. 539, Pt. G, §15 (AFF).]

SECTION HISTORY

PL 2007, c. 539, Pt. G, §6 (NEW). PL 2007, c. 539, Pt. G, §15 (AFF). PL 2015, c. 493, §§1, 2 (AMD).

§268. Rules

The commission shall adopt rules for holding, conducting and operating all harness horse races or meets for public exhibition held in this State; for the establishment of a minimum number of race dates at commercial tracks; and for the operation of racetracks on which any such race or meet is held. [PL 2017, c. 231, §6 (AMD).]

The commission may adopt rules for licensing and operating off-track betting facilities. The commission shall submit proposed rules or proposed amendments to rules related to off-track betting to each member of the joint standing committee of the Legislature having jurisdiction over legal affairs and to each member of the joint standing committee of the Legislature having jurisdiction over agricultural matters not less than 20 days before a public hearing on the proposed rule or amendment and not less than 20 days before adoption of such a rule or amendment without a public hearing. The notice must include a copy of the proposed rule or amendment. [PL 2017, c. 231, §7 (AMD).]

The commission may authorize licensees of extended meets to provide for the simulcasting of entire racing cards for horse racing during the first 8 weeks of each year. [PL 1993, c. 95, §1 (AMD).]

The commission may adopt rules allowing interstate simulcasting of horse racing at a licensee's race track during any regular meeting. [PL 1993, c. 95, §1 (AMD).]

The commission shall adopt rules specifying the manner in which an off-track betting facility or a racetrack conducting simulcasting may provide adequate coverage of broadcasts originating in the State. Rules adopted pursuant to this paragraph are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A. [PL 1997, c. 528, §10 (NEW).]

SECTION HISTORY

PL 1969, c. 526, §1 (RPR). PL 1973, c. 309 (RPR). PL 1987, c. 886, §1 (AMD). PL 1989, c. 882 (AMD). PL 1991, c. 542, §§1,2 (AMD). PL 1991, c. 542, §3 (AFF). PL 1991, c. 579, §9 (AMD). PL 1993, c. 95, §1 (AMD). PL 1993, c. 388, §3 (AMD). PL 1997, c. 528, §10 (AMD). PL 1999, c. 394, §1 (AMD). PL 2017, c. 231, §§6, 7 (AMD).

§269. Races

No person, association or corporation shall hold, conduct or operate any harness horse race or meet for public exhibition, if pari-mutuel betting is permitted, within the State without a license from the commission.

§270. Licenses

Any person, association or corporation licensed to conduct pari-mutuel betting desiring to hold a harness horse race or meet for public exhibition if pari-mutuel betting is permitted shall apply to the commission for a license to do so. The application must be signed and sworn to by the person or executive officer of the association or corporation and must contain the following information: [PL 2003, c. 401, §6 (AMD).]

1. Name and address. The full name and address of the person, association or corporation;

2. If an association. If an association, the names and residences of the members of the association;

3. If a corporation. If a corporation, the name of the state under which it is incorporated with its principal place of business and the names and addresses of its directors and stockholders;

4. Location to conduct races. The exact location where it is desired to conduct or hold races or race meets;

4-A. Requested dates. The dates and time of day or night on which it is desired to conduct or hold races or race meets;
[PL 1985, c. 444, §1 (NEW).]

5. If racing plant owned or leased. Whether or not the racing plant is owned or leased, and if leased, the name of the fee owner of the real estate, who, unless the fee owner is a governmental entity or agricultural fair association, shall provide the following:

A. A current financial statement of the owner showing assets and liabilities; [PL 2019, c. 626, §3 (NEW).]

B. A current operating statement of the owner showing income and expenses relating to the real estate; [PL 2019, c. 626, §3 (NEW).]

C. If the owner is an individual, the residence of the owner; [PL 2019, c. 626, §3 (NEW).]

D. If the owner is a partnership or a corporation whose stock is not publicly traded, the principal address of the partnership or corporation and the name, address and occupation of each partner, officer, director and shareholder of the partnership or corporation; and [PL 2019, c. 626, §3 (NEW).]

E. If the owner is a corporation whose stock is publicly traded, the principal address of the corporation and the name, address and occupation of each officer and director and each shareholder owning or controlling 10% or more of the stock of the corporation and, for a shareholder owning 10% or more of the stock of the corporation that is a partnership or corporation, the principal address of the partnership or corporation and the name, address and occupation of each partner, officer, director and shareholder of the partnership or corporation; [PL 2019, c. 626, §3 (NEW).]
[PL 2019, c. 626, §3 (AMD).]

6. Assets and liabilities. A statement of the assets and liabilities of the person, association or corporation making such application;

7. Other information. Such other information as the commission may require.

SECTION HISTORY

PL 1985, c. 444, §1 (AMD). PL 2001, c. 567, §2 (AMD). PL 2003, c. 401, §6 (AMD). PL 2019, c. 626, §3 (AMD).

§270-A. Confidentiality of records and information

For the purposes of Title 1, section 402, subsection 3, the types of records and information listed in section 1006, subsection 1 when collected by or provided to the commission are designated as confidential and may not be disclosed except as provided in section 1006, subsection 2. This section applies to information or records included in an application or materials required by the commission for issuance of a commercial track license, including records obtained or developed by the commission related to an applicant or licensee. [PL 2007, c. 483, §1 (NEW).]

SECTION HISTORY

PL 2007, c. 483, §1 (NEW).

§271. Issuance of licenses for the conduct of racing

1. Licensing. If the commission is satisfied that all of this chapter and rules prescribed by the commission have been substantially complied with during the past year and will be fully complied with during the coming year by the person, association or corporation applying for a license; that the applicant, its members, directors, officers, shareholders, employees, creditors and associates are of good moral character; that the applicant is financially responsible; and that the award of race dates to the applicant is appropriate under the criteria contained in subsection 2, it may issue a license for the holding of harness horse races or meets for public exhibition with pari-mutuel pools, which must expire on December 31st. The fee for a license is $100 or $10 per week, whichever is higher. The commission shall make available harness racing laws and rules and relevant portions of the Maine Administrative Procedure Act to every initial licensee. The license must set forth the name of the licensee, the place where the races or race meets are to be held and the specific race dates and time of day or night during which racing may be conducted by the licensee. If the commission determines that the location where a commercial track is licensed to conduct races is unavailable, it may permit a licensee to transfer its license to another location. The substitute location and the races conducted there by the licensee must be conducted in accordance with this chapter. A license issued pursuant to this subsection is not transferable or assignable. The District Court Judge, as designated in Title 4, chapter 5, may revoke any license issued at any time for violation of the commission's rules or licensing provisions upon notice and hearing. The license is automatically revoked, subject to Title 5, chapter 375, upon a change in ownership, legal or equitable, of 50% or more of the voting stock of the licensee; the licensee may not hold a harness horse race or meet for public exhibition without a new license.
[PL 2017, c. 475, Pt. A, §9 (AMD).]

2. Minimum number of race days; criteria for date awards. The commission shall determine the number of race days that should be awarded to licensed applicants pursuant to this section based on the criteria set forth herein. The commission may award fewer than the minimum race days set forth in section 275-A, subsection 1 to commercial tracks with the express written approval of the track, and with the express written approval of an association of horse owners, trainers and drivers as defined in section 275-B, if credible evidence is presented that demonstrates that fewer race days is in the best interest of Maine's harness racing industry. The award of fewer race days than set forth in section 275-A, subsection 1 may not affect the status of those tracks as commercial tracks pursuant to section 299. In assigning race dates to licensees, the commission shall consider the following factors:

A. The revenues to be generated, consistent with the profitability and financial health of the licensee and the development of revenues from interstate simulcasting of the licensee's race programming, for the operating account pursuant to section 287; the purse supplements pursuant to section 286; the Sire Stakes Fund pursuant to section 281; and the Stipend Fund pursuant to Title 7, section 86; [PL 2019, c. 626, §4 (AMD).]

B. The quality of race programming and facilities offered and to be offered by the licensee, the suitability of the applicant's racing facilities for operation at the season for which the race dates are requested and the ability of the applicant to offer racing at night; [PL 2019, c. 626, §5 (AMD).]

C. The necessity of having and maintaining proper physical facilities for racing meetings, including the ability to maintain ownership of or a leasehold on the facilities; and consequently, to ensure the continuance of the facilities, the quality of the licensee's maintenance of its track and plant, the adequacy of its provisions for rehabilitation and capital improvements and the necessity of fair treatment of the economic interests and investments of those who, in good faith, have provided and maintained racing facilities; [PL 2019, c. 626, §6 (AMD).]

D. The desirability of reasonable consistency in the pattern of race date assignments from year to year; [PL 1995, c. 408, §2 (AMD).]

E. With respect to agricultural societies seeking licenses to conduct harness racing meets at the time of their annual fairs, the scheduling of agricultural fairs determined by the Commissioner of Agriculture, Conservation and Forestry pursuant to Title 7, sections 83 and 84; [PL 2005, c. 563, §5 (AMD); PL 2011, c. 657, Pt. W, §6 (REV).]

F. The preservation of a diversity of harness racing tracks in the State; [PL 1985, c. 444, §2 (NEW).]

G. The quality of the licensee's observance and enforcement of this chapter and the rules adopted pursuant to this chapter during the past year; [PL 2017, c. 231, §9 (AMD).]

H. The extent to which the licensee fully utilized race dates granted to it for the past year; [PL 1995, c. 408, §2 (AMD).]

I. The personnel and resources available to the commission for the enforcement of this chapter and the rules adopted pursuant to this chapter; [PL 2017, c. 231, §9 (AMD).]

J. The likely availability of race-worthy horses throughout the year with a goal of promoting full cards and avoiding 5-horse fields; and [PL 2017, c. 231, §9 (AMD).]

K. Such other criteria consistent with the betterment of harness racing and the public health, safety and welfare as the commission may establish by rule. [PL 1985, c. 444, §2 (NEW).]

If the executive director or the commission determines that any of the criteria listed in this subsection have not been met by the licensee, the executive director shall submit a notice of the deficiency in meeting any criteria to the licensee, regardless of whether the deficiency resulted in the denial of the application for or the refusal to award race dates. The director shall also submit a copy of the notice in the same manner and at the same time to the joint standing committee of the Legislature having jurisdiction over agriculture matters.
[PL 2025, c. 390, Pt. B, §3 (AMD).]

3. Overlapping race dates. The commission may not award overlapping race dates for extended meets to licensees within 50 miles of each other without the approval of 60% or more of the entire commission.
[PL 1991, c. 579, §10 (AMD).]

4. Evaluation.
[PL 1991, c. 579, §10 (RP).]

5. Minimum number of race dates. The commission may assign a commercial licensee a minimum number of race dates for a period of up to 3 years. The specific calendar dates for the minimum number of race dates and any additional race dates are determined each year in accordance with subsection 1. For the purposes of this subsection, "commercial licensee" means a licensee with an annual total of at least 25 race dates with pari-mutuel wagering in the previous calendar year.
[PL 2017, c. 231, §10 (AMD).]

6. Conditions. The commission may impose conditions on a license if one or more of the criteria established in this section are not met at the time the license is issued, but may be brought into compliance within a time period during the licensing year.
[PL 1997, c. 406, §1 (NEW).]

7. Hearing on horse supply. Prior to August 31st of each year, the commission shall conduct a hearing to determine whether the horse supply in the State has been adequate for the number of dashes conducted on assigned race dates. If the commission concludes that the horse supply has been inadequate, the commission shall limit to the extent necessary the number of dashes that a licensee may race on any date after August 1st of that year that has been assigned to more than one track. The commission may not restrict the number of dashes to fewer than 8.
[PL 2017, c. 231, §11 (AMD).]

8. Term of license and race date assignment. Notwithstanding any provision of this chapter to the contrary, each license to conduct live racing or to engage in simulcast wagering, including by operating an off-track betting facility as defined in section 275-A and all awards of race dates issued or made by the commission, beginning with licenses issued and race dates awarded for 1998, may be for a 2-year period.
[PL 2001, c. 320, §1 (AMD).]

9. Previous year's dates.
[PL 2017, c. 231, §12 (RP).]

SECTION HISTORY

PL 1969, c. 218, §1 (AMD). PL 1971, c. 91, §2 (AMD). PL 1971, c. 593, §22 (AMD). PL 1973, c. 303, §3 (AMD). PL 1977, c. 694, §§151,152 (AMD). PL 1981, c. 705, §Q1 (AMD). PL 1983, c. 196, §§1,2 (AMD). PL 1985, c. 444, §2 (RPR). PL 1989, c. 203, §2 (AMD). PL 1991, c. 579, §10 (AMD). PL 1993, c. 388, §4 (AMD). PL 1995, c. 408, §§1-3 (AMD). RR 1997, c. 1, §§5-7 (COR). PL 1997, c. 406, §1 (AMD). PL 1997, c. 416, §1 (AMD). PL 1997, c. 474, §1 (AMD). PL 1997, c. 474, §6 (AFF). PL 1997, c. 528, §11 (AMD). PL 1997, c. 528, §12 (AMD). PL 1999, c. 547, §B25 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2001, c. 320, §1 (AMD). PL 2001, c. 567, §3 (AMD). IB 2003, c. 1, §3 (AMD). PL 2003, c. 687, §B3 (AMD). PL 2003, c. 687, §B11 (AFF). PL 2005, c. 563, §§4,5 (AMD). PL 2007, c. 466, Pt. A, §26 (AMD). PL 2007, c. 539, Pt. G, §7 (AMD). PL 2007, c. 539, Pt. G, §15 (AFF). PL 2011, c. 657, Pt. W, §6 (REV). PL 2017, c. 231, §§8-12 (AMD). PL 2017, c. 475, Pt. A, §9 (AMD). PL 2019, c. 626, §§4-6 (AMD). PL 2025, c. 390, Pt. B, §3 (AMD).

§272. Bonds

Every person, association or corporation licensed under this chapter shall, before said license is issued, give bond or irrevocable letter of credit to the State in such reasonable sum, not exceeding $100,000, as may be fixed by the commission, with a surety or sureties to be approved by the commission, conditioned to faithfully make the payments prescribed by this chapter and to keep its books and records and make reports as provided, and to conduct its racing in conformity with this chapter and the rules and regulations prescribed by the commission. [PL 2003, c. 401, §7 (AMD).]

SECTION HISTORY

PL 1969, c. 526, §2 (AMD). PL 2003, c. 401, §7 (AMD).

§272-A. Trust account

(REPEALED)

SECTION HISTORY

PL 1997, c. 474, §2 (NEW). PL 1997, c. 474, §6 (AFF). PL 1997, c. 735, §§2-4 (AMD). PL 1999, c. 482, §1 (AMD). PL 2003, c. 401, §8 (RP).

§272-B. Association funding

Notwithstanding any provision of this chapter to the contrary, up to 3% of funds designated to supplement purses may be paid to a statewide association of horse owners, trainers and drivers in accordance with this section. A statewide association of horse owners, trainers and drivers, referred to in this section as "the association," means an association of horse owners, trainers and drivers a majority of the membership of which is composed of owners, trainers and drivers or any combination of owners, trainers and drivers who are licensed by the commission and whose officers are authorized by the membership to negotiate with a person licensed to conduct racing under section 271 on behalf of the association's membership. [PL 2025, c. 390, Pt. B, §4 (AMD).]

1. Disbursements to association. The commission shall disburse to an association determined eligible under subsection 2 an amount not to exceed 3% of each of the following:

A. Disbursements from the Sire Stakes Fund under section 281 for the purpose of supplementing purses; [PL 2007, c. 211, §1 (NEW); PL 2007, c. 211, §2 (AFF).]

B. The purse supplement share calculated under section 286 for distribution under section 290; [PL 2007, c. 211, §1 (NEW); PL 2007, c. 211, §2 (AFF).]

C. The funds designated from the commercial meet account to supplement purses under section 287, subsection 2; [PL 2007, c. 211, §1 (NEW); PL 2007, c. 211, §2 (AFF).]

D. The funds designated from the extended meet account to supplement purses under section 289, subsection 2, paragraph B; [PL 2007, c. 211, §1 (NEW); PL 2007, c. 211, §2 (AFF).]

E. The fund to supplement harness racing purses established under section 298 and receiving payment pursuant to section 1036, subsection 2, paragraph B; and [PL 2007, c. 211, §1 (NEW); PL 2007, c. 211, §2 (AFF).]

F. Disbursements from the Agricultural Fair Support Fund under Title 7, section 91, subsection 2, paragraph A. [PL 2007, c. 211, §1 (NEW); PL 2007, c. 211, §2 (AFF).]

[PL 2019, c. 626, §7 (AMD).]

2. Eligibility for disbursement. To be eligible to receive funding under subsection 1, an association must submit to the commission the following:

A. A copy of the annual budget approved by a majority of the association's members present and voting at the annual business meeting of the association; [PL 2007, c. 211, §1 (NEW); PL 2007, c. 211, §2 (AFF).]

B. A letter signed by the officers of the association stating that a majority of association members present and voting in a separate vote at the annual meeting approved seeking funds under this section; and [PL 2007, c. 211, §1 (NEW); PL 2007, c. 211, §2 (AFF).]

C. A letter signed by the officers of the association indicating the date on which the votes referenced in paragraphs A and B were taken and attesting that the votes were taken in accordance with the association's bylaws. [PL 2007, c. 211, §1 (NEW); PL 2007, c. 211, §2 (AFF).]

[PL 2007, c. 211, §1 (NEW); PL 2007, c. 211, §2 (AFF).]

3. Limitations. An association receiving payments under this section may not expend any portion of the payments for an item that did not appear in the association's budget approved by its members and submitted under subsection 2.

[PL 2007, c. 211, §1 (NEW); PL 2007, c. 211, §2 (AFF).]

4. Disbursements. Total disbursements made each year to the association under this section may not exceed the association's budget for that year.

[PL 2019, c. 626, §8 (AMD).]

5. Rulemaking. The commission may adopt rules necessary to establish a process for calculating and disbursing funds under this section. The rules may include a process for recovery of funds received or expended in noncompliance with this section. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2007, c. 211, §1 (NEW); PL 2007, c. 211, §2 (AFF).]

SECTION HISTORY

PL 2003, c. 401, §9 (NEW). PL 2007, c. 211, §1 (RPR). PL 2007, c. 211, §2 (AFF). PL 2013, c. 490, §1 (AMD). PL 2019, c. 626, §§7, 8 (AMD). PL 2025, c. 390, Pt. B, §4 (AMD).

§272-C. Trust account

1. Establishment; deposits; rules. A licensee conducting live racing in the State shall establish a trust account for the benefit of the persons who race horses at that licensee's facility. Funds distributed to or retained by the licensee pursuant to sections 287, 289, 290, 292 and 298 and Title 7, section 91, less any administrative assessments pursuant to section 267-A, that must be used to pay or supplement harness racing purses must be deposited in that account and used exclusively to pay harness racing purses. The funds in a trust account established in accordance with this subsection are not considered to be property of the licensee, may not be pledged as security for the debts of the licensee and are not subject to attachment or execution by creditors of the licensee. The commission may adopt rules governing the handling of trust accounts, providing for the reallocation of trust account funds to other licensed commercial tracks in the event that a track ceases operation or cancels a significant number of race days, as determined by the commission, and governing the handling of harness racing purses at any commercial track that does not have a contract with a statewide association of horse owners, trainers and drivers. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.
[PL 2025, c. 655, Pt. A, §9 (AMD).]

2. Payment if licensee fails to conduct racing. If a licensee ceases to operate and therefore fails to conduct racing during any of the assigned race dates in a calendar year, all funds not committed to pay purses held in the trust account established under this section by that licensee must be returned within 15 days to the commission, which shall return to the licensee any amount that represented a reimbursement that equaled an overpayment of harness racing purses. Any remaining balance of the trust account must be redistributed by the commission to the trust accounts of all racetracks that continue to conduct live racing in the State, with each track receiving that portion of money determined by multiplying the amount of money available for redistribution by a fraction, the numerator of which is the number of race dates at that racing facility during the prior calendar year and the denominator of which is the total number of race dates throughout the State during that year, except that those funds received by a licensee pursuant to section 298 must be returned to the fund to supplement harness racing purses established in section 298 and must be distributed according to that section.
[PL 2017, c. 231, §13 (AMD).]

3. Limited interim use of funds permitted.

[PL 2013, c. 490, §2 (NEW); MRSA T. 8 §272-C, sub-§3 (RP).]

SECTION HISTORY

PL 2013, c. 490, §2 (NEW). PL 2017, c. 231, §13 (AMD). PL 2025, c. 390, Pt. B, §5 (AMD). PL 2025, c. 655, Pt. A, §9 (AMD).

§273. Penalties

Any person, association or corporation holding or conducting, or any person or persons aiding or abetting in the holding or conducting of, any harness horse race or meet for public exhibition within the State without a license duly issued by the commission when a license is required under sections 269 and 270 commits a Class D crime. [PL 2007, c. 611, §5 (AMD).]

SECTION HISTORY

PL 2007, c. 611, §5 (AMD).

§274. Pari-mutuel pools

(REPEALED)

SECTION HISTORY

PL 1965, c. 511, §1 (AMD). PL 1971, c. 433, §1 (AMD). PL 1973, c. 391, §1 (AMD). PL 1977, c. 96, §§2-4 (AMD). PL 1979, c. 672, §A46 (AMD). PL 1981, c. 705, §Q2 (RPR). PL 1985, c.

444, §3 (AMD). PL 1987, c. 759, §§2-4 (AMD). PL 1989, c. 787, §§A1,2 (AMD). PL 1991, c. 686, §1 (AMD). PL 1993, c. 388, §5 (RP).

§274-A. Off-track betting

(REPEALED)

SECTION HISTORY

PL 1991, c. 579, §11 (NEW). PL 1991, c. 686, §2 (AMD). PL 1993, c. 388, §6 (RP).

§275. Taxes

(REPEALED)

SECTION HISTORY

PL 1973, c. 391, §2 (AMD). PL 1977, c. 96, §§5,6 (AMD). PL 1977, c. 564, §§40,41 (AMD). PL 1979, c. 672, §A47 (AMD). PL 1981, c. 705, §Q3 (AMD). PL 1985, c. 444, §4 (AMD). PL 1987, c. 759, §§5,6 (AMD). PL 1987, c. 886, §2 (AMD). PL 1989, c. 787, §A3 (AMD). PL 1991, c. 579, §12 (AMD). PL 1993, c. 388, §7 (RP).

§275-A. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1997, c. 528, §13 (AMD).]

1. Commercial track. "Commercial track" means any harness horse racing track that is a for-profit business and is licensed under this chapter to conduct harness horse racing with pari-mutuel wagering that is not associated with an agricultural fair as defined in Title 7, section 81 and that:

A. If the population of the region is 300,000 or more, based on the 1990 U.S. Census, conducted racing on more than 69 days in each calendar year after the track was initially licensed as a commercial track, unless a lesser number of days of racing was conducted in a year due to:

(1) Conditions beyond the control of the racetrack owner or operator as approved by the commission; or

(2) A determination by the commission under section 271, subsection 2, and with the express written approval of the track and of a statewide association of horse owners, trainers and drivers as defined in section 272-B, that a lesser number of race days is in the best interest of the State's harness horse racing industry; or [PL 2025, c. 390, Pt. B, §6 (AMD).]

B. If the population of the region is less than 300,000, based on the 1990 U.S. Census, conducted racing on more than 34 days in each calendar year after the track was initially licensed as a commercial track, unless a lesser number of days of racing was conducted in a year due to:

(1) Conditions beyond the control of the racetrack owner or operator as approved by the commission; or

(2) A determination by the commission under section 271, subsection 2, and with the express written approval of the track and of a statewide association of horse owners, trainers and drivers as defined in section 272-B, that a lesser number of race days is in the best interest of the State's harness horse racing industry. [PL 2025, c. 390, Pt. B, §7 (AMD).]

C. [PL 2019, c. 626, §9 (RP).]

D. [PL 2019, c. 626, §9 (RP).]

For the purposes of this subsection, "region" is determined by measuring a distance of 50 miles from the center of the racing track along the most commonly used roadway, as determined by the Department of Transportation, drawing a circle around the center of the racing track using that 50-mile measurement

and excluding those municipalities or unorganized territories that do not have boundaries contained entirely by that circle.
[PL 2025, c. 390, Pt. B, §§6, 7 (AMD).]

1-A. Commercial meet. "Commercial meet" means harness horse racing conducted live at a commercial track.
[PL 1995, c. 408, §4 (NEW).]

1-B. Commission; agency. "Commission," with regard to an agency, means the State Harness Racing Commission.
[PL 1997, c. 528, §14 (NEW).]

1-C. Commission; wagers. "Commission," with regard to wagers, means all amounts not paid or payable to persons winning wagers.
[PL 1997, c. 528, §14 (NEW).]

1-D. Commissioner. "Commissioner" means the Commissioner of Agriculture, Conservation and Forestry.
[PL 1997, c. 528, §14 (NEW); PL 2011, c. 657, Pt. W, §6 (REV).]

2. Commissions.
[PL 1997, c. 528, §15 (RP).]

3. Common pool or commingled pool. "Common pool" or "commingled pool" means a pool in which wagers placed at more than one location are merged for purposes of determining the payout on winning wagers.
[PL 1993, c. 388, §8 (NEW).]

3-A. Department. "Department" means the Department of Agriculture, Conservation and Forestry.
[PL 1997, c. 528, §16 (NEW); PL 2011, c. 657, Pt. W, §5 (REV).]

4. Exotic wagers. "Exotic wagers" means wagers in which the bettor selects 2 or more horses in one or more races in a single wager.
[PL 1993, c. 388, §8 (NEW).]

5. Extended meet. "Extended meet" means a series of harness horse races, except harness horse races conducted by an agricultural society at the time of its annual fair.
[PL 1993, c. 388, §8 (NEW).]

6. Licensee. "Licensee" means a person licensed under section 271 or section 275-D to conduct pari-mutuel wagering on horse racing in this State.
[PL 1993, c. 388, §8 (NEW).]

7. Municipal officers. "Municipal officers" has the same meaning as in Title 28-A, section 2, subsection 21 except that, when an off-track betting facility is proposed in an unincorporated location, the term "municipal officers" means the county commissioners of the county in which the facility is to be located and the term "municipality" means the unincorporated location.
[PL 1993, c. 388, §8 (NEW).]

7-A. Net commission. "Net commission" means the total commission less 4% of the amount wagered.
[PL 2015, c. 200, §1 (NEW).]

8. Off-track betting facility. "Off-track betting facility" means a facility other than a racetrack at which a person is licensed to conduct pari-mutuel wagering on simulcast racing.
[PL 1993, c. 388, §8 (NEW).]

9. Off-track betting licensee. "Off-track betting licensee" means a person who has obtained a license to conduct pari-mutuel wagering at an off-track betting facility.
[PL 1993, c. 388, §8 (NEW).]

9-A. Race date. "Race date" means a scheduled date awarded by the commission pursuant to section 271 for which there is a racing program of not less than 8 separate live races. In the event of cancellation of a portion of the scheduled racing program due to weather, power failure or a decision to cancel by the presiding judge on duty, a minimum of 5 live races actually raced constitutes a race date. If a licensee schedules separate programs for both an afternoon and an evening on the same calendar day and each program qualifies as a race date under this subsection, that licensee is granted one race date for each program.
[PL 2017, c. 231, §15 (AMD).]

9-B. Race day. "Race day" means a scheduled day of racing awarded by the commission pursuant to section 271 on which racing occurred.
[PL 2017, c. 231, §16 (NEW).]

10. Racing licensee. "Racing licensee" means a person who is authorized under section 271 to conduct harness horse racing in this State.
[PL 1993, c. 388, §8 (NEW).]

10-A. Regular meeting. "Regular meeting" means the period of time from the first date a licensee is authorized to conduct live racing through the last date a licensee is authorized to conduct live racing, excluding periods of time longer than 14 days when the licensee is not authorized to conduct live racing.
[PL 2017, c. 231, §17 (AMD).]

11. Regular wagers. "Regular wagers" means wagers other than exotic wagers.
[PL 1993, c. 388, §8 (NEW).]

SECTION HISTORY

PL 1993, c. 388, §8 (NEW). PL 1995, c. 408, §§4-6 (AMD). PL 1997, c. 474, §3 (AMD). PL 1997, c. 474, §6 (AFF). PL 1997, c. 528, §§13-16 (AMD). PL 1999, c. 482, §2 (AMD). PL 1999, c. 482, §10 (AFF). PL 2003, c. 401, §10 (AMD). PL 2011, c. 657, Pt. W, §§5, 6 (REV). PL 2013, c. 490, §3 (AMD). PL 2015, c. 200, §1 (AMD). PL 2017, c. 231, §§14-17 (AMD). PL 2019, c. 626, §9 (AMD). PL 2021, c. 406, §§1, 2 (AMD). PL 2025, c. 390, Pt. B, §§6, 7 (AMD).

§275-B. Sale of pari-mutuel pools

The following persons may sell pari-mutuel pools on horse racing in accordance with this chapter and rules adopted by the commission. [PL 1993, c. 388, §8 (NEW).]

1. Racetracks. A person licensed pursuant to section 271 to conduct harness horse racing with pari-mutuel betting may sell pari-mutuel pools and common pari-mutuel pools for simulcast races. The seller must be within the enclosure of the racetrack where the licensed race or race meet is conducted or within the licensee's slot machine facilities licensed pursuant to section 1011.
[PL 2011, c. 142, §1 (AMD).]

2. Off-track betting facility. A person licensed pursuant to section 275-D to operate an off-track betting facility may sell pari-mutuel pools at that licensed facility.
[PL 1993, c. 388, §8 (NEW).]

3. Facilities approved by commission. Notwithstanding any provision of this chapter to the contrary, a person licensed pursuant to section 271 to conduct harness horse racing with pari-mutuel betting may sell pari-mutuel pools and common pari-mutuel pools for simulcast races at a facility if approved by the commission under this subsection. The commission may approve a facility under this subsection only if it is located within the same county as the commercial track where the race or races are conducted, it is not located within the same municipality as an off-track betting facility licensed

under section 275-D and the municipal officers of the municipality in which the facility is located approve of the sale of pari-mutuel pools or common pari-mutuel pools at the facility. A person authorized to operate a facility that receives approval under this subsection shall provide the municipality in which the facility is located 5% of the track share of the commission allocated by section 286, subsection 5.

A person authorized to sell pari-mutuel pools and common pari-mutuel pools for simulcast races at a facility under this subsection may conduct at the facility any other activities incidental to and permitted by that license under section 271.
[PL 2025, c. 281, §1 (AMD).]

4. Facilities approved by commission; track located in another county. The commission may authorize a facility approved under subsection 3 to continue operation in the same location as approved under subsection 3 if, notwithstanding subsection 3, the location where the commercial track is licensed to conduct races is no longer located in the same county as the facility approved under subsection 3 and the location where the races are conducted by the commercial track meets the following criteria:

A. The races are conducted at a location within a county contiguous to the county where the commercial track previously conducted the races; [PL 2025, c. 281, §2 (NEW).]

B. The races are not located within the same county as a casino licensed under section 1011; and [PL 2025, c. 281, §2 (NEW).]

C. The races are not located within the same municipality as an off-track betting facility licensed under section 275-D or within a municipality contiguous to a municipality with an off-track betting facility licensed under section 275-D. [PL 2025, c. 281, §2 (NEW).]

A person licensed pursuant to section 271 to conduct harness horse racing with pari-mutuel betting that sells pari-mutuel pools and common pari-mutuel pools for simulcast races at a facility approved under subsection 3 and authorized to continue operation under this subsection may not receive approval for any additional facilities under the provisions of subsection 3.
[PL 2025, c. 281, §2 (NEW).]

SECTION HISTORY

PL 1993, c. 388, §8 (NEW). PL 2003, c. 401, §11 (AMD). PL 2011, c. 142, §1 (AMD). PL 2021, c. 406, §3 (AMD). PL 2023, c. 51, §1 (AMD). PL 2025, c. 281, §§1, 2 (AMD).

§275-C. Common pari-mutuel pools

1. Authority. A person authorized to sell pari-mutuel pools on horse racing may sell common pari-mutuel pools for simulcast races. The sale must be conducted within the enclosure of the licensee's racetrack, at the licensee's slot machine facilities licensed pursuant to section 1011, at the licensee's off-track betting facility or at a facility approved by the commission in accordance with section 275-B, subsection 3.
[PL 2021, c. 406, §4 (AMD).]

2. Payments to agricultural fairs conducting live racing. A commercial track located within a 35-mile radius of an agricultural fair track may not present a simulcast on a day when the commercial track is not conducting live racing and the agricultural fair track is conducting live racing unless the commercial track pays the agricultural fair track 2% of the wagers made at the commercial track at the time live racing is being conducted at the agricultural fair track and 1% of the wagers on the other races conducted on a day when live racing is being conducted at the agricultural fair track.
[PL 1997, c. 390, §1 (NEW).]

3. Required to carry races originating in the State. If live racing being conducted in this State is available for simulcast, a licensee conducting simulcasting under this section shall provide broadcasts originating in the State on monitors in the facility, as required by rule of the commission. The rules

adopted by the commission that are required pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.
[PL 1997, c. 390, §1 (NEW).]

SECTION HISTORY

PL 1993, c. 388, §8 (NEW). PL 1997, c. 390, §1 (RPR). PL 2011, c. 142, §2 (AMD). PL 2021, c. 406, §4 (AMD).

§275-D. Off-track betting

1. Off-track betting on simulcast racing. A person may conduct pari-mutuel wagering at an off-track betting facility that is licensed under this section if the facility is located and operated within a hotel, as defined in Title 28-A, section 2, subsection 15, paragraph H, with public dining facilities, a Class A lounge, as defined in Title 28-A, section 2, subsection 15, paragraph L, a Class A restaurant, as defined in Title 28-A, section 2, subsection 15, paragraph R, or a Class A restaurant/lounge, as defined in Title 28-A, section 2, subsection 15, paragraph R-1.
[PL 2019, c. 626, §10 (AMD).]

2. Application for off-track betting. To obtain a license to conduct pari-mutuel wagering at an off-track betting facility, a person must submit to the commission the fee required in subsection 2-A and an application on a form prescribed by the commission that specifies at least the following:

A. The number of permanent and part-time jobs to be created at the proposed facility; [PL 1993, c. 388, §8 (NEW).]

B. The population of the municipality and surrounding area where the proposed facility is to be located; [PL 1993, c. 388, §8 (NEW).]

C. The exact location of the proposed facility and its proximity to any other approved off-track betting facility or licensed racetrack; [PL 1993, c. 388, §8 (NEW).]

D. The type of seating to be provided, including areas in the proposed facility where patrons can handicap races; [PL 1993, c. 388, §8 (NEW).]

E. The total seating capacity of the proposed facility; [PL 1993, c. 388, §8 (NEW).]

F. The size and number of toilet facilities; [PL 1993, c. 388, §8 (NEW).]

G. The availability of food and beverages, including the number of tables, chairs, kitchen facilities and concession stands; [PL 1993, c. 388, §8 (NEW).]

H. The number of available parking spaces; [PL 1993, c. 388, §8 (NEW).]

I. A description of the general design or style of the proposed facility, including lighting, decor and plans for the exterior of the facility; [PL 1993, c. 388, §8 (NEW).]

J. The number of betting windows and stand-alone betting terminals to be provided; [PL 1993, c. 388, §8 (NEW).]

K. A description of the heating and air-conditioning units, the smoke removal equipment and other climate control devices; [PL 1993, c. 388, §8 (NEW).]

L. The total area in square feet of the proposed facility; [PL 1993, c. 388, §8 (NEW).]

M. The number, type and quality of the television equipment to be installed and, if applicable, the name and place of business of any proposed independent contract operator; [PL 1993, c. 388, §8 (NEW).]

N. The full name and address of the person, association or corporation applying for the license; if an association, the names and residences of the members of the association; and if a corporation,

the name of the state under which it is incorporated with its principal place of business and the names and addresses of its directors and stockholders; [PL 1993, c. 388, §8 (NEW).]

O. The dates and times of day or night when it is desired to conduct wagering; [PL 1993, c. 388, §8 (NEW).]

P. Whether the facility is owned or leased and, if leased, the name and residence of the fee owner or, if a corporation, the names and residences of the directors and stockholders of that corporation; [PL 1993, c. 388, §8 (NEW).]

Q. A statement of the assets and liabilities of the person, association or corporation submitting the application; and [PL 1993, c. 388, §8 (NEW).]

R. The name of the entity that will originate each simulcast likely to be offered for wagering at the facility and other information required by the commission regarding that entity. [PL 1993, c. 388, §8 (NEW).]

[PL 1997, c. 528, §18 (AMD).]

2-A. Application fee. The fee for an initial application for an off-track betting facility is $1,000. The fee for a renewal is $250.

[PL 1997, c. 528, §19 (NEW).]

2-B. Renewal. An off-track betting facility license must be renewed annually.

[PL 1997, c. 528, §19 (NEW).]

3. Notice to commercial racetracks; objections. An applicant shall send written notice of its application for an off-track betting license to any commercial racetrack in whose market area the facility will be located and shall present proof to the commission that it has provided the notice. The notice must include all information contained in the application except information described in subsection 2, paragraph Q. A commercial racetrack shall notify the commission within 30 days of receiving notice if the racetrack objects to the location of the facility based on adverse impact to the commercial track. The commission shall suspend consideration of the application for the 30-day objection period. If the commission receives an objection from a racetrack in whose market area the facility would be located within the 30-day period, the commission shall reject the application. If the commission does not receive an objection within that period, the commission may proceed to consider the application. For purposes of this subsection, the market area is determined by measuring a distance of 50 miles from the center of the racetrack along the most commonly used roadway adjacent to the racetrack, as determined by the Department of Transportation, drawing a circle around the center of the racetrack using that 50-mile measurement.

[PL 2003, c. 401, §12 (AMD).]

4. Notice to off-track betting facilities; objections. An applicant shall send written notice of its application for an off-track betting license to any existing off-track betting facility in whose market area the proposed facility will be located and shall present proof to the commission that it has provided the notice. The notice must include all information contained in the application except information described in subsection 2, paragraph Q. An existing off-track betting facility shall notify the commission within 30 days of receiving notice if the facility objects to the location of the proposed facility. The commission shall suspend consideration of the application for the 30-day objection period. If the commission receives an objection from an off-track betting facility in whose market area the facility would be located within the 30-day period, the commission shall reject the application. If the commission does not receive an objection within that period, the commission may proceed to consider the application. For purposes of this subsection, the market area is determined by measuring a distance of 35 miles from the off-track betting facility along the most commonly used roadway adjacent to the off-track betting facility, as determined by the Department of Transportation, drawing a circle around the center of the off-track betting facility using that 35-mile measurement.

[PL 2003, c. 401, §13 (AMD).]

5. Municipal approval. The commission may not grant a license to conduct pari-mutuel wagering at an off-track betting facility unless the facility is approved in accordance with this subsection by the municipal officers of the municipality in which the facility is to be located.

A. Within 15 days after receiving an application for an off-track betting facility license or within 15 days after the expiration of the 30-day objection period described in subsections 3 and 4 when the proposed facility is located within the market area of an existing off-track betting facility or a commercial racetrack, the commission shall notify the municipal officers of the municipality in which the facility is to be located and shall send a copy of the application to those officers. The municipal officers shall hold a public hearing for the consideration of the application in accordance with this subsection. [PL 1993, c. 388, §8 (NEW).]

B. The municipal officers shall provide public notice of a hearing held under this subsection by causing a notice stating the name and place of hearing, at the applicant's prepaid expense, to appear on at least 6 consecutive days before the date of hearing in a daily newspaper of general circulation in the municipality where the facility will be located or on 2 consecutive weeks before the date of the hearing in a weekly newspaper of general circulation in the municipality where the facility is to be located. [PL 1993, c. 388, §8 (NEW).]

C. Following the public hearing, the municipal officers shall grant or deny approval of the facility, indicate the reasons for their decision and provide a copy to the applicant. [PL 1993, c. 388, §8 (NEW).]

D. Approval of a facility may be denied on one or more of the following grounds:

(1) Objection on policy or other grounds to the conduct of pari-mutuel wagering within the municipality;

(2) Conviction by the applicant or a holder of more than 50% of the shares or other interests of the applicant of a Class A, Class B or Class C crime;

(3) Noncompliance of the facility or the facility's use with a local zoning ordinance or other land use ordinance;

(4) Conditions of record, such as waste disposal violations, health or safety violations and repeated parking or traffic violations, on or in the vicinity of the facility and caused by persons patronizing or employed by the facility or other conditions caused by persons patronizing or employed by the facility that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the facility to use their property in a reasonable manner;

(5) Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the facility and caused by persons patronizing or employed by the facility; or

(6) A violation of any provision of this section. [PL 1993, c. 388, §8 (NEW).]

E. An applicant aggrieved by the decision of the municipal officers under this section may appeal to the Superior Court. Denial of approval on the grounds listed under paragraph D, subparagraph (1) is not reviewable by the court. [PL 1993, c. 388, §8 (NEW).]

[PL 1993, c. 388, §8 (NEW).]

6. Requirements for approval of license. The commission shall review the application and hold a public hearing on the application. The commission may issue a license to conduct pari-mutuel wagering at an off-track betting facility if:

A. The commission finds that the facility:

(1) Will not adversely affect the public interest;

(2) Will not adversely affect the integrity of live racing;

(3) Will not have an adverse impact on the local community;

(4) Provides a potential for job creation, including jobs in the racing and wagering industries and other service jobs;

(5) Has adequate seating facilities, toilet facilities and parking;

(6) Will not adversely affect the value of abutting property;

(7) Will be operated by an applicant with financial ability to maintain the facility in a manner that meets the standards set forth in this paragraph;

(8) Provides segregated areas for conducting betting separate from the areas in which restaurant or other services are provided to the general public for nonbetting purposes; and

(9) Will not adversely affect existing licensed off-track betting facilities within 35 miles of the proposed facility. [PL 1993, c. 388, §8 (NEW).]

B. The municipal officers of the municipality in which the facility is to be located have approved the facility pursuant to subsection 5; [PL 1993, c. 388, §8 (NEW).]

C. The commission is satisfied that the provisions of this chapter and any rules prescribed by the commission will be fully complied with during the coming year by the person, association or corporation applying for a license; that the applicant, its members, directors, officers, shareholders, employees, creditors and associates are of good moral character; and that the applicant is financially responsible; and [PL 1993, c. 388, §8 (NEW).]

D. No commercial racetrack or off-track betting facility in whose market area the facility would be located has filed a written objection to the facility within the time period prescribed in subsections 3 and 4. [PL 1993, c. 388, §8 (NEW).]

[PL 1993, c. 388, §8 (NEW).]

7. Operation of facility. An off-track betting licensee may not permit a person under the age of 16 to enter the facility unless accompanied by a parent, legal guardian or custodian, as defined in Title 22, section 4002. The off-track betting licensee may not permit a person under the age of 18 within 15 feet of a betting window or other place for accepting wagers.

[PL 1993, c. 388, §8 (NEW).]

8. Requirements for simulcasting. The following requirements apply to simulcasting by off-track betting facilities.

A. An off-track betting facility located within a 75-mile radius of a noncommercial racing licensee may not present a simulcast at the same time that racing licensee is conducting live racing, unless the racing licensee consents and the facility pays the racing licensee 2% of the wagers made at the facility at the time live racing is being conducted. An off-track betting facility within a 50-mile radius of a noncommercial racing licensee may not present a simulcast during any day on which that racing licensee is conducting live racing, unless the racing licensee consents and the facility pays the racing licensee 1% of the wagers made on that day. Amounts payable under this section are taken from the facility's share of wagers authorized in section 286. If the racing licensee is conducting simulcasting pursuant to section 295, subsection 2, then the racing licensee is not entitled to payment by the facility under this section. [PL 1997, c. 528, §21 (AMD).]

B. If live racing being conducted in this State is available for simulcast, all off-track betting facilities shall provide broadcasts originated in the State on the monitors in the facility, as required by rule of the commission, and shall accept wagers on those races on all of its pari-mutuel selling terminals. The races must be broadcast as announced on the track. At any time harness racing

originated in the State is available for simulcast, the facility may not broadcast harness racing from outside the State without approval of:

(1) Each racetrack in the State conducting harness racing at that time; and

(2) Either the association representing the horse owners, trainers and drivers at those tracks at that time or the commission. [PL 2025, c. 390, Pt. B, §8 (AMD).]

[PL 2025, c. 390, Pt. B, §8 (AMD).]

9. Annual report. The department shall report annually by March 1st to the joint standing committee of the Legislature having jurisdiction over legal affairs matters and to the joint standing committee of the Legislature having jurisdiction over agricultural matters on the effect of off-track betting facilities on the local economy, the public interest, the integrity of live racing and other matters the department finds appropriate. The department may include in its report any recommendations for necessary changes in laws governing off-track betting.
[PL 2019, c. 626, §11 (AMD).]

10. License nontransferable. An off-track betting facility license issued is not transferable or assignable.
[PL 1997, c. 528, §24 (NEW).]

11. Revocation. The District Court Judge, as designated in Title 4, chapter 5, may revoke any license issued at any time for violation of the commission's rules or licensing provisions upon notice and hearing. The license of any corporation is automatically revoked, subject to Title 5, chapter 375, upon the change in ownership, legal or equitable, of 50% or more of the voting stock of the corporation, and the corporation may not conduct off-track betting without a new license.
[PL 1999, c. 547, Pt. B, §26 (AMD); PL 1999, c. 547, Pt. B, §80 (AFF).]

12. Approval of dates. An applicant for an initial off-track betting facility license or renewal of an off-track betting facility license shall identify the dates on which pari-mutuel wagering will be conducted. When approving an initial license or the renewal of a license for an off-track betting facility, the commission shall identify the dates on which pari-mutuel wagering is permitted at the off-track betting facility.
[PL 1997, c. 528, §24 (NEW).]

13. Conditions. The commission is authorized to impose conditions on a license if one or more of the criteria established in this section are not met at the time the license is issued and the licensee is able to comply with the conditions within a specified time period during the licensing year or if the conditions are requested both by the municipality as a condition of its approval and by the applicant.
[PL 1997, c. 735, §5 (AMD).]

SECTION HISTORY

RR 1993, c. 2, §6 (COR). PL 1993, c. 388, §8 (NEW). PL 1995, c. 408, §7 (AMD). PL 1997, c. 528, §§17-24 (AMD). PL 1997, c. 735, §5 (AMD). PL 1999, c. 421, §1 (AMD). PL 1999, c. 547, §B26 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2003, c. 401, §§12,13 (AMD). PL 2003, c. 493, §1 (AMD). PL 2003, c. 493, §14 (AFF). PL 2011, c. 99, §1 (AMD). PL 2019, c. 626, §§10, 11 (AMD). PL 2025, c. 390, Pt. B, §8 (AMD).

§275-E. Limit on total commission

1. Commissions. Except as provided in subsection 2, the total commission on pools of regular wagers is 18% of each dollar wagered and the total commission on pools of exotic wagers is 26% of each dollar wagered, plus the odd cents of all redistribution to be based on each dollar wagered, whether regular wagers or exotic wagers, exceeding a sum equal to the next lowest multiple of 10, known as "breakage," which must be retained by the licensee. Notwithstanding anything in this chapter to the contrary, the minimum payoff on a winning show wager must be 5% above the amount wagered.

[PL 2001, c. 300, §1 (AMD).]

2. Commissions on interstate common pools. The total commission on interstate common pari-mutuel pools may not exceed the amount established by the laws of the state in which the wager is being pooled. In the event of a minus pool, the licensee shall pay the amount established by the laws of the state in which the race is held.
[PL 1993, c. 388, §8 (NEW).]

SECTION HISTORY

PL 1993, c. 388, §8 (NEW). PL 2001, c. 300, §1 (AMD).

§275-F. Amounts payable to the Stipend Fund

(REPEALED)

SECTION HISTORY

PL 1993, c. 388, §8 (NEW). PL 1995, c. 408, §§8-10 (AMD). PL 1997, c. 528, §25 (RP).

§275-G. Amounts payable to Sire Stakes Fund

(REPEALED)

SECTION HISTORY

PL 1993, c. 388, §8 (NEW). PL 1997, c. 528, §26 (RP).

§275-H. Amounts payable to General Fund

(REPEALED)

SECTION HISTORY

PL 1993, c. 388, §8 (NEW). PL 1995, c. 408, §11 (AMD). PL 1997, c. 528, §27 (RP).

§275-I. Amounts payable to supplement purses

(REPEALED)

SECTION HISTORY

RR 1993, c. 2, §7 (COR). PL 1993, c. 388, §8 (NEW). PL 1993, c. 646, §1 (AMD). PL 1995, c. 408, §12 (AMD). PL 1997, c. 474, §4 (AMD). PL 1997, c. 474, §6 (AFF). PL 1997, c. 528, §28 (RP). PL 2007, c. 466, Pt. A, §27 (RP).

§275-J. Amounts payable to or retained by racetracks

(REPEALED)

SECTION HISTORY

PL 1993, c. 388, §8 (NEW). PL 1993, c. 646, §2 (AMD). PL 1995, c. 408, §13 (AMD). PL 1997, c. 528, §29 (RP).

§275-K. Amounts retained by off-track betting facility

(REPEALED)

SECTION HISTORY

PL 1993, c. 388, §8 (NEW). PL 1993, c. 707, §U1 (AMD). PL 1997, c. 528, §30 (RP).

§275-L. Amounts deposited in Harness Racing Promotional Fund

(REPEALED)

SECTION HISTORY

PL 1993, c. 388, §8 (NEW). PL 1997, c. 528, §31 (RP).

§275-M. Amounts payable to the State Harness Racing Commission

(REPEALED)

SECTION HISTORY

PL 1993, c. 707, §U2 (NEW). PL 1997, c. 528, §32 (RP).

§275-N. Limitations on off-track betting facilities

The commission may allow interstate simulcasting and license any off-track betting facility regardless of the number of race dates that were conducted in the State for any calendar year. Interstate simulcasting always must be allowed at any commercial track. [PL 2017, c. 231, §18 (AMD).]

SECTION HISTORY

PL 1993, c. 707, §U2 (NEW). PL 1995, c. 408, §14 (RPR). PL 1997, c. 528, §33 (AMD). PL 1999, c. 568, §1 (AMD). PL 2001, c. 320, §2 (AMD). PL 2001, c. 567, §4 (AMD). PL 2003, c. 401, §14 (AMD). PL 2015, c. 200, §2 (AMD). PL 2017, c. 231, §18 (AMD).

§275-O. Reduced payments

1. Eligible licensees. This section grants reduced payments to licensees of off-track betting facilities that were licensed and open for business before April 1, 2000 and that have a market area, as described in section 275-D, subsection 4, with a population of less than 50,000.
[PL 1999, c. 421, §2 (AMD).]

2. Reduced payments formula. For an off-track betting licensee that meets the conditions described in subsection 1, the reduction in payments due are calculated as follows.

A. For the first $40,000 of all wagers into commingled pools on interstate simulcast races in any calendar week, the amounts payable by the licensee are 20% of the amounts prescribed by the sections listed in subsection 3. [PL 1995, c. 403, §1 (NEW).]

B. For all wagers totaling over $40,000 and $80,000 or under into commingled pools on interstate simulcast races in any calendar week, the amounts payable by the licensee are 60% of the amounts prescribed by the sections listed in subsection 3. [PL 1995, c. 403, §1 (NEW).]

C. For all wagers totaling over $80,000 into commingled pools on interstate simulcast races in any calendar week, the amounts payable by the licensee are 100% of the amounts prescribed by the sections listed in subsection 3. [PL 1995, c. 403, §1 (NEW).]
[PL 1995, c. 403, §1 (NEW).]

3. Reduced payments. Notwithstanding any other provisions of law, the amounts payable to the Treasurer of State or to the State Harness Racing Commission are reduced, as prescribed in subsection 2, for the following:

A. Section 286, subsection 5, paragraph A, subparagraph (3) and paragraph B, subparagraph (3); [PL 1997, c. 528, §34 (AMD).]

B. Section 286, subsection 5, paragraph A, subparagraph (2) and paragraph B, subparagraph (2); [PL 1997, c. 528, §34 (AMD).]

C. Section 286, subsection 4, paragraph A, subparagraph (4) and paragraph B, subparagraph (4); [PL 1997, c. 528, §35 (AMD).]

D. Section 286, subsection 5, paragraph A, subparagraph (5) and paragraph B, subparagraph (5); and [PL 1997, c. 528, §35 (AMD).]

E. Section 286, subsection 4, paragraph A, subparagraph (7) and paragraph B, subparagraph (7). [PL 1997, c. 528, §36 (AMD).]

[PL 1997, c. 528, §§34-36 (AMD).]

4. Retention of commission. Any amount not required to be paid to the Treasurer of State or the State Harness Racing Commission as a result of this section is added to the amount retained by the off-track betting parlor under section 286, subsection 4, paragraph A, subparagraph (6) and paragraph B, subparagraph (6).
[PL 1997, c. 528, §37 (AMD).]

5. Repeal.
[PL 1995, c. 677, §3 (RP).]

SECTION HISTORY

PL 1995, c. 403, §1 (NEW). PL 1995, c. 677, §§1-3 (AMD). PL 1997, c. 528, §§34-37 (AMD). PL 1997, c. 542, §1 (AMD). PL 1999, c. 421, §2 (AMD).

§276. Payments

The payment under section 287 must be made not later than 7 days after each race and must be accompanied by a report under oath showing the total of all contributions to pari-mutuel pools covered by the report and other information the department may require. [PL 1997, c. 528, §38 (AMD).]

SECTION HISTORY

PL 1993, c. 388, §9 (AMD). PL 1997, c. 528, §38 (AMD).

§276-A. Unclaimed ticket money

Upon the expiration of one year after the close of any harness horse race or race meet which has sold pari-mutuel tickets, any unclaimed pari-mutuel tickets outstanding shall no longer be valid and no claim for redemption shall be entertained by the commission or the racing association which conducted the race or race meet. [PL 1979, c. 541, Pt. A, §79 (AMD).]

SECTION HISTORY

PL 1969, c. 526, §3 (NEW). PL 1979, c. 541, §A79 (AMD).

§276-B. Commercial track ceases operation; entitled to funds

Other than funds used exclusively to pay harness racing purses, a commercial track that ceases operation is entitled to distribution of all funds maintained by the State under this chapter based on the number of race days conducted by that commercial track up to and including the final race date conducted by that commercial track. Payments due from a commercial track that ceases operation to any in-state commercial track, agricultural fair or off-track wagering licensee must be made from the funds under this section prior to distribution to the commercial track that has ceased operation. [PL 2017, c. 475, Pt. A, §10 (AMD).]

SECTION HISTORY

PL 2013, c. 490, §4 (NEW). PL 2017, c. 231, §19 (AMD). PL 2017, c. 475, Pt. A, §10 (AMD).

§277. Records

Every person, association or corporation conducting a race or race meet under the provisions of this chapter shall so keep its books and records as to clearly show all financial transactions related to sections 281, 298, 299 and 300, which books and records are subject to audit at any time by the department or the Office of the State Auditor. [PL 2017, c. 231, §20 (AMD).]

SECTION HISTORY

PL 2013, c. 16, §10 (REV). PL 2017, c. 231, §20 (AMD).

§278. Minors

A minor, whether attending a race or employed in any manner on or about a racetrack, may not be permitted to participate in any pari-mutuel pool or be admitted to any pari-mutuel sales area. [PL 2023, c. 51, §2 (AMD).]

SECTION HISTORY

PL 2023, c. 51, §2 (AMD).

§279. Supervision; investigations

The commission may regulate the making of pari-mutuel pools and the distribution from pari-mutuel pools. The department may supervise and check the making of pari-mutuel pools and the distribution from pari-mutuel pools. The department may investigate as to the direct and indirect ownership and control of any licensee, and any expense incurred by the department in so doing is at the expense of such licensee or of the applicant for a license. The commission may regulate all medication administered to horses entered to race. The department may supervise the administration of medication to horses entered to a race. Supervision includes taking such specimens of body fluids as are considered proper and necessary by an employee of the department who must be a veterinarian licensed to practice veterinary medicine within the State. [PL 1997, c. 528, §39 (AMD).]

The department may investigate any suspected violation of this chapter or the rules adopted pursuant to this chapter. In connection with any such investigation, the department may conduct hearings, subpoena and examine under oath all persons, associations and corporations whose activities are subject to the jurisdiction of the department or from whom the department may need information in order to carry out the purposes of this chapter, and their officers, agents and representatives, together with their records, books and accounts. The executive director may sign subpoenas and administer oaths to witnesses. [PL 1997, c. 528, §39 (AMD).]

SECTION HISTORY

PL 1969, c. 526, §4 (AMD). PL 1985, c. 444, §5 (AMD). PL 1997, c. 528, §39 (AMD).

§279-A. Licenses, rules and regulations for participating in racing

For the purpose of enabling the commission to exercise and maintain a proper control over racing conducted under this chapter, the commission may adopt rules for the licensing, with or without fee in the discretion of the commission, of owners, trainers, drivers, grooms and all other persons participating in harness racing, including pari-mutuel employees and race officials. The commission may issue conditional licenses to owners, trainers, drivers, grooms and all other persons participating in harness racing, including pari-mutuel employees and race officials, if one or more criteria are not met as contained in the commission rules. A person issued a license as a trainer shall submit a horse for testing in accordance with section 279-E. [PL 2019, c. 283, §1 (AMD).]

The commission, in consultation with the department, shall set licensing and license renewal fees sufficient to carry out the administration and enforcement of the licensing program. These fees may not exceed $100 annually. The department shall provide public access to the harness racing statutes and rules. [PL 2019, c. 283, §1 (AMD).]

The commission may adopt rules for the conduct on the race track and grounds of owners, trainers, drivers, grooms and all other persons participating in harness racing. The rules must be reasonably necessary for any one or more of the following purposes: to protect the wagering public, to protect the State's share of pari-mutuel pools, to protect the health and welfare of spectators and participating owners, trainers, drivers, grooms and all other persons participating in harness racing, including pari-mutuel employees and race officials, and to protect the health and welfare of standardbred horses. [PL 2019, c. 283, §1 (AMD).]

The commission may adopt rules establishing allowable levels of permitted medications carried in the body of a horse while participating in races licensed by the commission. In addition, the commission

may adopt rules establishing prohibited substances that may not be present in the body of a horse while participating in races licensed by the commission. [PL 2019, c. 283, §1 (NEW).]

The District Court Judge may revoke or suspend any license for violations of this chapter or the rules. [PL 1991, c. 579, §13 (AMD); PL 1999, c. 547, Pt. B, §78 (AMD); PL 1999, c. 547, Pt. B, §80 (AFF).]

SECTION HISTORY

PL 1967, c. 212 (NEW). PL 1973, c. 303, §3 (AMD). PL 1975, c. 35 (RPR). PL 1991, c. 579, §13 (AMD). PL 1991, c. 677, §1 (AMD). PL 1997, c. 528, §40 (AMD). PL 1999, c. 482, §3 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2007, c. 611, §6 (AMD). PL 2019, c. 283, §1 (AMD).

§279-B. Fines, suspensions and revocations

To enforce the provisions of this chapter and the rules referred to in section 279-A, the commission is authorized to establish a schedule for fines for each violation of this chapter or the rules. The commission is authorized to levy a fine, after notice and hearing, for each violation of this chapter or the rules. [PL 2007, c. 611, §7 (AMD).]

The commission is further authorized to establish a schedule of suspensions of licenses and may levy suspensions for each violation of this chapter or the rules. [PL 1991, c. 579, §14 (AMD).]

The commission is further authorized to disqualify a horse, and may require the return of any purse won by the horse, if it is found to have carried in its body either a prohibited substance or an exceedance of an allowable level of a permitted medication during any race licensed by the commission. [PL 2019, c. 283, §2 (NEW).]

Any person aggrieved by any fine, disqualification, purse return or suspension imposed by the commission may seek judicial review pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375. [PL 2019, c. 283, §2 (AMD).]

1. Delegation of authority to executive director.
[PL 1991, c. 579, §15 (NEW); MRSA T. 8 §279-B, sub-§1 (RP).]

2. Delegation of authority to commission chair. The commission may delegate to the chair, by rules adopted in accordance with the Maine Administrative Procedure Act, its authority to levy fines, disqualifications, purse returns and suspensions for particular violations or classes of violations. The chair shall exercise this authority in a manner consistent with Title 5, chapter 375. Any person aggrieved by any fine, disqualification, purse return or suspension imposed by the chair may seek judicial review pursuant to the Maine Administrative Procedure Act. This subsection takes effect on July 1, 1992.
[PL 2019, c. 283, §2 (AMD).]

3. Consent agreements. The commission may execute a consent agreement that resolves a complaint or investigation without further proceedings. A consent agreement may be entered into only with the consent of the licensee, the commission and the Department of the Attorney General. Any remedy, penalty, purse return or fine that is otherwise available by law may be achieved by consent agreement, including long-term suspension and permanent revocation of a license or registration. A consent agreement is not subject to review or appeal and may be modified only by a writing executed by all parties to the original consent agreement. A consent agreement is enforceable by an action in Superior Court.
[PL 2021, c. 596, §1 (NEW).]

SECTION HISTORY

PL 1973, c. 215 (NEW). PL 1973, c. 303, §3 (AMD). PL 1975, c. 52 (RPR). PL 1975, c. 623, §5-C (AMD). PL 1977, c. 694, §153 (RPR). PL 1989, c. 203, §3 (AMD). PL 1989, c. 878, §A22

(AMD). PL 1991, c. 579, §§14,15 (AMD). PL 2007, c. 611, §7 (AMD). PL 2019, c. 283, §2 (AMD). PL 2021, c. 596, §1 (AMD).

§279-C. Officials, judges and starters; powers and duties

At all harness race meetings licensed by the commission in accordance with this chapter, qualified judges and starters, approved and licensed by the commission and employed by the licensee under section 271, shall enforce the rules and regulations of the commission as provided by sections 279-A and 279-B. [PL 1975, c. 364 (NEW).]

Such officials shall render daily written reports of the activities and conduct of such race meeting and their decisions to the commission. [PL 1975, c. 364 (NEW).]

Any person affected by the decision of such officials may request a hearing before the commission. [PL 1975, c. 364 (NEW).]

SECTION HISTORY

PL 1975, c. 364 (NEW).

§279-D. Insurance

Beginning January 1, 2004, applicants for an owner's license must provide proof of liability insurance on horses owned by the applicant in an amount not less than $300,000. Copies of that liability insurance coverage must accompany the application for an owner's license. [PL 2003, c. 401, §15 (NEW).]

SECTION HISTORY

PL 2003, c. 401, §15 (NEW).

§279-E. Trainers; duty to submit a horse for testing for use of prohibited substances

Upon request of the commission, a person who signs an application for and receives a trainer's license in accordance with this chapter and rules adopted under section 279-A shall submit a horse trained by that licensee, qualified to race and identified by the commission for the purpose of obtaining a biological sample to test for the use of prohibited substances. [PL 2017, c. 231, §21 (AMD).]

1. Obtaining a sample. Pursuant to this section, the commission may require a licensed trainer to:

A. Transport the horse to a designated site where a veterinarian employed by the commission or the department may obtain a biological sample; or [PL 2017, c. 231, §21 (AMD).]

B. Allow a veterinarian employed by the commission or the department, or a veterinarian designated by the commission and accompanied by designated department personnel, access to the premises where the horse is kept for the purpose of obtaining a biological sample. [PL 2017, c. 231, §21 (AMD).]

[PL 2017, c. 231, §21 (AMD).]

2. Rulemaking. The commission shall adopt rules establishing a procedure for obtaining biological samples and ensuring a secure chain of custody for transporting the sample to a laboratory for testing. The rules must consider travel distances and costs associated with obtaining a sample when designating a testing site and may assess a fee to defray travel costs for the veterinarian and designated department personnel. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2017, c. 231, §21 (AMD).]

3. Refusal. Refusal to comply with the commission's directives for obtaining a sample under this section is a basis for suspension of a trainer's license.

[PL 2007, c. 611, §8 (NEW).]

SECTION HISTORY

PL 2007, c. 611, §8 (NEW). PL 2017, c. 231, §21 (AMD).

§280. Use of drugs or appliances; prearrangement of results; veterinarian

1. Violation; interference with horse. A person may not intentionally or knowingly:

A. Interfere with, tamper, injure, destroy, stimulate or depress by the use of narcotics, drugs, stimulants or appliances of any kind any horse used for the purpose of racing, whether that horse is the property of that person or another; [PL 2007, c. 244, §1 (NEW).]

B. Attempt to violate paragraph A; or [PL 2007, c. 244, §1 (NEW).]

C. Cause, instigate, counsel or in any way abet the violation of paragraph A. [PL 2007, c. 244, §1 (NEW).]

[PL 2019, c. 283, §3 (AMD).]

2. Prearrange results of race; prohibited. A person may not intentionally or knowingly influence or have any understanding, arrangement or collusion with any person associated with or interested in any stable, horse, track or race in which any horse participates to prearrange the results of such a race.

[PL 2007, c. 244, §1 (NEW).]

3. Penalties. The following penalties apply to violations of this section.

A. A person who violates this section commits a Class C crime. [PL 2007, c. 244, §1 (NEW).]

B. The owner of any horse that is found to have violated this section must be denied any part of the purse offered for a race in which that horse participated, and the purse must be distributed as in the case of a disqualification. If the owner of a horse is convicted of violating this section, the court may bar the owner from racing any horses in the State for a period of one year from the date of conviction. [PL 2019, c. 283, §4 (AMD).]

[PL 2019, c. 283, §4 (AMD).]

4. Veterinarian; duties. The department is authorized to employ a veterinarian. The duties of the veterinarian include the medical and physical examination and testing of horses to ensure compliance with the statutes and advising the department of any violation of the statutes.

[PL 2007, c. 244, §1 (NEW).]

5. Investigation by State Police. The State Police may assist in investigating alleged violations of subsection 1 when:

A. The commission requests assistance; and [PL 2007, c. 611, §9 (NEW).]

B. A sample submitted for testing under rules adopted pursuant to section 279-A or 279-E yields a positive test result. [PL 2007, c. 611, §9 (NEW).]

[PL 2007, c. 611, §9 (NEW).]

SECTION HISTORY

PL 1969, c. 462 (AMD). PL 1971, c. 594, §16 (AMD). PL 1979, c. 731, §19 (AMD). PL 1991, c. 677, §2 (AMD). PL 1997, c. 528, §41 (AMD). PL 2007, c. 244, §1 (RPR). PL 2007, c. 611, §9 (AMD). PL 2019, c. 283, §§3, 4 (AMD).

§281. Standard-bred horses

The department shall encourage and promote the breeding of a strain of Maine Standardbreds and make provision to encourage donations of the same by licensees or others to persons or institutions within the State for breeding purposes. [PL 1997, c. 528, §42 (AMD).]

The commission, by rule, may define a strain of Maine Standardbred, bred or owned in the State of Maine and registered with the department in its registry book. The commission is also authorized to establish necessary fees for horses and races in the establishment of a Maine Standardbred program, the funds from which must be administered by the department by deposit in a trust account entitled Sire Stakes Fund. The fund is a dedicated, nonlapsing fund and all revenues deposited in the fund remain in the fund and must be disbursed in accordance with this section. All disbursements from the fund must be for the purposes of supplementing purses, costs of administration, including assessments and advances withdrawn in accordance with section 267-A, and any other appropriate expenses incurred by the department. A report must be submitted annually by the executive director to the commissioner setting forth an itemization of all deposits to and expenditures from the fund. [PL 2007, c. 539, Pt. G, §8 (AMD); PL 2007, c. 539, Pt. G, §15 (AFF).]

SECTION HISTORY

PL 1973, c. 788, §31-A (AMD). PL 1979, c. 731, §19 (AMD). PL 1997, c. 528, §42 (AMD). PL 1999, c. 482, §4 (AMD). PL 2007, c. 539, Pt. G, §8 (AMD). PL 2007, c. 539, Pt. G, §15 (AFF).

§281-A. Standardbred horses eligible for registration

Notwithstanding section 281, a foal resulting from insemination may be registered as a Maine Standardbred if it is the offspring of a stallion registered with the department to stand at stud in the State for the breeding season during which the insemination took place and all other registration requirements are met. [PL 2005, c. 382, Pt. D, §4 (AMD).]

SECTION HISTORY

PL 2003, c. 31, §1 (NEW). PL 2005, c. 382, §D4 (AMD).

§281-B. Registration of stallions

(REPEALED)

SECTION HISTORY

PL 2011, c. 16, §1 (NEW). MRSA T. 8 §281-B (RP).

§282. Enforcement

It is the duty of the Attorney General with the aid of the district attorneys of the several counties to enforce this chapter upon notification from the department of any violations of this chapter. [PL 1997, c. 528, §43 (AMD).]

SECTION HISTORY

PL 1973, c. 567, §20 (AMD). PL 1997, c. 528, §43 (AMD).

§283. Reciprocal disciplinary action

The department shall obtain current listings from other jurisdictions of persons in harness racing occupations regulated by the commission who have been refused a license or who have had their license revoked or suspended. The commission shall refuse to license or shall suspend the license of any person whose license is currently refused, revoked or suspended in another jurisdiction. [PL 2017, c. 231, §22 (AMD).]

SECTION HISTORY

PL 1991, c. 579, §16 (NEW). PL 1997, c. 528, §44 (AMD). PL 1999, c. 482, §5 (AMD). PL 2003, c. 401, §16 (AMD). PL 2013, c. 155, §2 (AMD). PL 2017, c. 231, §22 (AMD).

§284. Harness Racing Promotional Board

(REPEALED)

SECTION HISTORY

PL 1993, c. 388, §10 (NEW). PL 1997, c. 528, §45 (RP).

§285. Harness Racing Promotional Board

(REPEALED)

REVISOR'S NOTE: §285. Bargaining agent (As enacted by PL 1997, c. 474, §5 is REALLOCATED TO TITLE 8, SECTION 285-A)

SECTION HISTORY

PL 1997, c. 528, §46 (NEW). PL 1997, c. 735, §§7,8 (AMD). PL 2001, c. 63, §§3,4 (AMD). PL 2003, c. 401, §17 (AMD). PL 2017, c. 371, §3 (RP).

§285-A. Bargaining agent

(REALLOCATED FROM TITLE 8, SECTION 285)

(REPEALED)

SECTION HISTORY

PL 1997, c. 474, §5 (NEW). PL 1997, c. 474, §6 (AFF). PL 1997, c. 735, §6 (RAL). RR 1997, c. 2, §68 (AFF). PL 1999, c. 482, §§6-8 (AMD). MRSA T. 8 §285-A, sub-§7 (RP).

§285-B. Dispute resolution; exclusive bargaining agent and racetrack

(REPEALED)

SECTION HISTORY

PL 1999, c. 482, §9 (NEW). MRSA T. 8 §285-B, sub-§5 (RP).

§286. Calculation of distribution of commission

1. Live racing. The distribution of the commission on live racing is calculated as percentages of the handle and distributed as follows.

A. On exotic wagers:

(1) The state share is 2.248%;

(2) The Sire Stakes Fund share is 1.551%;

(3) The Stipend Fund share is 1.169%;

(4) The purse supplement share is 0.99%;

(5) The Harness Racing Promotional Fund share is 0.25%;

(6) The horse owners', trainers' and drivers' purse share is 3.315%; and

(7) The track share is 16.477%. [PL 2025, c. 390, Pt. B, §9 (AMD).]

B. On regular wagers:

(1) The state share is 0.493%;

(2) The Sire Stakes Fund share is 0.072%;

(3) The Stipend Fund share is 1.186%;

(4) The purse supplement share is 0.986%;

(5) The Harness Racing Promotional Fund share is 0.25%;

(6) The horse owners', trainers' and drivers' purse share is 0.526%; and

(7) The track share is 14.487%. [PL 2025, c. 390, Pt. B, §10 (AMD).]

[PL 2025, c. 390, Pt. B, §§9, 10 (AMD).]

2. Off-track betting facility intrastate simulcasting. The distribution of the commission on simulcasting of races originating at a racetrack in the State by an off-track betting facility is calculated as percentages of the handle and distributed as follows.

A. On exotic wagers:

(1) The state share is 2.248% for an off-track betting facility located in the same municipality as a commercial track and 2.578% for all other facilities;

(2) The Sire Stakes Fund share is 1.551%;

(3) The Stipend Fund share is 1.169%;

(4) The Harness Racing Promotional Fund share is 0.25%;

(5) The horse owners', trainers' and drivers' purse share is 7.871%;

(6) The track share is 7.922%; and

(7) The off-track betting facility share is 4.659%. [PL 2025, c. 390, Pt. B, §11 (AMD).]

B. On regular wagers:

(1) The state share is 0.493% for an off-track betting facility located in the same municipality as a commercial track and 0.823% for all other facilities;

(2) The Sire Stakes Fund share is 0.072%;

(3) The Stipend Fund share is 1.186%;

(4) The Harness Racing Promotional Fund share is 0.25%;

(5) The horse owners', trainers' and drivers' purse share is 5.062%;

(6) The track share is 7.899%; and

(7) The off-track betting facility share is 2.718%. [PL 2025, c. 390, Pt. B, §12 (AMD).]

[PL 2025, c. 390, Pt. B, §§11, 12 (AMD).]

3. Track intrastate simulcasting. The distribution of the commission on simulcasting of races originating at a racetrack in the State by another racetrack in the State is calculated as percentages of the handle and distributed as follows.

A. On exotic wagers:

(1) The state share is 2.248%;

(2) The Sire Stakes Fund share is 1.551%;

(3) The Stipend Fund share is 1.169%;

(4) The purse supplement share is 0.99%;

(5) The Harness Racing Promotional Fund share is 0.25%;

(6) The horse owners', trainers' and drivers' purse share is 4.305%; and

(7) The track share is 15.487%. [PL 2025, c. 390, Pt. B, §13 (AMD).]

B. On regular wagers:

(1) The state share is 0.493%;

(2) The Sire Stakes Fund share is 0.072%;

(3) The Stipend Fund share is 1.186%;

(4) The purse supplement share is 0.986%;

(5) The Harness Racing Promotional Fund share is 0.25%;

(6) The horse owners', trainers' and drivers' purse share is 1.512%; and

(7) The track share is 13.501%. [PL 2025, c. 390, Pt. B, §14 (AMD).]

[PL 2025, c. 390, Pt. B, §§13, 14 (AMD).]

4. Off-track betting facility interstate simulcasting with commingled pools. The distribution of the commission on simulcasting of races with commingled pools originating at a racetrack in another state by an off-track betting facility is calculated as a percentage of the commission with respect to the State's share and as percentages of the net commission with respect to all other participants' shares and is distributed as follows.

A. On exotic wagers:

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

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

(3) The Stipend Fund share is 4.494%;

(4) The purse supplement share is 16.558%;

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

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

(7) The off-track betting facility simulcast fund share is 12.951%. [PL 2015, c. 200, §3 (AMD).]

B. On regular wagers:

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

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

(3) The Stipend Fund share is 6.590%;

(4) The purse supplement share is 8.399%;

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

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

(7) The off-track betting facility simulcast fund share is 18.627%. [PL 2015, c. 200, §3 (AMD).]

[PL 2015, c. 200, §3 (AMD).]

5. Track interstate simulcasting with commingled pools. The distribution of the commission on simulcasting of races with commingled pools originating at a racetrack in another state by a racetrack in the State is calculated as percentages of the commission and distributed as follows.

A. On exotic wagers:

(1) The state share is 8.647%;

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

(3) The Stipend Fund share is 4.494%;

(4) The purse supplement share is 3.809%;

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

(6) The horse owners', trainers' and drivers' purse share is 16.558%; and

(7) The track share is 59.565%. [PL 2025, c. 390, Pt. B, §15 (AMD).]

B. On regular wagers:

(1) The state share is 2.739%;

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

(3) The Stipend Fund share is 6.590%;

(4) The purse supplement share is 5.479%;

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

(6) The horse owners', trainers' and drivers' purse share is 8.399%; and

(7) The track share is 75.004%. [PL 2025, c. 390, Pt. B, §16 (AMD).]

[PL 2025, c. 390, Pt. B, §§15, 16 (AMD).]

6. Off-track betting facility interstate simulcasting with noncommingled pools. The distribution of the commission on simulcasting of races with noncommingled pools originating at a racetrack in another state by an off-track betting facility is calculated as percentages of the handle and distributed as follows.

A. On exotic wagers:

(1) The state share is 2.248%;

(2) The Sire Stakes Fund share is 1.551%;

(3) The Stipend Fund share is 1.169%;

(4) The purse supplement share is 4.305%;

(5) The Harness Racing Promotional Fund share is 0.250%;

(6) The off-track betting facility share is 13.110%; and

(7) The off-track betting facility simulcast fund share is 3.367%. [PL 1997, c. 528, §46 (NEW).]

B. On regular wagers:

(1) The state share is 0.493%;

(2) The Sire Stakes Fund share is 0.072%;

(3) The Stipend Fund share is 1.186%;

(4) The purse supplement share is 1.512%;

(5) The Harness Racing Promotional Fund share is 0.250%;

(6) The off-track betting facility share is 11.134%; and

(7) The off-track betting facility simulcast fund share is 3.353%. [PL 1997, c. 528, §46 (NEW).]

[PL 1997, c. 528, §46 (NEW).]

7. Track interstate simulcasting with noncommingled pools. The distribution of the commission on simulcasting of races with noncommingled pools originating at a racetrack in another state by a racetrack in the State is calculated as percentages of the handle and distributed as follows.

A. On exotic wagers:

(1) The state share is 2.248%;

(2) The Sire Stakes Fund share is 1.551%;

(3) The Stipend Fund share is 1.169%;

(4) The purse supplement share is 0.990%;

(5) The Harness Racing Promotional Fund share is 0.250%;

(6) The horse owners', trainers' and drivers' purse share is 4.305%; and

(7) The track share is 15.487%. [PL 2025, c. 390, Pt. B, §17 (AMD).]

B. On regular wagers:

(1) The state share is 0.493%;

(2) The Sire Stakes Fund share is 0.072%;

(3) The Stipend Fund share is 1.186%;

(4) The purse supplement share is 0.986%;

(5) The Harness Racing Promotional Fund share is 0.250%;

(6) The horse owners', trainers' and drivers' purse share is 1.512%; and

(7) The track share is 13.501%. [PL 2025, c. 390, Pt. B, §18 (AMD).]

[PL 2025, c. 390, Pt. B, §§17, 18 (AMD).]

8. Payment from Stipend Fund. Notwithstanding any other provision of law, the amounts payable to the Stipend Fund under this section from an off-track betting facility newly licensed after January 1, 2020 must be divided among all agricultural fair licensees based upon the number of days raced in conjunction with the annual agricultural fairs of the licensees.

[PL 2019, c. 626, §12 (NEW).]

SECTION HISTORY

PL 1997, c. 528, §46 (NEW). PL 2015, c. 200, §3 (AMD). PL 2019, c. 626, §12 (AMD). PL 2025, c. 390, Pt. B, §§9-18 (AMD).

§287. Payment of state share

1. Payment. Amounts calculated as state share under section 286 must be paid to the Treasurer of State for deposit in the operating account established under section 267-A. If the total of regular and exotic wagers placed at facilities licensed under this chapter exceeds $35,000,000 for any calendar year, the portion payable to the operating account must be distributed in accordance with this section. All wagers placed at off-track betting facilities and racetracks must be included in making this calculation, including wagers made in this State to commingled pools.

[PL 2007, c. 539, Pt. G, §9 (AMD); PL 2007, c. 539, Pt. G, §15 (AFF).]

2. Commercial meet account. The Treasurer of State shall deposit in a commercial meet account 72% of the revenue credited to the operating account under this section that is attributable to amounts in excess of $35,000,000. This account must be divided in the proportion that the contributions of regular and exotic wagers of pari-mutuel pools on live racing made or conducted at the commercial meets of each licensee during the calendar year bear to the total contributions of regular and exotic wagers to pari-mutuel pools on live racing made or conducted at the commercial meets of all licensees during that calendar year. Licensees sharing in this distribution shall use 1/2 of the funds received for the purpose of supplementing purse money. The other 1/2 of this distribution must be paid to the commercial licensees as reimbursement for improvements made to their racing facilities in the calendar year during which the funds are generated or, beginning January 1, 2000, during the prior year. To receive reimbursement, commercial licensees must submit plans for the improvements to the

commission and receive approval from the commission prior to making the improvements, and the commission must verify that the approved improvements have been made.
[PL 2007, c. 539, Pt. G, §9 (AMD); PL 2007, c. 539, Pt. G, §15 (AFF).]

3. Payment to Stipend Fund. Nine percent of the revenue credited to the operating account under this section that is attributable to amounts in excess of $35,000,000 must be distributed to the Stipend Fund as provided in Title 7, section 86.
[PL 2007, c. 539, Pt. G, §9 (AMD); PL 2007, c. 539, Pt. G, §15 (AFF).]

4. Sire Stakes Fund. Nine percent of the revenue credited to the operating account under this section that is attributable to amounts in excess of $35,000,000 must be paid to the commission to be credited to the Sire Stakes Fund as provided in section 281.
[PL 2007, c. 539, Pt. G, §9 (AMD); PL 2007, c. 539, Pt. G, §15 (AFF).]

5. Definition. For the purposes of this section, "improvements" means the amount paid out for new buildings or for permanent improvements made to improve the facilities utilized by the licensee for conducting its racing meetings; or the amount expended in restoring property or in improving the facility or any part of the facility that results in the addition, replacement or substantial enhancement or restoration of a fixed asset or of a movable asset that is important to efficient operation of the racing meetings. In general, the amounts referred to as improvements include amounts paid that add to the value, improve or substantially prolong the useful life of the racetrack and moveable assets utilized by the licensee for conducting its racing meetings. Amounts paid or incurred for routine repairs and maintenance of property, interest expense or lease payments in connection with the capital improvements are not improvements within the meaning of this section. In order to qualify as an improvement, a substantial enhancement or restoration of an asset must cost at least $2,000 and must be an expenditure that would qualify for depreciation under the United States Internal Revenue Code. A moveable asset may be considered important to the efficient operation of a race meeting if the asset will remain at the commercial track or at the offices of the licensee throughout its use and if that asset is directly associated with running races, accommodating patrons of the race meet, conducting pari-mutuel wagering or paying purses.
[PL 1999, c. 622, §1 (AMD).]

6. Timing of payment. Payment under this section must be made no later than 7 days after each race and must be accompanied by a report under oath showing the total of all contributions to pari-mutuel pools covered by the report and other information the commission requires.
[PL 1997, c. 528, §46 (NEW).]

7. Interim payments to commercial tracks. If during the course of any calendar year the commission finds that wagers placed at facilities licensed under this chapter for the year are likely to exceed $35,000,000, it may, if reasonably necessary for improvements to be effected expeditiously, direct the Treasurer of State to make interim payments to a commercial track in amounts as the commission finds the commercial track is likely to be entitled to receive under this section. If a commercial track receives interim payments under this subsection that exceed the total amount the commercial track is entitled to receive for the calendar year, the Treasurer of State shall reimburse the operating account for this excess by retaining money otherwise due to that commercial track pursuant to section 295.
[PL 2007, c. 539, Pt. G, §9 (AMD); PL 2007, c. 539, Pt. G, §15 (AFF).]

SECTION HISTORY

PL 1997, c. 528, §46 (NEW). PL 1999, c. 622, §§1,2 (AMD). PL 2005, c. 563, §6 (AMD). PL 2007, c. 539, Pt. G, §9 (AMD). PL 2007, c. 539, Pt. G, §15 (AFF).

§288. Payment to Sire Stakes Fund share

Amounts calculated as Sire Stakes Fund share under section 286 must be paid to the Treasurer of State for deposit in the Sire Stakes Fund for use as provided in section 281. [RR 2019, c. 1, Pt. A, §10 (COR).]

SECTION HISTORY

PL 1997, c. 528, §46 (NEW). RR 2019, c. 1, Pt. A, §10 (COR).

§289. Payment to Stipend Fund share

1. Initial distribution to Stipend Fund. The Treasurer of State shall credit .189% of the commission on regular wagers made to interstate commingled pools, .402% of the commission on exotic wagers made to interstate commingled pools, 0.72% of the regular wagers made to all other pools and 0.49% of the exotic wagers made to all other pools to the Stipend Fund as provided in Title 7, section 86 and shall distribute the balance as provided in subsection 2.
[PL 2005, c. 563, §7 (AMD).]

2. Extended meet account. The Treasurer of State shall distribute the balance of the amount calculated as Stipend Fund share as follows.

A. The first $400,000 of the total amount, regardless of when actually collected, must be credited to the Stipend Fund as provided in Title 7, section 86. [PL 2005, c. 563, §7 (AMD).]

B. From the balance of the total amount in excess of $400,000, regardless of when actually collected, 80% must be paid and returned no later than 30 days after the end of the calendar year to those persons, associations and corporations that during that calendar year conducted an extended meet pursuant to a license granted by the commission in section 271. This payment must be divided in the proportion that the contributions of regular and exotic wagers to pari-mutuel pools on live racing made or conducted at the extended meets of each racing licensee during that calendar year bear to the total contributions of regular and exotic wagers to pari-mutuel pools on live racing made or conducted at the extended meets of all racing licensees during that calendar year.

Licensees sharing in this distribution shall use 1/2 of the funds so received for the purpose of supplementing the purse money. [PL 1997, c. 528, §46 (NEW).]

C. The remaining 20% of the total amount in excess of $400,000 must be credited to the Stipend Fund as provided in Title 7, section 86. [PL 2005, c. 563, §7 (AMD).]
[PL 2005, c. 563, §7 (AMD).]

SECTION HISTORY

PL 1997, c. 528, §46 (NEW). PL 2005, c. 563, §7 (AMD).

§290. Purse supplement

1. Payment. Amounts received pursuant to section 1218, subsection 1, paragraph C and amounts calculated as purse supplement share under section 286 must be paid to the commission for distribution as provided in subsection 2.
[PL 2021, c. 681, Pt. J, §3 (AMD).]

2. Distribution. On May 30th, September 30th and January 30th, amounts received under subsection 1 for distribution in accordance with this subsection must be divided among the licensees conducting live racing in the State. The amount of the payment made to a licensee is calculated by multiplying the amount of money available for distribution by a fraction, the numerator of which is the number of race dates on which that licensee conducted live racing in any calendar year and the denominator of which is the total number of race dates on which all licensees conducted live racing in that year. Beginning January 30, 1997, the January 30th payment must be adjusted to reflect the dates when live racing was actually conducted during the previous year, not the dates granted.
[PL 2021, c. 681, Pt. J, §3 (AMD).]

SECTION HISTORY

PL 1997, c. 528, §46 (NEW). PL 2021, c. 681, Pt. J, §3 (AMD).

§291. Harness Racing Promotional Fund share

Amounts calculated as Harness Racing Promotional Fund share under section 286 must be paid to the Treasurer of State for deposit in the Harness Racing Promotional Fund for use as provided in section 299-A. [PL 2017, c. 371, §4 (AMD).]

SECTION HISTORY

PL 1997, c. 528, §46 (NEW). PL 2017, c. 371, §4 (AMD).

§292. Horse owners', trainers' and drivers' purse share

Amounts calculated as horse owners', trainers' and drivers' purse share under section 286 must be retained by the licensee to supplement purse money at the track where the wager was placed, except that, for wagers placed at a racetrack in the State on a simulcast race conducted at another racetrack in the State, 1.512% of the regular wagers and 4.305% of the exotic wagers must be sent to the track in the State where the harness race was conducted. [PL 2025, c. 390, Pt. B, §19 (AMD).]

SECTION HISTORY

PL 1997, c. 528, §46 (NEW). PL 2001, c. 300, §§2,3 (AMD). PL 2025, c. 390, Pt. B, §19 (AMD).

§293. Track share

Amounts calculated as track share under section 286 must be retained by the track where the wager was placed. [PL 1997, c. 528, §46 (NEW).]

SECTION HISTORY

PL 1997, c. 528, §46 (NEW).

§294. Off-track betting facility share

1. Payment. Amounts calculated as off-track betting facility share under section 286 must be retained by the off-track betting facility where the wager was placed.
[PL 1997, c. 528, §46 (NEW).]

2. No restrictions. This chapter does not prohibit an off-track betting facility from entering into a contract or otherwise arranging to share with any other person or entity a portion of the wagers to which it is entitled under this section.
[PL 1997, c. 528, §46 (NEW).]

SECTION HISTORY

PL 1997, c. 528, §46 (NEW).

§295. Off-track betting facility simulcast fund share

1. Payment. Amounts calculated as off-track betting facility simulcast fund share under section 286 must be paid to the commission for distribution as provided in subsection 2.
[RR 2009, c. 2, §7 (COR).]

2. Distribution. On May 30th, September 30th and within 30 days after the close of all off-track betting facilities for the year, amounts payable under subsection 1 for distribution in accordance with this subsection must be distributed to all commercial tracks that have provided simulcast transmission of live racing in the State on any date and to those agricultural fair associations that have provided simulcast transmission of live racing in the State on the dates assigned by the commissioner pursuant to Title 7, section 84. Distribution must be in the proportion that the amount of exotic wagers placed

at off-track betting facilities on simulcast races from each licensee up to the last day of the preceding month bears to the total amount of exotic wagers at off-track betting facilities on races simulcast from all commercial racetracks and agricultural fair associations up to that date. The last payment of the calendar year must be adjusted to reflect each licensee's exotic wagers in proportion to the total of the exotic wagers at off-track betting facilities in that calendar year.
[PL 2005, c. 563, §8 (AMD).]

SECTION HISTORY

PL 1997, c. 528, §46 (NEW). PL 2001, c. 567, §5 (AMD). PL 2005, c. 563, §8 (AMD). RR 2009, c. 2, §7 (COR).

§296. Fund to supplement harness racing purses

(REPEALED)

SECTION HISTORY

IB 2003, c. 1, §4 (NEW). PL 2003, c. 687, §B4 (RP). PL 2003, c. 687, §B11 (AFF).

§297. Working capital advance

(REPEALED)

SECTION HISTORY

IB 2003, c. 1, §4 (NEW). PL 2003, c. 687, §B4 (RP). PL 2003, c. 687, §B11 (AFF).

§298. Fund to supplement harness racing purses

1. Fund created. A fund is established to supplement harness racing purses to which the commission shall credit all payments received pursuant to section 1036, subsection 2, paragraph B for distribution in accordance with this section. The fund is a dedicated, nonlapsing fund, and all revenues deposited in the fund remain in the fund and must be disbursed in accordance with this section, except that assessments and advances may be withdrawn in accordance with section 267-A. The commission shall distribute in accordance with this section amounts credited to the fund.
[PL 2007, c. 539, Pt. G, §10 (AMD); PL 2007, c. 539, Pt. G, §15 (AFF).]

2. Distribution.
[PL 2007, c. 183, §1 (RPR); PL 2007, c. 183, §3 (AFF); MRSA T. 8 §298, sub-§2 (RP).]

2-A. Distribution. On April 30th, July 30th, October 30th and January 30th of each year, all amounts credited to the fund established by this section as of the last day of the preceding month and not distributed before that day must be distributed to each commercial track, as defined in section 275-A, subsection 1, to each agricultural fair licensee that conducts live racing on fair dates assigned by the commissioner pursuant to Title 7, section 84, to each agricultural fair licensee that conducts an extended meet as long as that licensee conducted an extended meet in 2005 and to each agricultural fair licensee awarded live race dates by the commission upon closure of an existing commercial track that is not replaced, with each commercial track and each agricultural fair licensee receiving an amount of money determined by multiplying the amount of money available for distribution by a fraction, the numerator of which is the total number of live race dashes assigned to the commercial track or agricultural fair licensee for the year and the denominator of which is the total number of race dashes assigned to all commercial tracks and agricultural fair licensees for the year. The payment in January must be adjusted so that for the prior year each commercial track or agricultural fair licensee entitled to a distribution receives that portion of the total money distributed for the full year from the fund established by this section that is determined by multiplying the total amount of money by a fraction, the numerator of which is the number of live race dashes conducted by the commercial track or agricultural fair licensee during the calendar year that qualify for a distribution and the denominator of which is the total number of race dashes conducted during that calendar year that qualify for a

distribution. For purposes of this subsection, a race dash qualifies for distribution if the dash was conducted by a commercial track or by an agricultural fair licensee on dates assigned under Title 7, section 84 or during an extended meet. The funds distributed pursuant to this subsection must be used to supplement harness racing purses.

This subsection takes effect December 31, 2009.
[PL 2019, c. 626, §13 (AMD).]

3. Rules. The commission may adopt rules to enforce the obligation of licensees to use funds distributed under this section to supplement harness racing purses and to require licensees to account for funds. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.
[PL 2003, c. 687, Pt. A, §3 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

SECTION HISTORY

PL 2003, c. 687, §A3 (NEW). PL 2003, c. 687, §B11 (AFF). PL 2005, c. 563, §9 (AMD). PL 2005, c. 576, §1 (AMD). PL 2007, c. 183, §§1, 2 (AMD). PL 2007, c. 183, §3 (AMD). PL 2007, c. 539, Pt. G, §10 (AMD). PL 2007, c. 539, Pt. G, §15 (AFF). PL 2019, c. 626, §13 (AMD).

§299. Fund to Encourage Racing at Maine's Commercial Tracks

1. Fund created. The Fund to Encourage Racing at Maine's Commercial Tracks is established to provide revenues to Maine's commercial tracks. The fund is a dedicated, nonlapsing fund. All revenues deposited in the fund remain in the fund and must be disbursed in accordance with this section, except that assessments and advances may be withdrawn in accordance with section 267-A.
[PL 2007, c. 539, Pt. G, §11 (AMD); PL 2007, c. 539, Pt. G, §15 (AFF).]

2. Distribution. On July 30th and January 30th, all amounts credited to the fund established by this section as of the last day of the preceding month and not distributed before that day must be distributed to each commercial track licensed under section 271 within 30 days, with each track receiving that amount of the money available for distribution determined by multiplying that amount times a fraction, the numerator of which is the total number of race day credits awarded to the commercial track during the preceding time period and the denominator of which is the total number of race day credits awarded for all commercial tracks licensed under section 271 during that time period. The payment in January must be adjusted so that for the prior 2 time periods each commercial track receives that fraction of the total money distributed over the full year from the fund established by this section, the amount determined by multiplying the total amount of money times a fraction, the numerator of which is the number of live race day credits actually earned by the commercial track during the calendar year and the denominator of which is the total number of race day credits actually earned by all commercial tracks licensed under section 271 during that calendar year.
[PL 2017, c. 231, §23 (AMD).]

3. Track closure distribution. Notwithstanding subsection 2, if a commercial track ceases operation and is not immediately replaced by a commercial track in the same region that is owned by the same owner as the commercial track that ceased operation, all amounts credited to the fund established by this section must be disbursed to the remaining commercial tracks and to agricultural fair licensees that conduct live racing based on days raced during extended meets up to a maximum of 100 days raced during extended meets per year and until such time as a new commercial track begins operation. If a commercial track ceases operation, the commission may vary from the distribution schedule set forth in subsection 2 to facilitate racing at other licensed tracks in the State. The payment to a commercial track or agricultural fair is determined pursuant to subsections 2 and 5, with agricultural fair licenses conducting live racing during extended meets receiving race day credits as determined in subsection 5 in a similar manner as commercial race tracks receive race day credits. An agricultural fair must receive its payment no later than May 30th before extended meets are held based on assigned dates for extended meets for that agricultural fair. An adjustment must be made no later than the

January 30th following the extended meets that results in payment to an agricultural fair based on days actually raced during extended meets by that agricultural fair. Any amount remaining in the fund on January 30th after payments are made to commercial tracks and agricultural fairs must be transferred to the operating account of the commission under section 267-A.

For the purposes of this subsection, "region" is determined by measuring a distance of 50 miles from the center of the racing track along the most commonly used roadway, as determined by the Department of Transportation, drawing a circle around the center of the racing track using that 50-mile measurement and excluding those municipalities or unorganized territories that do not have boundaries contained entirely by that circle.
[PL 2017, c. 231, §24 (AMD).]

4. Natural disaster exception. If the commission determines that a commercial track is unable to conduct harness racing due to a natural disaster and that the commercial track licensee cannot immediately relocate to another venue, the commercial track licensee may be allowed up to 6 months to repair, rebuild or relocate at the discretion of the commission and, if the commercial track licensee repairs, rebuilds or relocates within the time frame allowed, the commission may authorize the commercial track licensee to again receive distributions in accordance with subsection 2. If the commercial track licensee is unable to repair, rebuild or relocate during this 6-month time frame due to circumstances that are determined by the commission to be outside of the control of the commercial track licensee, the commission may grant a reasonable extension beyond 6 months. During any time that is granted by the commission under this subsection to the commercial track licensee in order to repair, rebuild or relocate, the distribution formula established under subsection 3 must be in effect.
[PL 2015, c. 493, §3 (NEW).]

5. Race day credits. For the purposes of this section, race day credits are awarded as follows:

A. One race day credit is earned for each day actually raced; [PL 2017, c. 231, §25 (NEW).]

B. One additional race day credit is earned for each day raced when no other association licensed under section 271 is scheduled to race; and [PL 2017, c. 231, §25 (NEW).]

C. One additional race day credit is earned for each day raced during the months of March and December. A maximum of 16 race day credits may be awarded per commercial track for the month of March and a maximum of 16 race day credits may be awarded per commercial track for the month of December. [PL 2019, c. 626, §14 (AMD).]
[PL 2019, c. 626, §14 (AMD).]

SECTION HISTORY

PL 2003, c. 687, §A4 (NEW). PL 2003, c. 687, §B11 (AFF). PL 2007, c. 539, Pt. G, §11 (AMD). PL 2007, c. 539, Pt. G, §15 (AFF). PL 2015, c. 493, §3 (AMD). PL 2017, c. 231, §§23-25 (AMD). PL 2019, c. 626, §14 (AMD).

§299-A. Harness Racing Promotional Fund

1. Fund created. The Harness Racing Promotional Fund, referred to in this section as "the fund," is established to be used solely for the marketing and promotion of harness racing in the State. The fund consists of any money received through the commission on wagers pursuant to section 286 and any contributions, grants or appropriations from private and public sources. The fund, to be accounted for within the commission, must be held separate and apart from all other money, funds and accounts. Any balance remaining in the fund at the end of a fiscal year does not lapse but must be carried forward to the next fiscal year. The fund may not be charged for indirect costs under a departmental indirect cost allocation plan.
[PL 2019, c. 626, §15 (AMD).]

2. Expenditures. The commission shall administer the fund consistent with the purposes of this section.
[PL 2017, c. 371, §5 (NEW).]

SECTION HISTORY

PL 2017, c. 371, §5 (NEW). PL 2019, c. 343, Pt. U, §1 (AMD). PL 2019, c. 626, §15 (AMD).

§300. Fund to Stabilize Off-track Betting Facilities

1. Fund created. The Fund to Stabilize Off-track Betting Facilities is established to provide revenues to those off-track betting facilities licensed and in operation in the State. The fund is a dedicated, nonlapsing fund. All revenues deposited in the fund remain in the fund and must be disbursed in accordance with this section, except that assessments and advances may be withdrawn in accordance with section 267-A.
[PL 2023, c. 586, §1 (AMD).]

2. Distribution. On May 30th, September 30th and January 30th, all amounts credited to the fund established by this section as of the last day of the preceding month and not distributed before that day must be distributed to each of the State's off-track betting facilities licensed and in operation as of the date of the distribution. Distributions must be made in equal amounts to each off-track betting facility in operation as of the date of the distribution.
[PL 2023, c. 586, §2 (AMD).]

SECTION HISTORY

PL 2003, c. 687, §A4 (NEW). PL 2003, c. 687, §B11 (AFF). PL 2007, c. 539, Pt. G, §12 (AMD). PL 2007, c. 539, Pt. G, §15 (AFF). PL 2023, c. 586, §§1, 2 (AMD).

§300-A. Illegal wagering

1. Illegal wagering on horse races. A person is liable for the damages specified in this section if that person accepts a wager from a person located within this State and:

A. A license is required under this chapter to accept the wager; and [PL 2005, c. 683, Pt. C, §3 (NEW).]

B. The person who accepts the wager is not licensed to do so under this chapter. [PL 2005, c. 683, Pt. C, §3 (NEW).]
[PL 2005, c. 683, Pt. C, §3 (AMD).]

2. Right of action. A commercial licensee under section 271 may bring an action in Superior Court against a person who has accepted an illegal wager described in subsection 1. The court shall award damages to the prevailing plaintiff and the commission, as provided in subsection 4, in an amount equal to 25% of the monetary amount of illegal wagers accepted, including illegal wagers accepted as described in subsection 1, plus reasonable attorney's fees and costs.
[PL 2005, c. 304, §1 (NEW).]

3. Punitive damages. If a person accepting an illegal wager described in subsection 1 has been advised in writing of the provisions of this section either by the Attorney General or by a commercial track licensed under this chapter before accepting any such wager, then the person accepting the illegal wager, in addition to all other damages authorized under this section, is liable in an amount of up to 4 times the damages awarded under subsection 2 that the court determines are appropriate given the willfulness of the violation, any mitigating circumstances, any efforts by the person who accepted the wager to comply with Maine law, the need to deter acceptance of illegal wagers and all other relevant circumstances.
[PL 2005, c. 304, §1 (NEW).]

4. Distribution of damages. Damages awarded under this section must be distributed as follows.

A. Reasonable costs of bringing the action, including reasonable attorney's fees and costs, must be paid to the plaintiff. [PL 2005, c. 304, §1 (NEW).]

B. All other damages awarded must be paid to the commission. The commission shall distribute the damages it receives as follows:

(1) One fourth must be deposited to the extended meet account established under section 289, subsection 2;

(2) One fourth must be deposited to the fund to supplement harness racing purses established under section 298;

(3) One fourth must be deposited to the Fund to Encourage Racing at Maine's Commercial Tracks, established under section 299; and

(4) One fourth must be deposited to the Fund to Stabilize Off-track Betting Facilities, established under section 300. [PL 2005, c. 304, §1 (NEW).]

[PL 2005, c. 304, §1 (NEW).]

SECTION HISTORY

PL 2005, c. 304, §1 (NEW). PL 2005, c. 683, §C3 (AMD).

§300-B. Interception of pari-mutuel winnings to pay child support debt

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

A. "Child support debt" means child support debt that has been liquidated by judicial or administrative action. [PL 2013, c. 255, §1 (NEW).]

B. "Department" means the Department of Health and Human Services. [PL 2013, c. 255, §1 (NEW).]

C. "Registry operator" means the department or an entity with whom the department enters into a contract to maintain the registry pursuant to subsection 3. [PL 2013, c. 255, §1 (NEW).]

[PL 2013, c. 255, §1 (NEW).]

2. Interception. A licensee shall intercept pari-mutuel winnings to pay child support debt in accordance with this section.

[PL 2013, c. 255, §1 (NEW).]

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

A. The name and social security number of each individual with outstanding child support debt; [PL 2013, c. 255, §1 (NEW).]

B. The account number or identifier assigned by the department to the outstanding child support debt; [PL 2013, c. 255, §1 (NEW).]

C. The amount of the outstanding child support debt; and [PL 2013, c. 255, §1 (NEW).]

D. Any other information necessary to effectuate the purposes of this section. [PL 2013, c. 255, §1 (NEW).]

[PL 2013, c. 255, §1 (NEW).]

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

A. Before making a payout on a winning wager of an amount equal to or greater than the amount for which the licensee is required to file a Form W-2G or substantially equivalent form with the United States Internal Revenue Service, the licensee shall obtain the name, address, date of birth and social security number of the individual who placed the winning wager and shall electronically submit this information to the registry operator. [PL 2013, c. 255, §1 (NEW).]

B. Upon receipt of information pursuant to paragraph A, the registry operator shall electronically inform the licensee whether the individual who placed the winning wager is listed in the registry. If the individual is listed in the registry, the registry operator shall inform the licensee of the amount of the individual's outstanding child support debt and the account number or identifier assigned to the outstanding child support debt and shall provide the licensee with a notice of withholding that informs the individual of the right to an administrative hearing. [PL 2013, c. 255, §1 (NEW).]

C. If the registry operator informs the licensee that the individual who placed a winning wager is not listed in the registry or if the licensee is unable to obtain information from the registry operator on a real-time basis after attempting in good faith to do so, the licensee may make payment to the individual. [PL 2013, c. 255, §1 (NEW).]

D. If the registry operator informs the licensee that the individual who placed a winning wager is listed in the registry, the licensee may not make payment to the individual unless the amount of the payout exceeds the amount of outstanding child support debt, in which case the licensee may make payment to the individual of the amount of winnings that is in excess of the amount of the individual's outstanding child support debt. [PL 2013, c. 255, §1 (NEW).]

[PL 2013, c. 255, §1 (NEW).]

5. Lien against winnings. If the registry operator informs a licensee pursuant to this section that an individual who placed a winning wager is listed in the registry, the department has a valid lien upon and claim of lien against the payout on the winning wager in the amount of the individual's outstanding child support debt.

[PL 2013, c. 255, §1 (NEW).]

6. Withholding of winnings. The licensee shall withhold from any payout on a winning wager an amount equal to the amount of the lien created under subsection 5 and shall provide a notice of withholding to the individual who placed the winning wager. Within 7 days after withholding an amount pursuant to this subsection, the licensee shall transmit the amount withheld to the department together with a report of the name, address and social security number of the individual from whom payment was withheld, the account number or identifier assigned to the debt, the amount withheld, the date of withholding and the name and location of the licensee.

[PL 2013, c. 255, §1 (NEW).]

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

[PL 2013, c. 255, §1 (NEW).]

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

[PL 2013, c. 255, §1 (NEW).]

9. Authorization to provide information. Notwithstanding any other provision of law to the contrary, the licensee may provide to the department or registry operator any information necessary to effectuate the intent of this section. The department or registry operator may provide to the licensee any information necessary to effectuate the intent of this section.

[PL 2013, c. 255, §1 (NEW).]

10. Confidentiality of information. The information obtained by the department or registry operator from a licensee pursuant to this section and the information obtained by the licensee from the department or registry operator pursuant to this section are confidential and may be used only for the purposes set forth in this section. An employee or prior employee of the department, the registry operator or a licensee who knowingly or intentionally discloses any such information commits a civil violation for which a fine not to exceed $1,000 may be adjudged.
[PL 2013, c. 255, §1 (NEW).]

11. Effect of compliance; noncompliance. A licensee, the department and the registry operator are not liable for any action taken in good faith to comply with this section. A licensee who fails to make a good faith effort to obtain information from the registry operator or who fails to withhold and transmit the amount of the lien created under subsection 5 is liable to the department for the greater of $500 and the amount the licensee is required to withhold and transmit to the department under this section, together with costs, interest and reasonable attorney's fees.
[PL 2013, c. 255, §1 (NEW).]

12. Exemption for agricultural fairs. This section does not apply to payouts on winning wagers placed on races conducted at agricultural fairs.
[PL 2013, c. 255, §1 (NEW).]

13. Biennial review. The department shall report to the Legislature and the Governor on or before January 31, 2015 and biennially thereafter on:

A. The number of names of individuals submitted by licensees to the registry operator pursuant to this section in each of the preceding 2 calendar years; [PL 2013, c. 255, §1 (NEW).]

B. The number of individuals who were found to be listed in the registry in each of the preceding 2 calendar years; [PL 2013, c. 255, §1 (NEW).]

C. The amount of winnings withheld by licensees pursuant to this section in each of the preceding 2 calendar years; and [PL 2013, c. 255, §1 (NEW).]

D. The amount of withheld winnings refunded to individuals as the result of administrative hearings requested pursuant to this section in each of the preceding 2 calendar years. [PL 2013, c. 255, §1 (NEW).]

[PL 2013, c. 255, §1 (NEW).]

SECTION HISTORY

PL 2013, c. 255, §1 (NEW).

CHAPTER 12

GREYHOUND RACING

§301. Prohibition

A person may not hold, conduct or operate greyhound racing for public exhibition. A person may not transmit or receive interstate simulcasting of greyhound racing for commercial purposes. [PL 1993, c. 44, §1 (NEW).]

SECTION HISTORY

PL 1993, c. 44, §1 (NEW).

§302. Penalty

A person who violates this chapter is subject to a civil penalty of not less than $7,500 payable to the State. [PL 1993, c. 44, §1 (NEW).]

SECTION HISTORY

PL 1993, c. 44, §1 (NEW).

CHAPTER 13

HORSE RACING

(REPEALED)

§321. Commission

(REPEALED)

SECTION HISTORY

PL 1975, c. 771, §104 (AMD). PL 1983, c. 812, §57 (AMD). PL 1987, c. 395, §A33 (RP).

§322. Offices

(REPEALED)

SECTION HISTORY

PL 1987, c. 395, §A33 (RP).

§323. Assistants

(REPEALED)

SECTION HISTORY

PL 1973, c. 585, §2 (RPR). PL 1983, c. 553, §46 (AMD). PL 1985, c. 785, §B51 (AMD). PL 1987, c. 395, §A33 (RP).

§324. Compensation

(REPEALED)

SECTION HISTORY

PL 1973, c. 345 (RP).

§325. Reports

(REPEALED)

SECTION HISTORY

PL 1987, c. 395, §A33 (RP).

§326. Rules and regulations

(REPEALED)

SECTION HISTORY

PL 1969, c. 385 (AMD). PL 1987, c. 395, §A33 (RP).

§327. Races

(REPEALED)

SECTION HISTORY

PL 1987, c. 395, §A33 (RP).

§328. Licenses

(REPEALED)

SECTION HISTORY

PL 1987, c. 395, §A33 (RP).

§329. Issuance of licenses

(REPEALED)

SECTION HISTORY

PL 1969, c. 218, §2 (AMD). PL 1981, c. 470, §A12 (AMD). PL 1987, c. 395, §A33 (RP). PL 1987, c. 402, §A82 (AMD). PL 1987, c. 769, §A36 (AMD).

§330. Bonds

(REPEALED)

SECTION HISTORY

PL 1987, c. 395, §A33 (RP).

§331. Penalties

(REPEALED)

SECTION HISTORY

PL 1987, c. 395, §A33 (RP).

§332. Malicious interference with horses

(REPEALED)

SECTION HISTORY

PL 1987, c. 395, §A33 (RP).

§333. Pari-mutuel pools

(REPEALED)

SECTION HISTORY

PL 1965, c. 511, §2 (AMD). PL 1971, c. 433, §2 (AMD). PL 1987, c. 395, §A33 (RP).

§334. Taxes

(REPEALED)

SECTION HISTORY

PL 1987, c. 395, §A33 (RP).

§335. Payments

(REPEALED)

SECTION HISTORY

PL 1987, c. 395, §A33 (RP).

§336. Unclaimed ticket money

(REPEALED)

SECTION HISTORY

PL 1987, c. 395, §A33 (RP).

§337. Records

(REPEALED)

SECTION HISTORY

PL 1987, c. 395, §A33 (RP).

§338. Minors

(REPEALED)

SECTION HISTORY

PL 1987, c. 395, §A33 (RP).

§339. Employees

(REPEALED)

SECTION HISTORY

PL 1987, c. 395, §A33 (RP).

§340. Supervision

(REPEALED)

SECTION HISTORY

PL 1987, c. 395, §A33 (RP).

§341. Horse owner's license; fees; revocation

(REPEALED)

SECTION HISTORY

PL 1987, c. 395, §A33 (RP).

§342. Enforcement

(REPEALED)

SECTION HISTORY

PL 1979, c. 541, §A80 (AMD). PL 1987, c. 395, §A33 (RP).

CHAPTER 14

LOTTERY

(REPEALED)

§350. State Lottery Bureau

(REPEALED)

SECTION HISTORY

PL 1985, c. 785, §A86 (NEW). PL 1985, c. 819, §A8 (AMD). PL 1987, c. 505, §1 (RP).

§351. State Lottery Commission

(REPEALED)

SECTION HISTORY

PL 1973, c. 570, §1 (NEW). PL 1975, c. 394, §1 (AMD). PL 1975, c. 771, §105 (AMD). PL 1983, c. 205 (AMD). PL 1983, c. 812, §§58,59 (AMD). PL 1985, c. 72, §1 (AMD). PL 1987, c. 505, §1 (RP).

§352. Director of State Lotteries

(REPEALED)

SECTION HISTORY

PL 1973, c. 570, §1 (NEW). PL 1975, c. 394, §2 (AMD). PL 1975, c. 771, §106 (AMD). PL 1985, c. 72, §2 (AMD). PL 1987, c. 505, §1 (RP).

§353. Commission; powers and duties

(REPEALED)

SECTION HISTORY

PL 1973, c. 570, §1 (NEW). PL 1973, c. 788, §32 (AMD). PL 1975, c. 394, §§3-4 (AMD). PL 1977, c. 158 (AMD). PL 1977, c. 694, §154 (AMD). PL 1987, c. 505, §1 (RP).

§354. Director; powers and duties

(REPEALED)

SECTION HISTORY

PL 1973, c. 570, §1 (NEW). PL 1975, c. 771, §107 (AMD). PL 1977, c. 674, §10 (AMD). PL 1977, c. 694, §155 (AMD). PL 1985, c. 785, §B52 (AMD). PL 1987, c. 505, §1 (RP).

§355. Lottery sales agent; licensing

(REPEALED)

SECTION HISTORY

PL 1973, c. 570, §1 (NEW). PL 1975, c. 394, §5 (AMD). PL 1987, c. 505, §1 (RP).

§356. -- authority to act

(REPEALED)

SECTION HISTORY

PL 1973, c. 570, §1 (NEW). PL 1987, c. 505, §1 (RP).

§357. Assignment of prizes

(REPEALED)

SECTION HISTORY

PL 1973, c. 570, §1 (NEW). PL 1987, c. 505, §1 (RP).

§358. Sales above fixed price; unlincensed sales; gifts

(REPEALED)

SECTION HISTORY

PL 1973, c. 570, §1 (NEW). PL 1987, c. 505, §1 (RP).

§359. Sales to person under 18 years; gifts

(REPEALED)

SECTION HISTORY

PL 1973, c. 570, §1 (NEW). PL 1987, c. 505, §1 (RP).

§360. Persons prohibited from purchasing tickets or shares

(REPEALED)

SECTION HISTORY

PL 1973, c. 570, §1 (NEW). PL 1987, c. 402, §A83 (AMD). PL 1987, c. 505, §1 (RP). PL 1987, c. 769, §A37 (RP).

§361. Unclaimed prize money

(REPEALED)

SECTION HISTORY

PL 1973, c. 570, §1 (NEW). PL 1975, c. 395 (AMD). PL 1987, c. 505, §1 (RP).

§362. Deposit of receipts; reports

(REPEALED)

SECTION HISTORY

PL 1973, c. 570, §§1,4 (NEW). PL 1987, c. 505, §1 (RP).

§363. Other laws; applicability

(REPEALED)

SECTION HISTORY

PL 1973, c. 570, §§1,4 (NEW). PL 1987, c. 505, §1 (RP).

§364. Persons under 18 years; payment of prizes

(REPEALED)

SECTION HISTORY

PL 1973, c. 570, §§1,4 (NEW). PL 1987, c. 505, §1 (RP).

§365. State Lottery Fund; creation

(REPEALED)

SECTION HISTORY

PL 1973, c. 570, §§1,4 (NEW). PL 1987, c. 505, §1 (RP).

§366. State Lottery Fund; appropriation of moneys

(REPEALED)

SECTION HISTORY

PL 1973, c. 570, §§1,4 (NEW). PL 1975, c. 394, §§6-7 (AMD). PL 1987, c. 505, §1 (RP).

§367. Maine state income tax; prizes exempt

(REPEALED)

SECTION HISTORY

PL 1973, c. 570, §1 (NEW). PL 1987, c. 343, §1 (RP). PL 1987, c. 505, §1 (RP).

CHAPTER 14-A

LOTTERY

§371. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings. [PL 1987, c. 505, §2 (NEW).]

1. Bureau. "Bureau" means the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services to carry out the purposes of this chapter.
[PL 1991, c. 780, Pt. Y, §107 (AMD).]

2. Commission. "Commission" means the State Liquor and Lottery Commission established in Title 5, section 283-A.
[PL 1997, c. 373, §5 (AMD).]

3. Commissioner. "Commissioner" means the Commissioner of Administrative and Financial Services.
[PL 1991, c. 780, Pt. Y, §107 (AMD).]

4. Director. "Director" means the Director of Alcoholic Beverages and Lottery Operations.
[PL 1991, c. 780, Pt. Y, §107 (AMD).]

4-A. Electronic funds transfer. "Electronic funds transfer" means a transaction using an electronic device for the purpose of ordering, instructing or authorizing a financial institution to debit or credit an account.
[PL 2013, c. 352, §1 (NEW).]

5. Person. "Person" means an individual, association, corporation, limited liability company, limited partnership, limited liability partnership, partnership, club, trust, estate, society, company, receiver, trustee, assignee, referee or other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals. "Person" means all departments, commissions, agencies and instrumentalities of the State, including counties and municipalities and agencies and instrumentalities thereof.
[PL 2011, c. 310, §1 (AMD).]

6. Agent. "Agent" means a person or that person's representative who has been licensed under this chapter to sell lottery tickets on behalf of the State from the physical premises of the licensee's retail business establishment.
[PL 2011, c. 630, §1 (NEW).]

SECTION HISTORY

PL 1987, c. 505, §2 (NEW). PL 1991, c. 780, §Y107 (AMD). PL 1997, c. 373, §5 (AMD). PL 2011, c. 310, §1 (AMD). PL 2011, c. 630, §1 (AMD). PL 2013, c. 352, §1 (AMD).

§372. Director

The executive head of the bureau shall be the director. [PL 1987, c. 505, §2 (NEW).]

1. Appointment; qualifications.
[PL 1991, c. 780, Pt. Y, §108 (RP).]

2. Powers and duties. The director shall have the following powers and duties:

A. Supervise the operation of lotteries in accordance with this chapter and chapter 16 and with the rules adopted under this chapter and chapter 16; [PL 2011, c. 310, §2 (AMD).]

B. Act as the chief administrative officer, having general charge of the office and records and to employ such personnel as may be necessary to fulfill the purposes of this chapter and chapter 16. The personnel must be employed with the approval of the commissioner and are subject to the Civil Service Law, except for the deputy director who is appointed by and serves at the pleasure of the director; [PL 2011, c. 310, §2 (AMD).]

C. Act as executive secretary of the commission; [PL 1987, c. 505, §2 (NEW).]

D. In accordance with this chapter and chapter 16 and the rules adopted under this chapter and chapter 16, license as agents to sell lottery tickets such persons who, in the director's opinion, will best serve the public convenience and promote the sale of tickets or shares. The director may require a bond from every licensed agent in such amount as provided by rule. Every licensed agent shall prominently display the agent's license, or a copy of the license, as provided by rule; [PL 2011, c. 310, §2 (AMD).]

E. Confer regularly as necessary or desirable and not less than once each month with the commissioner on the operation and administration of the lotteries; make available for inspection by the commissioner, upon request, all books, records, files and other information and documents of the commission; advise the commissioner and recommend such matters as he deems necessary and advisable to improve the operation and administration of the lotteries; [PL 1987, c. 505, §2 (NEW).]

F. [PL 2011, c. 310, §3 (RP).]

G. Subject to the approval of the commission and to any applicable laws relating to public contracts, enter into contracts for the operation of the lotteries, or any part of the lotteries, and into contracts for the promotion of the lotteries. All contracts must be awarded in accordance with rules adopted by the Department of Administrative and Financial Services pursuant to Title 5, chapters 141 to 145 and Title 5, sections 1812 and 1813. A contract awarded or entered into by the director may not be assigned by the holder of the contract, except by specific approval of the commission. [PL 2007, c. 466, Pt. A, §28 (AMD).]

H. Certify monthly to the commission and the commissioner a full and complete statement of lottery revenues, prize disbursements and other expenses for the preceding month; [PL 2019, c. 13, §1 (AMD).]

I. Carry on a continuous study and investigation of the lotteries throughout the State and the operation and administration of similar laws that may be in effect in other jurisdictions. The director, subject to the prior approval of the commission, may enter into a written agreement with a multijurisdictional lottery association for the operation, marketing and promotion of a joint lottery or joint lottery games with other jurisdictions.

Any final agreement entered into with a multijurisdictional lottery association must provide that the director has the authority to terminate the agreement upon the provision of reasonable notice, not to exceed 6 months. The final agreement must further provide that the director may terminate the agreement at any time, without prior notice, in the event that the director's authority is withdrawn or limited by law; [PL 2019, c. 13, §2 (AMD).]

J. Assign duties as necessary to a designee; and [PL 2019, c. 13, §3 (AMD).]

K. Beginning February 15, 2020, submit a report annually, subject to the approval of the commission, to the Governor and the joint standing committees of the Legislature having jurisdiction over lottery matters and appropriations and financial affairs. The joint standing committee of the Legislature having jurisdiction over lottery matters may submit to the Legislature legislation based on the report. The report must include:

(1) A list of the decisions made by the commission and resulting actions for the preceding fiscal year relevant to lottery operations;

(2) A complete statement of lottery revenues, prize disbursements and expenses and appropriations from the General Fund, if any, for the preceding fiscal year;

(3) A 5-year history of the account used to manage lottery operations, which must include the amount of revenues deposited into the State Lottery Fund and the amounts transferred to the General Fund;

(4) A detailed statement of the expenditures made to promote lottery sales through marketing, advertising and recruitment of agents for the preceding fiscal year;

(5) A description of the lottery marketing and advertising activities for the preceding fiscal year. The description must identify each radio station and television station, if any, that broadcast or distributed the advertising;

(6) For each radio station and television station identified pursuant to subparagraph (5), the format of advertising activity and amount of the expenditures for the preceding fiscal year associated with each station; and

(7) Any recommendations for changes to this chapter. [PL 2025, c. 230, Pt. B, §1 (AMD).] [PL 2025, c. 230, Pt. B, §1 (AMD).]

SECTION HISTORY

PL 1987, c. 505, §2 (NEW). PL 1989, c. 879, §§1,2,4 (AMD). PL 1991, c. 780, §§Y108-112 (AMD). PL 1991, c. 796, §1 (AMD). PL 1991, c. 796, §§4,5 (AFF). PL 1993, c. 349, §23 (AMD). PL 2003, c. 673, §MM1 (AMD). PL 2007, c. 466, Pt. A, §28 (AMD). PL 2011, c. 310, §§2, 3 (AMD). PL 2019, c. 13, §§1-4 (AMD). PL 2025, c. 230, Pt. B, §1 (AMD).

§373. State Lottery Commission

(REPEALED)

SECTION HISTORY

PL 1987, c. 505, §2 (NEW). PL 1989, c. 503, §B49 (AMD). PL 1997, c. 373, §6 (RP).

§374. Commission; powers and duties

The commission shall meet with the director, not less than once each month, to adopt and amend rules, subject to the approval of the commissioner, relating to the lotteries; to make recommendations and set policy for state lotteries and to transact other business that may be properly brought before the commission. A lottery under this section may include, but is not limited to, a draw game in which the prize paid to a winning player is calculated as a share of the prize pool. A lottery may not include a draw game that has more than 5 daily drawings and that pays a player a set prize amount based on the wager made by the player and in which the operator keeps all losing wagers, as with the draw game commonly known as keno. Rules adopted by the commission must be adopted in a manner consistent with Title 5, chapter 375. [PL 2015, c. 96, §1 (AMD).]

1. Rules. The rules promulgated by the commission shall include, but not be limited to:

A. The types of lotteries to be conducted and which, if any, will be sold as part of the Tri-state Lotto Compact under chapter 16; [PL 2013, c. 352, §2 (AMD).]

B. The price of tickets or shares in the lotteries; [PL 1987, c. 505, §2 (NEW).]

C. The number and size of the prizes on the winning tickets or shares; [PL 1987, c. 505, §2 (NEW).]

D. The manner of selecting the winning tickets or shares; [PL 1987, c. 505, §2 (NEW).]

E. The manner of payment of prizes to the holders of winning tickets or shares; [PL 1987, c. 505, §2 (NEW).]

F. The frequency of the drawings or selections of winning tickets or shares; [PL 1987, c. 505, §2 (NEW).]

G. The number or types of locations at which tickets or shares may be sold; [PL 1987, c. 505, §2 (NEW).]

H. The method to be used in selling tickets or shares and the types of sales promotions that may be conducted utilizing tickets or shares as approved in advance by the commission or the director or the director's designee; [PL 2011, c. 310, §4 (AMD).]

I. The issuing of licenses to sell tickets or shares to qualified persons who are at least 18 years of age and the denial, suspension and revocation of those licenses; [PL 2011, c. 310, §5 (AMD).]

J. The license fee to be charged to persons applying for a license; [PL 2011, c. 310, §6 (AMD).]

K. The manner and amount of compensation to be paid to persons licensed to sell lottery tickets or shares necessary to provide for the adequate availability of tickets or shares to prospective buyers and for the convenience of the general public; [PL 2011, c. 310, §7 (AMD).]

L. The apportionment of the total annual revenue accruing from the sale of lottery tickets or shares and from all other sources for the payment of prizes to the holders of winning tickets or shares; for the payment of costs incurred in the operation and administration of the lotteries, including the expenses of the commission and the costs resulting from any contract or contracts entered into for promotional, advertising, consulting or operational services or for the purchase or lease of lottery equipment and materials; for the repayment of the money appropriated to the State Lottery Fund; and for transfer to the General Fund for distribution pursuant to section 387; [PL 2025, c. 605, §1 (AMD).]

M. The imprinting on all lottery tickets sold in the State of the overall odds of winning a prize for each game; [PL 2025, c. 605, §2 (AMD).]

N. The quantity of tickets or shares that may be sold to a person by an agent; and [PL 2025, c. 605, §3 (NEW).]

O. The bulk purchase of tickets or shares as prohibited pursuant to section 381-A. [PL 2025, c. 605, §4 (NEW).]

[PL 2025, c. 605, §§1-4 (AMD).]

2. Meeting requirements. No action of the commission is binding unless taken at a meeting at which at least 3 of the 5 members are present and vote in favor of the action. The minutes of every meeting of the commission, including any rules promulgated by the commission or any amendments, revisions, supplements or repeals, shall be immediately transmitted, by and under the certification of the secretary, to the commissioner and to the Governor.

[PL 1987, c. 505, §2 (NEW).]

3. Limitation of authority. The commission and the bureau shall have no authority to regulate, control or otherwise supervise the operation or conduct of the amusement commonly known as "beano" or "bingo," as defined in Title 17, section 311.

[PL 1987, c. 505, §2 (NEW).]

4. Small businesses.

[PL 2011, c. 310, §8 (RP).]

5. Wildlife lottery game. No later than January 30, 1996, the commission, in consultation with the Maine Outdoor Heritage Fund Board, shall develop and initiate a wildlife lottery game designed to raise funds for the Maine Outdoor Heritage Fund established pursuant to Title 12, chapter 903, subchapter 6. The sales commission paid to agents for the sale of wildlife lottery game tickets must be one percentage point higher than the sales commission paid to agents for the sale of other instant lottery game tickets. The commission shall provide the net proceeds of this wildlife lottery game to the Maine Outdoor Heritage Fund annually. The commission shall change the wildlife game ticket periodically throughout the year.

[PL 2003, c. 516, §1 (AMD); PL 2003, c. 614, §9 (AFF).]

6. Tick laboratory lottery game. No later than July 1, 2027, the commission, in consultation with the University of Maine Cooperative Extension, shall develop and initiate a tick laboratory instant lottery game designed to raise funds for the University of Maine Cooperative Extension Tick Laboratory Operations Fund established in Title 7, section 2481. Tickets for the instant lottery game established under this subsection must be sold for $4 and must be changed by the commission periodically throughout the year. The commission shall annually provide 20% of the net proceeds of the lottery game established in accordance with this subsection to the University of Maine Cooperative Extension Tick Laboratory Operations Fund and 80% to the General Fund.
[PL 2025, c. 757, Pt. I, §1 (AMD).]

SECTION HISTORY

PL 1987, c. 505, §2 (NEW). PL 1991, c. 683, §1 (AMD). PL 1993, c. 397, §1 (AMD). PL 1995, c. 494, §4 (AMD). PL 1997, c. 301, §§1,2 (AMD). PL 1997, c. 373, §7 (AMD). PL 2003, c. 414, §B17 (AMD). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 516, §1 (AMD). PL 2003, c. 614, §9 (AFF). PL 2011, c. 310, §§4-8 (AMD). PL 2013, c. 352, §2 (AMD). PL 2015, c. 96, §1 (AMD). PL 2025, c. 536, §2 (AMD). PL 2025, c. 605, §§1-4 (AMD). PL 2025, c. 757, Pt. I, §1 (AMD).

§375. Lottery sales; licensing; appeals

1. Factors. A license to sell lottery tickets or shares may be issued by the director or the director's designee to any qualified person. Before issuing the license, the director or the director's designee shall consider at least the following factors:

A. The financial responsibility and security of the person and the person's business or activity; [PL 1993, c. 641, §1 (AMD).]

B. The accessibility of the person's place of business or activity to the public; [PL 1993, c. 641, §1 (AMD).]

C. The sufficiency of existing licensees to serve the public convenience; and [PL 1987, c. 505, §2 (NEW).]

D. The volume of expected sales. [PL 1987, c. 505, §2 (NEW).]
[PL 2011, c. 310, §9 (AMD).]

2. Appeals. If the director or the director's designee denies a person a license to sell lottery tickets or shares, the person may appeal the decision to the commission by filing a written appeal with the commission within 15 days of the mailing of the decision. A person aggrieved by a decision of the commission may appeal the commission's decision by filing a complaint with the District Court and serving a copy of the complaint upon the commission. The complaint must be filed and served within 30 days of the mailing of the commission's decision.
[PL 2011, c. 310, §9 (AMD).]

SECTION HISTORY

PL 1987, c. 505, §2 (NEW). PL 1993, c. 641, §1 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2011, c. 310, §9 (AMD).

§376. Suspension and revocation of licenses

1. Reasons for suspension or revocation. The director or the director's designee may suspend or revoke, after notice and hearing in a manner consistent with the Maine Administrative Procedure Act, any license issued pursuant to this chapter. The license may be temporarily suspended by the director or the director's designee, pending any prosecution, investigation or hearing. A license may be suspended or revoked by the director or the director's designee for just cause, including actions

inconsistent with those considered appropriate for an agent operating a business on behalf of the State, or one or more of the following reasons:

A. Failure to account for tickets received or the proceeds of the sale of tickets or to file a bond, if required, or to comply with provisions of this chapter or rules adopted under this chapter concerning the licensed activity; [PL 2011, c. 310, §10 (AMD).]

B. Conviction of any criminal offense; [PL 1987, c. 505, §2 (NEW).]

C. Failure to file any return or report, to keep records or to pay any tax; [PL 1987, c. 505, §2 (NEW).]

D. Engaging in fraud, deceit, misrepresentation or conduct prejudicial to public confidence; [PL 1987, c. 505, §2 (NEW).]

E. Insufficiency of the number of tickets sold by a person licensed to sell lottery tickets or shares; [PL 2025, c. 605, §5 (AMD).]

F. A material change, since issuance of the license, with respect to any of the matters required to be considered by the director under section 375 or as defined by rules adopted under this chapter; or [PL 2025, c. 605, §6 (AMD).]

G. Knowingly selling tickets or shares to a person attempting to make a bulk purchase in violation of section 381-A or any rules adopted to implement section 381-A. [PL 2025, c. 605, §7 (NEW).]
[PL 2025, c. 605, §§5-7 (AMD).]

2. Suspension; state license.
[PL 2011, c. 310, §11 (RP).]

SECTION HISTORY

PL 1987, c. 505, §2 (NEW). PL 2011, c. 310, §§10, 11 (AMD). PL 2025, c. 605, §§5-7 (AMD).

§377. Authority to act

Notwithstanding any other provision of law, any person licensed as provided in this chapter may act as a lottery sales agent. [PL 1987, c. 505, §2 (NEW).]

SECTION HISTORY

PL 1987, c. 505, §2 (NEW).

§378. Assignment of prizes

No right of any person to a prize drawn may be assignable, except that payment of any prize drawn may be paid to the estate of a deceased prize winner, and except that any person pursuant to an appropriate judicial order or an administrative order relating to child support may be paid the prize to which the winner is entitled. The bureau is discharged of all further liability upon payment of a prize pursuant to this section. [PL 1991, c. 295, §1 (AMD).]

SECTION HISTORY

PL 1987, c. 505, §2 (NEW). PL 1991, c. 295, §1 (AMD).

§378-A. Setoff of claims against lottery winnings; priority

If the bureau is required under state law or court order to set off a person's lottery winnings against a claim of an amount due and more than one claim is made against the lottery winnings, the bureau shall set off against the winnings as many claims as possible in the following order of priority: [PL 2019, c. 304, §1 (NEW).]

1. Liquidated child support debts. Liquidated child support debts owed to or through the Department of Health and Human Services pursuant to Title 19-A, section 2360;

[PL 2019, c. 304, §1 (NEW).]

2. Liquidated tax liabilities. Liquidated tax liabilities pursuant to Title 36, section 185, subsection 3;
[PL 2019, c. 304, §1 (NEW).]

3. Unemployment compensation debt. Unemployment compensation debt pursuant to Title 26, section 1051, subsection 8;
[PL 2019, c. 304, §1 (NEW).]

4. Court-ordered restitution obligations. Court-ordered restitution obligations when the amounts due are identified by a district attorney's office;
[PL 2019, c. 304, §1 (NEW).]

5. Fines, surcharges and assessments owed to State. Fines, surcharges and assessments imposed by any of the courts and owed to the State pursuant to Title 14, section 3141-A; and
[PL 2019, c. 304, §1 (NEW).]

6. All other claims. All other claims in the order of their receipt.
[PL 2019, c. 304, §1 (NEW).]

SECTION HISTORY

PL 2019, c. 304, §1 (NEW).

§378-B. Lottery winner identity; confidentiality

The identity of a person awarded a prize of $100,000 or more and the identity of a person who is a participant in the Address Confidentiality Program under Title 5, section 90-B awarded a prize of any amount are confidential unless the person awarded such a prize provides written authorization to the bureau allowing the disclosure of that person's identity. The bureau may disclose the identity of the person to another state agency solely for purposes authorized under state and federal law, and that state agency is prohibited from further disclosing the person's identity. [PL 2025, c. 74, §1 (NEW).]

Information designated as confidential under this section is not a public record as defined in Title 1, section 402, subsection 3. [PL 2025, c. 74, §1 (NEW).]

SECTION HISTORY

PL 2025, c. 74, §1 (NEW).

§379. Sales above fixed price; unlicensed sales; gifts

No person may sell a ticket or share at a price greater than that fixed by rule of the commission. No person other than a licensed lottery sales agent may sell lottery tickets or shares, except that nothing in this section prevents any person from giving lottery tickets or shares to another as a gift. [PL 1987, c. 505, §2 (NEW).]

Nothing in this section may be construed to prohibit a person from transferring tickets or shares as part of a sales promotion provided the promotion has been approved in advance by the commission or director pursuant to rules adopted under section 374, subsection 1, paragraph H. [PL 1991, c. 683, §2 (NEW).]

Any person who violates this section commits a civil violation for which a forfeiture of not more than $200 may be adjudged. [PL 1987, c. 505, §2 (NEW).]

SECTION HISTORY

PL 1987, c. 505, §2 (NEW). PL 1991, c. 683, §2 (AMD).

§380. Sales to persons under 18 years of age; gifts

1. Sale to person under 18 years of age. A ticket or a share may not be sold to a person under 18 years of age. This does not prohibit a person 18 years of age or older from purchasing a ticket or a share for the purpose of making a gift to a person less than 18 years of age. A licensee who knowingly sells or offers to sell a lottery ticket or share to a person under 18 years of age commits a civil violation for which a forfeiture of not more than $200 may be adjudged.
[PL 1991, c. 683, §3 (NEW).]

2. Transfer of ticket or share as part of sales promotion. A person authorized by the commission or the director to conduct a sales promotion may not transfer a lottery ticket or share to a person under 18 years of age as part of that sales promotion. This does not prohibit a person who receives a ticket or a share in an authorized sales promotion from transferring the ticket or the share to a person under 18 years of age as a gift. A person who knowingly transfers or offers to transfer a lottery ticket or share to a person under 18 years of age as part of a sales promotion commits a civil violation for which a forfeiture of not more than $200 may be adjudged.
[PL 1991, c. 683, §3 (NEW).]

SECTION HISTORY

PL 1987, c. 505, §2 (NEW). PL 1991, c. 683, §3 (RPR).

§381. Persons prohibited from purchasing tickets or shares

A ticket or share may not be purchased by and a prize may not be paid to any of the following persons: [PL 1995, c. 158, §1 (RPR).]

1. Commission officers. An officer of the commission;
[PL 1995, c. 158, §1 (NEW).]

2. Senior supervisory personnel. Senior supervisory employees of the commission, as determined by the commission officers; and
[PL 1995, c. 158, §1 (NEW).]

3. Household member. Any spouse, child, brother, sister, parent or person residing as a member of the same household in the principal place of abode of any of the persons identified in subsections 1 and 2.
[PL 1995, c. 158, §1 (NEW).]

SECTION HISTORY

PL 1987, c. 505, §2 (NEW). PL 1995, c. 158, §1 (RPR).

§381-A. Bulk purchase of tickets or shares prohibited

1. Bulk purchase; definition. As used in this section, unless the context otherwise indicates, "bulk purchase" means the purchase, in aggregate, of tickets or shares in a lottery game in an amount exceeding $25,000 that:

A. Occurs in a single transaction or multiple transactions; [PL 2025, c. 605, §8 (NEW).]

B. Is made at a single retail location or multiple retail locations; and [PL 2025, c. 605, §8 (NEW).]

C. Is made by an individual or multiple individuals acting in concert. [PL 2025, c. 605, §8 (NEW).]
[PL 2025, c. 605, §8 (NEW).]

2. Bulk purchases prohibited. The bulk purchase of tickets or shares for a lottery game is prohibited.
[PL 2025, c. 605, §8 (NEW).]

3. Refusal of payment. The commission may refuse payment of a prize for a winning ticket or share that was purchased as part of a bulk purchase in violation of subsection 2.
[PL 2025, c. 605, §8 (NEW).]

SECTION HISTORY

PL 2025, c. 605, §8 (NEW).

§382. Unclaimed prize money

Unclaimed prize money for the prize on a winning ticket or share must be retained by the director for the person entitled to it for one year after the drawing in which the prize was won. If no claim is made for the money within that year, the prize money must be transferred to the General Fund as undedicated revenue. [PL 1993, c. 6, Pt. B, §2 (AMD).]

Unclaimed prize money for a game for which there is no drawing must be retained by the director for a reasonable period of time and may be transferred to the General Fund if the director determines that adequate funds have been retained to pay anticipated delayed claims. [PL 1997, c. 24, Pt. C, §3 (NEW).]

SECTION HISTORY

PL 1987, c. 505, §2 (NEW). PL 1993, c. 6, §B2 (AMD). PL 1997, c. 24, §C3 (AMD).

§383. Deposit of receipts; reports

The director may require any lottery sales agents to deposit to the credit of the State Lottery Fund in banks designated by the Treasurer of State all money received by the agents from the sale of lottery tickets or shares, less the amount, if any, retained as compensation for the sale of tickets or shares, and to file with the director or the director's designated agents reports of their receipts and transactions in the sale of lottery tickets in such form and containing such information as the director may require. The director may make such arrangements for any person, including a bank, to perform the functions, activities or services in connection with the operation of the lottery as the director determines advisable pursuant to this chapter and the rules of the commission, and those functions, activities or services constitute lawful functions, activities and services of that person. [RR 2023, c. 1, §40 (COR).]

SECTION HISTORY

PL 1987, c. 505, §2 (NEW). RR 2023, c. 1, §40 (COR).

§384. Other laws; applicability

No other law providing any penalty or disability for the sale of lottery tickets or any acts done in connection with a lottery applies to the sale of tickets or shares performed pursuant to this chapter. [PL 1987, c. 505, §2 (NEW).]

SECTION HISTORY

PL 1987, c. 505, §2 (NEW).

§385. Persons under 18 years; payment of prizes

If the person entitled to a prize on any winning ticket is under 18 years of age, the director or the director's designee may make payment in the amount of the prize to the minor by a check made payable to an adult member of the minor's family or a guardian as custodian of the minor or by an electronic funds transfer to any financial institution to an account in the name of an adult member of the minor's family or guardian as custodian for the minor. The person named as custodian has the same duties and powers as a person designated as a custodian in a manner prescribed by the Maine Uniform Transfers to Minors Act. For purposes of this section, the terms "adult member of the minor's family," "custodian" and "financial institution" have the same meanings as set out in that Act. The director or

the director's designee is relieved of all further liability upon payment of a prize to a minor pursuant to this section. [PL 2013, c. 352, §3 (AMD).]

SECTION HISTORY

PL 1987, c. 505, §2 (NEW). RR 1993, c. 1, §18 (COR). PL 2013, c. 352, §3 (AMD).

§386. State Lottery Fund; creation

There is created and established a separate fund to be known as the "State Lottery Fund," to be deposited in such depositories as the Treasurer of State may select. These funds shall consist of all revenue received from the sale of lottery tickets or shares, agents' license fees and all other money credited or transferred to that fund from any other fund or source pursuant to law. [PL 1987, c. 505, §2 (NEW).]

SECTION HISTORY

PL 1987, c. 505, §2 (NEW).

§387. State Lottery Fund; appropriation of money

1. Appropriation. The money in the State Lottery Fund may be appropriated only:

A. For the payment of prizes to the holders of winning lottery tickets or shares; [PL 1987, c. 505, §2 (NEW).]

B. For the expense of the division in its operation of the lottery; [PL 1995, c. 494, §5 (AMD).]

C. For payment to the General Fund; [PL 2025, c. 536, §3 (AMD).]

D. For payment to the Maine Outdoor Heritage Fund pursuant to Title 12, section 10302; and [PL 2025, c. 536, §4 (AMD).]

E. For payment to the University of Maine Cooperative Extension Tick Laboratory Operations Fund pursuant to Title 7, section 2481. [PL 2025, c. 536, §5 (NEW).]

[PL 2025, c. 536, §§3-5 (AMD).]

2. Apportionment. The money in the State Lottery Fund shall be apportioned so that not less than 45% of the total ticket sales received in the lottery will be disbursed as prizes to holders of winning tickets. All other money, less reasonable costs for the proper administration of the State Lottery, shall be the State's share.

[PL 1987, c. 505, §2 (NEW).]

SECTION HISTORY

PL 1987, c. 505, §2 (NEW). PL 1995, c. 494, §5 (AMD). PL 2003, c. 414, §B18 (AMD). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2025, c. 536, §§3-5 (AMD).

§388. Maine state income tax; prizes exempt

(REPEALED)

SECTION HISTORY

PL 1987, c. 505, §2 (NEW). PL 1987, c. 546 (RP).

§389. Forged lottery tickets

1. Forge, counterfeit or alter ticket. A person may not forge or counterfeit a Maine State Lottery ticket, alter a Maine State Lottery ticket prepared by the Director of the State Lottery or cause such alteration or forgery.

[PL 2003, c. 452, Pt. C, §8 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

2. Publish, pass or tender as true ticket. A person may not intentionally or knowingly publish, pass or tender as true a forged, altered or counterfeited Maine State Lottery ticket.

[PL 2003, c. 452, Pt. C, §8 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

3. Secure or manufacture. A person may not, with intent to defraud, secure, manufacture or cause to be secured or manufactured a counterfeit Maine State Lottery ticket.
[PL 2003, c. 452, Pt. C, §8 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

4. Possess counterfeit ticket or counterfeiting device. A person may not, with intent to defraud, possess a counterfeit Maine State Lottery ticket or a counterfeiting device.
[PL 2003, c. 452, Pt. C, §8 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

5. Penalty. A person who violates this section commits a Class D crime.
[PL 2003, c. 452, Pt. C, §8 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 1999, c. 176, §1 (NEW). PL 2003, c. 452, §C8 (RPR). PL 2003, c. 452, §X2 (AFF).

CHAPTER 15

MECHANICAL RIDES

(REPEALED)

§391. Definitions

(REPEALED)

SECTION HISTORY

PL 1977, c. 433, §1 (RP).

§392. License required

(REPEALED)

SECTION HISTORY

PL 1971, c. 592, §3 (AMD). PL 1977, c. 433, §1 (RP).

§393. Use of fees

(REPEALED)

SECTION HISTORY

PL 1971, c. 592, §4 (AMD). PL 1977, c. 433, §1 (RP).

§394. Regulations

(REPEALED)

SECTION HISTORY

PL 1977, c. 433, §1 (RP).

§395. Dangerous operation

(REPEALED)

SECTION HISTORY

PL 1977, c. 433, §1 (RP).

§396. Violations and penalties

(REPEALED)

SECTION HISTORY

PL 1977, c. 433, §1 (RP).

CHAPTER 16

TRI-STATE LOTTO COMPACT

§401. Short title

This compact may be cited as the "Tri-state Lotto Compact." [PL 1983, c. 732, §1 (NEW).]

SECTION HISTORY

PL 1983, c. 732, §1 (NEW).

§402. Compact

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE UNTIL CONTINGENCY: See PL 1999, c. 586, §4)

The State enters into the following compact with the states of Vermont and New Hampshire, subject to the terms and conditions stated in this chapter. [PL 1983, c. 732, §1 (NEW).]

SECTION HISTORY

PL 1983, c. 732, §1 (NEW). PL 1999, c. 586, §1 (AMD). PL 1999, c. 586, §4 (AFF).

§402. Compact

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(WHOLE SECTION TEXT EFFECTIVE ON CONTINGENCY: See PL 1999, c. 586, §4)

The State enters into the following compact with the states of Vermont and New Hampshire, subject to the terms and conditions stated in this chapter. The compact may be expanded to include other New England states. [PL 1999, c. 586, §1 (AMD); PL 1999, c. 586, §4 (AFF).]

SECTION HISTORY

PL 1983, c. 732, §1 (NEW). PL 1999, c. 586, §1 (AMD). PL 1999, c. 586, §4 (AFF).

§403. Statement of purpose

This compact is enacted to implement the operation of Tri-state Lotto for the purpose of raising additional revenue for each of the party states. Tri-state Lotto is not intended to replace any existing lottery games in the party states but, rather, to be run in addition to those games. Tri-state Lotto tickets will be sold in each of the party states and processed in a central area to be determined by the commission. Not less than 50% of the gross sales from each state will be aggregated in a common prize pool, and operating costs will be charged proportionally, according to sales, to the party states. The remaining revenues generated within each state remain in that particular state. [PL 2013, c. 352, §4 (AMD).]

SECTION HISTORY

PL 1983, c. 732, §1 (NEW). PL 2013, c. 352, §4 (AMD).

§404. Definitions

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

As used in this compact, unless the context otherwise indicates, the following terms have the following meanings. [PL 1983, c. 732, §1 (NEW).]

1. Commission. "Commission" means the Tri-state Lotto Commission created and established by this compact.
[PL 1983, c. 732, §1 (NEW).]

2. Concurrent legislation. "Concurrent legislation" means legislation enacted by one of the party states which is concurred in by the other party states in the form of enactments having like effect.
[PL 1983, c. 732, §1 (NEW).]

2-A. Electronic funds transfer. "Electronic funds transfer" means a transaction using an electronic device for the purpose of ordering, instructing or authorizing a financial institution to debit or credit an account.
[PL 2013, c. 352, §5 (NEW).]

3. Lotto. "Lotto" means a game of chance as prescribed by the commission.
[PL 1983, c. 732, §1 (NEW).]

4. (TEXT EFFECTIVE UNTIL CONTINGENCY: See PL 1999, c. 586, §4) Party states. "Party states" means the states of New Hampshire, Vermont and Maine.
[PL 1983, c. 732, §1 (NEW).]

4. (TEXT EFFECTIVE ON CONTINGENCY: See PL 1999, c. 586, §4) Party states. "Party states" means the states of New Hampshire, Vermont and Maine and other New England states pursuant to section 402.
[PL 1999, c. 586, §2 (AMD); PL 1999, c. 586, §4 (AFF).]

5. (TEXT EFFECTIVE UNTIL CONTINGENCY: See PL 1999, c. 586, §4) Tri-state Lotto. "Tri-state Lotto" means a combined lotto game for all member states, with common tickets, common advertising and a common prize pool.
[PL 1983, c. 732, §1 (NEW).]

5. (TEXT EFFECTIVE ON CONTINGENCY: See PL 1999, c. 586, §4) Tri-state Lotto. "Tri-state Lotto," or other such name as may be adopted by the party states, means a combined lotto game for all member states, with common tickets, common advertising and a common prize pool.
[PL 1999, c. 586, §2 (AMD); PL 1999, c. 586, §4 (AFF).]

SECTION HISTORY

PL 1983, c. 732, §1 (NEW). PL 1999, c. 586, §2 (AMD). PL 1999, c. 586, §4 (AFF). PL 2013, c. 352, §5 (AMD).

§405. Creation of the Tri-state Lotto Commission

The party states, for the purpose of operating Tri-state Lotto, do hereby establish and create the Tri-state Lotto Commission. [PL 1983, c. 732, §1 (NEW).]

SECTION HISTORY

PL 1983, c. 732, §1 (NEW).

§406. Nature of the commission

The commission shall be an interstate body, both corporate and politic, serving as a common agency of the party states and representing them both collectively and individually in the exercise of its powers and duties. [PL 1983, c. 732, §1 (NEW).]

SECTION HISTORY

PL 1983, c. 732, §1 (NEW).

§407. Organization of the commission

The commission is composed of one member from each of the party states. Each compact member state lottery or sweepstakes commission shall appoint one of its members to serve on the Tri-state Lotto Commission. Each member holds office at the pleasure of the appointing authority. The commission shall elect a chair from among its members, annually. [RR 2013, c. 2, §8 (COR).]

SECTION HISTORY

PL 1983, c. 732, §1 (NEW). RR 2013, c. 2, §8 (COR).

§408. Functioning of the commission

1. Commission functions. The commission's functions shall be performed and carried out by its members and by such advisory committees or panels, or both as the commission may establish, and by such officers, independent contractors, agents, employees and consultants as may be appointed by the commission. All such officers, independent contractors, agents, consultants and employees shall hold office at the pleasure of the commission, unless the commission otherwise decides, and the commission shall prescribe the person's powers, duties and qualifications and fix their compensation and other terms of their employment.
[PL 1983, c. 732, §1 (NEW).]

2. Unanimous decision. Any action of the commission shall not be effective or binding unless there is a unanimous decision by all of the representatives of the various party states.
[PL 1983, c. 732, §1 (NEW).]

3. Compensation. The members of the commission shall receive compensation for their services, pursuant to this compact and in accordance with the policies of the respective states, and they shall be entitled to be reimbursed for the expenses they naturally and necessarily incur in the performance of their duties.
[PL 1983, c. 732, §1 (NEW).]

4. Member. Any member of the commission who is otherwise a public officer or employee may not suffer a forfeiture of the member's office or employment, or any loss or diminution in the rights and privileges pertaining to the member's office or employment, by reason of membership on the commission.
[RR 2023, c. 1, Pt. C, §41 (COR).]

SECTION HISTORY

PL 1983, c. 732, §1 (NEW). RR 2023, c. 1, Pt. C, §41 (COR).

§409. Powers and duties of the commission

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

1. Operation and administration; rules. The commission shall have the power and it shall be its duty to operate and administer Tri-state Lotto and to promulgate rules governing the establishment and operation thereof, including, but not limited to, the following topics:

A. **(TEXT EFFECTIVE UNTIL CONTINGENCY: See PL 1987, c. 566, §2)** The type of lottery to be conducted; [PL 1983, c. 732, §1 (NEW).]

A. **(TEXT EFFECTIVE ON CONTINGENCY: See PL 1987, c. 566, §2)** The type of lottery to be conducted, except that the game shall have no more than 36 numbers from which 6 are to be selected; [PL 1987, c. 566, §§1, 2 (AMD); PL 2015, c. 494, Pt. C, §3 (AFF).]

B. The price of the tickets sold under the authority of this chapter or chapter 14-A; [PL 2013, c. 352, §6 (AMD).]

C. The number and sizes of the prizes on the winning tickets; [PL 1983, c. 732, §1 (NEW).]

D. The manner of selecting the winning tickets and paying the prizes; [PL 1983, c. 732, §1 (NEW).]

E. The frequency of the drawings or selections of winning tickets for lottery games administered under this chapter or chapter 14-A; [PL 2013, c. 352, §7 (AMD).]

F. The type or types of locations at which tickets may be sold; [PL 1983, c. 732, §1 (NEW).]

G. The method to be used in selling tickets; [PL 1983, c. 732, §1 (NEW).]

H. The compensation required to be paid to Tri-state Lotto sales agents in order to assure adequate availability of tickets and public convenience in purchasing tickets; and [PL 1983, c. 732, §1 (NEW).]

I. The development of an internal security plan designed to prevent player fraud. [PL 1983, c. 732, §1 (NEW).]

[PL 2013, c. 352, §§6, 7 (AMD).]

1-A. Rules; exemption. Rules adopted under subsection 1 are not subject to the Maine Administrative Procedure Act.

[PL 2013, c. 352, §8 (NEW).]

2. Licensed sales agents.

[PL 2011, c. 310, §12 (RP).]

3. Reports. The commission shall make monthly and year-end reports to the commissions of the party states, which shall include a full and complete statement of Tri-state Lotto revenues, prize disbursements and other expenses, and any other information the party states may require.

[PL 1983, c. 732, §1 (NEW).]

4. Audits. All Tri-state Lotto accounts and transactions shall be subject to annual post audits conducted by independent auditors retained by the commission for this purpose.

[PL 1983, c. 732, §1 (NEW).]

5. Corporate seal; contractual powers. In addition to the powers enumerated in this section, the commission may adopt a corporate seal and enter into contracts, including, but not limited to, contracts with other governments or agencies, to hire, lease, acquire and dispose of property to the extent necessary to carry out its functions, powers and duties as set forth in this chapter and to expend or authorize expenditures of moneys for the purpose of operating Tri-state Lotto pursuant to this compact. The party states each shall have the right to require such audit as that state may from time to time consider proper.

[PL 1983, c. 732, §1 (NEW).]

6. Additional powers. The commission also shall have such additional powers, incidental to the express powers granted to it by this compact, as may be necessary or proper for the effective performance of its functions.

[PL 1983, c. 732, §1 (NEW).]

SECTION HISTORY

PL 1983, c. 732, §1 (NEW). PL 1987, c. 566, §§1,2 (AMD). PL 2011, c. 310, §12 (AMD). PL 2013, c. 352, §§6-8 (AMD). PL 2015, c. 494, Pt. C, §3 (AFF).

§410. Cooperation and assistance of other agencies

To avoid duplication of effort and in the interests of economy, the commission may make use of existing studies, plans, data and other materials in the possession of the governmental agencies of the party states and their respective political subdivisions. Each such agency may make those materials available to the commission and otherwise assist it in the performance of its functions. The officers and personnel of those agencies, and of any other government or agency whatever, may serve at the

request of the commission upon such advisory committees and panels as the commission determines to create, and the officers and personnel may serve upon those committees and panels without forfeiture of office or employment and with no loss or diminution in the status, rights and privileges which they otherwise enjoy. [PL 1983, c. 732, §1 (NEW).]

SECTION HISTORY

PL 1983, c. 732, §1 (NEW).

§411. Licensing of Tri-state Lotto sales agents

(REPEALED)

SECTION HISTORY

PL 1983, c. 732, §1 (NEW). PL 2011, c. 310, §13 (RP).

§412. Suspension and revocation of licenses

(REPEALED)

SECTION HISTORY

PL 1983, c. 732, §1 (NEW). PL 2011, c. 310, §14 (RP).

§413. Inapplicability of other statutes

1. Inapplicability. No other law providing for any penalty or disability for the sale of lottery tickets or any acts done in connection with a lottery applies to the sale of tickets or acts performed under this chapter.
[PL 1983, c. 732, §1 (NEW).]

2. Precedence. The provisions of this compact shall apply and take precedence in the event of any conflict between the provisions contained in this compact and the provisions of other laws of any of the member states.
[PL 1983, c. 732, §1 (NEW).]

SECTION HISTORY

PL 1983, c. 732, §1 (NEW).

§414. When sale of tickets prohibited

1. Prohibition; price; licensed sales agent. No ticket may be sold at a price greater than those fixed by the commission, nor may a sale be made by any person other than a licensed sales agent. Any person who violates any of these provisions shall be subject to the sanctions of each respective party state's lottery statutes.
[PL 1983, c. 732, §1 (NEW).]

2. Prohibition; age limitation. No ticket may be sold to any person under 18 years of age, but this shall not be deemed to prohibit the purchase of a ticket for the purpose of making a gift by a person 18 years of age or older to a person less than that age. Any licensee or the employee or agent of any licensee who sells or offers to sell a ticket to any person under 18 years of age shall be subject to the sanctions of each respective party state's lottery statutes.
[PL 1983, c. 732, §1 (NEW).]

3. Prohibition; affiliation with commission. No prize may be paid to any of the following persons:

A. Any member, officer or employee of the commission; or [PL 1983, c. 732, §1 (NEW).]

B. Any spouse, child, brother, sister or parent residing as a member of the same household in the principal place of abode of any of the persons set out in paragraph A. [PL 1983, c. 732, §1 (NEW).]

[PL 1983, c. 732, §1 (NEW).]

SECTION HISTORY

PL 1983, c. 732, §1 (NEW).

§415. Collection and disposition of revenue

1. Delivery to commission of party state. All moneys received by any and all Tri-state Lotto sales agents from the sales of Tri-state Lotto tickets, less the amount, if any, retained pursuant to section 409, subsection 1, paragraph G shall be delivered weekly to the commission of the party state in which the sales were made.

[PL 1983, c. 732, §1 (NEW).]

2. Tri-state Lotto Prize Account. Within one week after a Tri-state Lotto drawing or selection of winning tickets sold under the authority of this chapter or chapter 14-A, the party state lottery or commission shall pay to the commission, who in turn shall promptly pay to an account known as the Tri-state Lotto Prize Account, such money as is necessary for the payment of prizes, less actual prizes paid by the respective party state in the preceding week, but not less than 50% of the total amount for which tickets have been sold.

[PL 2013, c. 352, §9 (AMD).]

3. Interest; prize account. Interest earned by the Tri-state Lotto Prize Account shall accrue to the party states in direct proportion to their contribution to the account. Distribution shall be made at least semiannually.

[PL 1983, c. 732, §1 (NEW).]

4. Withdrawals. The withdrawals, pursuant to section 416, of moneys from the Tri-state Lotto Prize Account so deposited by the commission, shall be subject to a check signed by a member of the commission or such officer, employee or agent of the commission as the commission may designate. The moneys in the prize payment account shall be paid out of that account on vouchers certified or approved by the commission or its duly designated officer, agent or employee.

[PL 1983, c. 732, §1 (NEW).]

5. Tri-state Lotto Operations Account. The commission shall receive from party states, within one week after a Tri-state Lotto drawing, an additional sum of moneys not to exceed 15% of the total amount for which tickets have been sold. The moneys to be deposited in a bank, banking house or trust company selected by the commission in an account to be named the Tri-state Lotto Operations Account. The operations account shall be used to pay Tri-state Lotto current operating costs, which shall be charged proportionally to the party states. If operating costs exceed or fall short of the amount obtained in that account, appropriate adjustments shall be made on a quarterly basis within 30 days of the end of each quarter.

[PL 1983, c. 732, §1 (NEW).]

6. Interest; operations account. Interest earned by the Tri-state Lotto Operations Account shall accrue to the party states in direct proportion to their contribution to the account. Distribution shall be made at least semiannually.

[PL 1983, c. 732, §1 (NEW).]

SECTION HISTORY

PL 1983, c. 732, §1 (NEW). PL 1999, c. 64, §1 (AMD). PL 2013, c. 352, §9 (AMD).

§416. Certification of prize winners and payment of prizes

1. Prizes over $5,000; certified list. All prizes over $5,000 are awarded to holders of winning tickets as provided in this section. Within one week after any drawing or selection of prize winning tickets, the commission shall deliver to each of the party states a certified list of the tickets to which prizes are awarded and the amount of each such prize. Upon delivery of the certified list and voucher of the commission, moneys sufficient for the payment of those prizes may be withdrawn from the prize account established in section 415, subsection 2. The commission shall each month provide each party state with a record of all such withdrawals. Payment of prizes is made by the commission, or its designee, to holders of the tickets to which prizes are awarded. The right of any person to a prize drawn is not assignable, except that payment of any prize drawn may be paid to another person as provided in section 416-A.
[PL 1995, c. 652, §1 (AMD); PL 2015, c. 494, Pt. C, §4 (AFF).]

2. Payment; persons under 18 years of age. If the person entitled to a prize on any winning ticket is under 18 years of age , the commission may make payment in the amount of the prize to the minor by a check made payable to an adult member of the minor's family or a guardian as custodian of the minor or by an electronic funds transfer to any financial institution to an account in the name of an adult member of the minor's family or a guardian of the minor as custodian for the minor. The person named as custodian has the same duties and powers as a person designated as a custodian in a manner prescribed by the Maine Uniform Transfers to Minors Act. For purposes of this subsection, "adult member of the minor's family," "custodian" and "financial institution" have the same meanings as set out in that Act. The commission is discharged of all further liability upon payment of a prize to a minor pursuant to this subsection.
[PL 2013, c. 352, §10 (AMD).]

3. Prizes under $5,000. Prizes of less than $5,000 may be paid in such manner as the commission may direct in its rules, as long as those rules are not inconsistent with this compact.
[PL 1983, c. 732, §1 (NEW).]

SECTION HISTORY

PL 1983, c. 732, §1 (NEW). PL 1991, c. 295, §2 (AMD). PL 1991, c. 295, §4 (AFF). PL 1995, c. 652, §1 (AMD). PL 1995, c. 652, §4 (AFF). PL 2013, c. 352, §10 (AMD). PL 2015, c. 494, Pt. C, §4 (AFF).

§416-A. Payment of prize to another person

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

1. Conditions permitting payment of a prize to another person. Payment of a prize may be made to a person other than the winner as follows:

A. To the estate of a deceased prizewinner upon receipt by the commission of a certified court order appointing an executor or administrator; [PL 1995, c. 652, §2 (NEW); PL 1995, c. 652, §4 (AFF).]

B. To any person pursuant to a certified final order of a court of competent jurisdiction, including orders pertaining to claims of ownership in the prize, division of marital property in divorce actions, bankruptcy, child support, appointment of a guardian or conservator and distribution of an estate; or [PL 1995, c. 652, §2 (NEW); PL 1995, c. 652, §4 (AFF).]

C. **(TEXT EFFECTIVE UNTIL CONTINGENCY: See PL 1995, c. 652, §4, sub-§§1-4)** To any person, including a trustee, pursuant to a certified final order of a court of competent jurisdiction of a party state approving the voluntary assignment of the right to a prize if the court affirmatively finds all of the following:

(1) That the assignor and the assignee are not represented by the same counsel;

(2) That the assignment is in writing and represents the entire agreement between the parties;

(3) That the assignment agreement contains the following provisions:

(a) The assignor's name, social security number or tax identification number and address;

(b) The assignee's name, social security number or tax identification number, citizenship or resident alien number, if applicable, and address;

(c) The specific prize payment or payments assigned or any portion of the payments, including:

(i) The payable due dates and amounts of each payment to be assigned; and

(ii) The gross amount of the annual payment or payments to be assigned before taxes; and

(d) A notice of right to cancel in immediate proximity to the space reserved for the signature of the assignor in boldface type of a minimum size of 10 points that provides that:

(i) The assignor may cancel the assignment without cost until midnight of the 15th business day after the day on which the assignor has signed an agreement to assign a prize or portion of a prize;

(ii) Cancellation occurs when notice of cancellation is given to the assignee;

(iii) Notice is sufficient if it indicates the intention of the assignor not to be bound; and

(iv) Notice of cancellation, if given by mail, is deemed given when deposited in a mailbox properly addressed with first class mail postage prepaid.

Failure to provide the notice of right to cancel as provided in this division renders the assignment agreement unenforceable and the assignor may collect a reasonable attorney's fee in any action to enforce such agreement;

(4) That, prior to execution of the assignment agreement, the assignee has provided to the assignor in writing, on a disclosure form separate and apart from the agreement, the following:

(a) The aggregate dollar value of payments assigned;

(b) The total consideration paid to the assignor by the assignee; and

(c) An itemization of all other fees or costs to be paid by the assignor or deducted from the payment to the assignor;

(5) That the assignor has represented to the court in sworn testimony, if a personal appearance is required by the court, or in the assignor's written affidavit, sworn to under penalty of perjury, that:

(a) Prior to signing the assignment agreement, the assignor reviewed the agreement and understood its terms and effects;

(b) The assignor has consulted with independent financial and tax advisors not referred by or associated with the assignee;

(c) The assignor has signed the assignment agreement acting under free will without undue influence or duress;

(d) The assignor is not under any obligation to pay child support or is under that obligation and is in good standing with respect to that obligation or has agreed to a payment plan with the party state agency responsible for child support and is in full compliance with that plan; and

(e) The assigned payment or payments are not subject to any claims, liens, levies, security interests, assignments or offsets asserted by other persons or the party states or has provided the court with written consent of each person having such an interest; and

(6) If the assignor is married, the assignor has submitted to the court a signed and notarized statement of the spouse consenting to the assignment. If a notarized statement is not presented to the court, the court shall determine the ability of the assignor to make the proposed assignment without the spouse's consent. [PL 1995, c. 652, §2 (NEW); PL 2015, c. 494, Pt. C, §4 (AFF).]

C. **(TEXT REPEALED ON CONTINGENCY: See PL 1995, c. 652, §4, sub-§§1-4)** [PL 1995, c. 652, §4 (RP); PL 2015, c. 494, Pt. C, §4 (AFF).]

[PL 1995, c. 652, §2 (NEW); PL 2015, c. 494, Pt. C, §4 (AFF).]

2. (TEXT EFFECTIVE UNTIL CONTINGENCY: See PL 1995, c. 652, §4, sub-§§1-4) Pledge of payment as collateral for a loan. A winner may pledge all or any part of a prize as collateral for a loan.

A. Notwithstanding any provision of Title 11, article 9-A to the contrary, perfection of a security interest in a prize must be completed by filing, in addition to any other filings that may be required, a financing statement with the commission. [RR 2025, c. 2, Pt. A, §24 (COR).]

B. In order to be entitled to receive a prize payment or payments from the commission, a secured party must obtain a certified final order of a court of competent jurisdiction that:

(1) Adjudges the prize winner in default of a loan agreement with the secured party;

(2) Makes findings with respect to the loan agreements and financing statements constituting the loan transaction that are equivalent to those required pursuant to subsection 1, paragraph C and, in addition, a finding that truth-in-lending disclosures set forth in 12 Code of Federal Regulations, Sections 226.17, 226.18, 226.19 and 226.20 were made; and

(3) Identifies specific payments and awards ownership of those payments to the secured party. [PL 1995, c. 652, §2 (NEW); PL 2015, c. 494, Pt. C, §4 (AFF).]

C. This subsection may not be construed to:

(1) Create or enlarge a cause of action in favor of a secured party;

(2) Alter or impair any rule of law applicable to or governing the rights of a debtor under federal or state lending statutes; or

(3) Alter or impair the provisions of Title 11, article 9-A except to the extent inconsistent with the provisions of this section. [RR 2025, c. 2, Pt. A, §25 (COR).]

[RR 2025, c. 2, Pt. A, §§24, 25 (COR).]

2. (TEXT REPEALED ON CONTINGENCY: See PL 1995, c. 652, §4, sub-§§1-4) Pledge of payment as collateral for a loan.

[PL 1995, c. 652, §4 (RP); PL 2015, c. 494, Pt. C, §4 (AFF).]

3. Commission intervention. The commission may intervene as of right in any action pursuant to subsection 1, paragraph C or subsection 2, but may not be considered an indispensable or necessary party.

[PL 1995, c. 652, §2 (NEW); PL 1995, c. 652, §4 (AFF).]

4. Service of final order. A certified copy of the final order required by subsection 1, paragraph B, a certified copy of the final order and the assignor's affidavit required under subsection 1, paragraph C and a certified copy of the final order required by subsection 2 must be served on the commission together with a nonrefundable processing fee of $500 within 15 days after entry of the order.

[PL 1995, c. 652, §2 (NEW); PL 1995, c. 652, §4 (AFF).]

5. Request to modify or vacate final order. The commission may file a request to modify or vacate a final order pursuant to subsection 1, paragraph C or subsection 2 within 15 days after service of the order on the commission.
[PL 1995, c. 652, §2 (NEW); PL 1995, c. 652, §4 (AFF).]

6. Payments. Commencing on the 30th day after full compliance with subsection 4 or after final determination of any motion filed to vacate or modify a final order entered pursuant to subsection 5, the commission is obligated to make payments, subject to tax withholding, in accordance with that order.
[PL 1995, c. 652, §2 (NEW); PL 1995, c. 652, §4 (AFF).]

7. Change in assignment. A modification or amendment to an order pursuant to subsection 1, paragraph B or C or subsection 2 or an additional or subsequent assignment of a prize is not valid or binding on the commission unless the modification, amendment or assignment is approved by a separate court order that meets the requirements of this section.
[PL 1995, c. 652, §2 (NEW); PL 1995, c. 652, §4 (AFF).]

8. Discharge of liability. The commission, its officers, agents and employees are discharged of all further liability upon payment of a prize pursuant to this section.
[PL 1995, c. 652, §2 (NEW); PL 1995, c. 652, §4 (AFF).]

9. Confidentiality of records. The financial, tax, trust or personal records filed, received, maintained or produced by the commission in connection with payment of a prize as provided in this section are confidential. Such records are not public records under Title 1, chapter 13. Upon written request, the commission may release the name, town of residence, date of prize and the gross and net amounts of the annual prize payment of a winner. Financing statements filed with the commission are public records.
[PL 1995, c. 652, §2 (NEW); PL 1995, c. 652, §4 (AFF).]

10. Child support and other state debts. This compact recognizes that each party state has enacted laws authorizing a party state agency to offset against lottery winnings debts owed for child support, unemployment overpayment and tax liability. Upon receipt of notice from a party state agency, the commission shall suspend payment of winnings in the amount of the debt and notify the winner. Any debts of a winner under this subsection must be offset by the commission in the manner in which the state lottery or commission of a party state is required by law to offset those debts.
[PL 2013, c. 352, §11 (AMD).]

SECTION HISTORY

PL 1995, c. 652, §2 (NEW). PL 1995, c. 652, §4 (AFF). PL 2013, c. 352, §11 (AMD). PL 2015, c. 494, Pt. C, §4 (AFF). RR 2025, c. 2, Pt. A, §§24, 25 (COR).

§417. Unclaimed prize money

Unclaimed prize money for the prize on a winning ticket must be retained by the commission for payment to the person entitled to the prize money for one year after the drawing or selection of a winning ticket in which the prize was won. If a claim is not made for the prize within one year from the date of the drawing or selection of a winning ticket, the prize money must be credited to the prize pool. Upon the expiration of a one-year time period from the drawing date or selection of a winning ticket, the ticket holder forfeits any claim or entitlement to the prize money. [PL 2013, c. 352, §12 (AMD).]

SECTION HISTORY

PL 1983, c. 732, §1 (NEW). PL 2013, c. 352, §12 (AMD).

§418. Duration of commission and Tri-state Lotto

The commission and Tri-state Lotto shall continue in existence until this compact is revoked by all of the party states. The withdrawal of one party state shall not render the compact invalid between the remaining states. [PL 1983, c. 732, §1 (NEW).]

SECTION HISTORY

PL 1983, c. 732, §1 (NEW).

§419. Interpretation

This compact shall be construed liberally to effectuate its purposes. [PL 1983, c. 732, §1 (NEW).]

SECTION HISTORY

PL 1983, c. 732, §1 (NEW).

§420. Amendments

Amendments and supplements to this compact may be adopted by concurrent legislation of the party states. [PL 1983, c. 732, §1 (NEW).]

SECTION HISTORY

PL 1983, c. 732, §1 (NEW).

§421. Immunity and limitation on liability

1. Sovereign Immunity. The commission shall enjoy the sovereign immunity of the party states and neither it nor any of its officers or employees may be sued in any court or tribunal whatsoever by any player in connection with their activities in administering the Tri-state Lotto Game.
[PL 1983, c. 732, §1 (NEW).]

2. Liability; pledge of credit. The commission may not pledge the credit of the party states, or any of them individually, or impose any liability upon them, or any of them, directly or indirectly.
[PL 1983, c. 732, §1 (NEW).]

3. Disputes concerning tickets. In the event a dispute arises as to whether a ticket is a winning ticket, and irrespective of whether the basis for the dispute is a claim of negligence, breach of contract, intentional tort or any other culpable conduct on the part of the commission, its members or employees, the player's sole remedy shall be to apply to the commission for a refund of the price allegedly wagered, and whether that price is refunded lies solely within the discretion of the commission. The provisions of this section are essential to the compact.
[PL 1983, c. 732, §1 (NEW).]

SECTION HISTORY

PL 1983, c. 732, §1 (NEW).

§422. Fiscal year

The fiscal year of the Tri-state Lotto Commission shall be from July 1st of one calendar year to June 30th of the succeeding calendar year. [PL 1983, c. 732, §1 (NEW).]

SECTION HISTORY

PL 1983, c. 732, §1 (NEW).

§423. State tax exemption

(REPEALED)

SECTION HISTORY

PL 1983, c. 732, §1 (NEW). PL 1987, c. 343, §2 (RP).

CHAPTER 17

PIN BALL MACHINES

(REPEALED)

§441. License required

(REPEALED)

SECTION HISTORY

PL 2013, c. 595, Pt. U, §3 (RP).

§442. Definition

(REPEALED)

SECTION HISTORY

PL 2013, c. 595, Pt. U, §3 (RP).

§443. Issuance of license

(REPEALED)

SECTION HISTORY

PL 1969, c. 433, §9 (AMD). PL 1971, c. 598, §9 (AMD). PL 1977, c. 348, §2 (AMD). PL 1979, c. 562, §2 (AMD). PL 2013, c. 595, Pt. U, §3 (RP).

§444. Posting of license

(REPEALED)

SECTION HISTORY

PL 2013, c. 595, Pt. U, §3 (RP).

§445. License nontransferable

(REPEALED)

SECTION HISTORY

PL 2013, c. 595, Pt. U, §3 (RP).

§446. Minors under 16

(REPEALED)

SECTION HISTORY

PL 1977, c. 284, §1 (RP).

§446-A. Local option

(REPEALED)

SECTION HISTORY

PL 1981, c. 129 (NEW). PL 2013, c. 595, Pt. U, §3 (RP).

§447. Application

(REPEALED)

SECTION HISTORY

PL 2013, c. 595, Pt. U, §3 (RP).

§448. Copy of license

(REPEALED)

SECTION HISTORY

PL 2013, c. 595, Pt. U, §3 (RP).

§449. Revocation of license; appeal

(REPEALED)

SECTION HISTORY

PL 2013, c. 595, Pt. U, §3 (RP).

§450. Violations

(REPEALED)

SECTION HISTORY

PL 2013, c. 595, Pt. U, §3 (RP).

CHAPTER 18

AMUSEMENT RIDES AND SHOWS

§471. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2015, c. 148, §1 (NEW).]

1. Amusement ride. "Amusement ride" means a device or combination of devices or elements that carry, convey or direct a person over or through a fixed or restricted course or within a defined area for the primary purpose of amusement or entertainment. "Amusement ride" does not include:

A. An inflatable bounce house or similar inflatable structure; or [PL 2015, c. 421, §1 (NEW).]

B. Nonmechanized playground equipment or a coin-operated ride that is manually, mechanically or electrically operated, is customarily placed in a public location and does not normally require the supervision or services of an operator. [PL 2015, c. 421, §1 (NEW).]

[PL 2015, c. 421, §1 (AMD).]

2. Amusement ride inspector. "Amusement ride inspector" means an amusement ride inspector employed by the Office of the State Fire Marshal.

[PL 2015, c. 148, §1 (NEW).]

3. Amusement show. "Amusement show" means a fixed or traveling show, whether held indoors or outdoors, for which admission is charged and that is designed to provide amusement to members of the public, except that "amusement show" does not include a circus. "Amusement show" includes but is not limited to a carnival, thrill show, ice show and rodeo.

[PL 2015, c. 148, §1 (NEW).]

4. ASTM standards. "ASTM standards" means standards for amusement rides established by American Society for Testing and Materials International or a successor organization and adopted by the commissioner by rule.

[PL 2015, c. 148, §1 (NEW).]

5. Commissioner. "Commissioner" means the Commissioner of Public Safety.

[PL 2015, c. 148, §1 (NEW).]

6. Operator. "Operator" means an individual having direct control of the starting, stopping or speed of an amusement ride.
[PL 2015, c. 148, §1 (NEW).]

7. Owner. "Owner" means a person who owns or leases or manages the operation of an amusement ride.
[PL 2015, c. 148, §1 (NEW).]

8. Rider. "Rider" means a customer of an amusement ride. "Rider" includes a customer of an amusement ride who is waiting in the vicinity to get on the amusement ride and a departing customer who is still in the vicinity of the amusement ride.
[PL 2015, c. 148, §1 (NEW).]

SECTION HISTORY

PL 2015, c. 148, §1 (NEW). PL 2015, c. 421, §1 (AMD).

§472. Amusement rides

1. Inspection required. An amusement ride must be inspected at least once annually by an amusement ride inspector.

A. In order to be operated in this State, an amusement ride must comply with the applicable ASTM standards for that amusement ride. [PL 2015, c. 148, §1 (NEW).]

B. An amusement ride that is not operated in the State on a year-round basis must be inspected in the same calendar year in which the amusement ride is operated in the State, prior to either July 1st or the first operation of the amusement ride in the State, whichever is sooner. [PL 2015, c. 148, §1 (NEW).]

C. If an inspection reveals that an amusement ride does not meet the applicable ASTM standards, an amusement ride inspector shall notify the owner of all defects. [PL 2015, c. 148, §1 (NEW).]

D. An operator may not operate an amusement ride unless the amusement ride passed the most recent annual inspection required by this section. [PL 2015, c. 148, §1 (NEW).]

E. Before an amusement ride may be operated, an amusement ride inspector must affix to the amusement ride an inspection decal that contains the date the amusement ride passed inspection and an identifying number of the inspection decal. [PL 2015, c. 148, §1 (NEW).]

F. An amusement ride that has been modified or altered in a manner that changes its dynamics or control system from that of the original manufacturer's design or specification since its most recent annual inspection must be inspected by an amusement ride inspector before it may be operated in the State. [PL 2015, c. 148, §1 (NEW).]

G. Following a serious injury or illness involving an amusement ride, the amusement ride must be inspected by an amusement ride inspector and approved by the commissioner before it may be operated in the State. As used in this paragraph, "serious injury or illness" means an injury or illness that results in death, dismemberment, disfigurement, compound fracture of a body part or permanent loss of the use of a body part or organ, function or system or that requires hospital admission within 24 hours of the occurrence of the injury or illness involving the amusement ride. [PL 2015, c. 148, §1 (NEW).]

H. An owner or operator shall make an amusement ride available for inspection at all reasonable times and places upon request of an amusement ride inspector. [PL 2015, c. 148, §1 (NEW).]
[PL 2015, c. 148, §1 (NEW).]

2. Insurance requirements. An owner shall provide an amusement ride inspector with a copy of a certificate of public liability insurance in a minimum amount of $1,000,000 at the time of inspection. [PL 2015, c. 148, §1 (NEW).]

3. Operator requirements. An owner must have a documented training policy for the operation of each amusement ride owned by the owner. The owner shall maintain a written certification for each operator, providing documented proof that the operator has received the training required by the training policy for the amusement ride.
[PL 2015, c. 148, §1 (NEW).]

4. Recording and reporting. An owner shall maintain a first aid incident report log for all rider injuries or illnesses, other than minor injuries or illnesses, resulting from the operation of an amusement ride. The report log must include the following:

A. The date the injury or illness occurred; [PL 2015, c. 148, §1 (NEW).]

B. The name, address and telephone number of the rider who received first aid service or treatment; [PL 2015, c. 148, §1 (NEW).]

C. The age of the rider; [PL 2015, c. 148, §1 (NEW).]

D. The manufacturer and serial number of the amusement ride involved in the injury or illness; [PL 2015, c. 148, §1 (NEW).]

E. A description of the injury or illness; [PL 2015, c. 148, §1 (NEW).]

F. A description of any first aid service or treatment administered; and [PL 2015, c. 148, §1 (NEW).]

G. Any other information considered pertinent by the owner. [PL 2015, c. 148, §1 (NEW).]
[PL 2015, c. 148, §1 (NEW).]

5. Violation. A person who operates an amusement ride in violation of this section commits a civil violation for which a fine of not more than $1,000 may be assessed upon the owner of the amusement ride.
[PL 2015, c. 148, §1 (NEW).]

6. Application and inspection required. A person may not operate an amusement ride prior to filing an application with the Office of the State Fire Marshal and before the amusement ride passes inspection as required in this section. An application must include the following:

A. The name of the person or corporation operating the amusement ride; [PL 2015, c. 148, §1 (NEW).]

B. A statement of proposed territory within the limits of the State, including the names of the cities and towns, in which the amusement ride is to operate; and [PL 2015, c. 148, §1 (NEW).]

C. A certificate of public liability insurance from an insurer approved by the commissioner in accordance with subsection 2. [PL 2015, c. 148, §1 (NEW).]
[PL 2015, c. 421, §2 (AMD).]

SECTION HISTORY

PL 2015, c. 148, §1 (NEW). PL 2015, c. 421, §2 (AMD).

§473. Amusement ride inspection fee

The amusement ride inspection fee is $100 per amusement ride identified in an inspection application submitted to the Office of the State Fire Marshal pursuant to section 472, subsection 6. The applicant must pay the $100 inspection fee for each amusement ride identified in the application, even if an amusement ride identified in the application is not available for inspection at the time the Office of the State Fire Marshal conducts its inspection. The applicant must pay an additional $100 per

amusement ride each time an amusement ride inspector must return to inspect a ride that was identified in the application but was not available for inspection during the prior inspection. [PL 2015, c. 421, §3 (AMD).]

SECTION HISTORY

PL 2015, c. 148, §1 (NEW). PL 2015, c. 421, §3 (AMD).

§474. Amusement shows

1. License required. A person may not operate an amusement show without first obtaining a license from the commissioner. A license application must include the following:

A. The name of the person or corporation operating the amusement show; [PL 2015, c. 148, §1 (NEW).]

B. A statement of proposed territory within the limits of the State, including the names of the cities and towns, in which the amusement show is to operate; and [PL 2015, c. 148, §1 (NEW).]

C. A certificate of public liability insurance from an insurer approved by the commissioner in an amount established by the commissioner by rule. [PL 2015, c. 148, §1 (NEW).]
[PL 2015, c. 148, §1 (NEW).]

2. License fee. The license fee to operate an amusement show is $300 annually.
[PL 2015, c. 148, §1 (NEW).]

3. Violation. A person who operates an amusement show in violation of this section commits a civil violation for which a fine of not more than $1,000 may be adjudged.
[PL 2015, c. 148, §1 (NEW).]

SECTION HISTORY

PL 2015, c. 148, §1 (NEW).

§475. Traveling circus and amusement devices

1. License required. A traveling circus may not operate or exhibit any parade, show or entertainment in this State without first obtaining a license from the commissioner for each calendar year. An amusement device may not be operated in this State without first obtaining a license from the commissioner. A license application must include the following:

A. The name of the person or corporation using or operating the traveling circus or amusement device; [PL 2015, c. 148, §1 (NEW).]

B. A statement of proposed territory within the limits of the State, including the names of the cities and towns, in which the traveling circus or amusement device is to exhibit or operate; and [PL 2015, c. 148, §1 (NEW).]

C. A certificate of public liability insurance from an insurer approved by the commissioner in an amount to be determined by the commissioner by rule. [PL 2015, c. 148, §1 (NEW).]

Upon receipt of the application, accompanied by a certificate of public liability insurance and, for a traveling circus required to pay a license fee under subsection 2, payment of the required fee, the commissioner shall issue a license.
[PL 2015, c. 148, §1 (NEW).]

2. License fees. The following license fees apply.

A. For traveling circuses that are held outdoors or under tents or similar temporary cover or enclosure, the fee is $500. [PL 2015, c. 148, §1 (NEW).]

B. For traveling circuses held indoors in an auditorium, arena, civic center or similar type building, the fee is $300. [PL 2015, c. 148, §1 (NEW).]

For traveling circuses produced in their entirety by a nonprofit charitable organization, a license is required but no fee is charged.
[PL 2015, c. 148, §1 (NEW).]

3. Inspection fee. An amusement device may be inspected as determined necessary to protect the public safety by the commissioner. The amusement device inspection fee is $100 per amusement device. If an amusement device is not available for inspection by the Office of the State Fire Marshal at the time agreed upon by the amusement ride inspector and the owner or operator of the device, the owner or operator of the amusement device must still pay the $100 inspection fee for the amusement device and an additional $100 per amusement device each time an amusement ride inspector must return to inspect a device that was not available for inspection during the prior inspection.
[PL 2015, c. 421, §4 (AMD).]

4. Amusement device defined. For purposes of this section, "amusement device" means a device by which a person is carried or conveyed or is allowed to move on, around or over a fixed course within a defined area intended to thrill, excite or amuse, including, but not limited to, bungee jumping and water slides, regardless of whether a fee to use the device is charged. "Amusement device" does not include:

A. An amusement ride; [PL 2015, c. 421, §4 (NEW).]

B. An inflatable bounce house or similar inflatable structure; [PL 2015, c. 421, §4 (NEW).]

C. A vehicle or device the operation of which is regulated as to safety by any other provision of law, except a municipal ordinance under Title 30-A, section 3001; or [PL 2015, c. 421, §4 (NEW).]

D. A coin-operated amusement device on a nonmoving base that is designed to accommodate one child. [PL 2015, c. 421, §4 (NEW).]

[PL 2015, c. 421, §4 (AMD).]

SECTION HISTORY

PL 2015, c. 148, §1 (NEW). PL 2015, c. 421, §4 (AMD).

§476. Rulemaking

The commissioner shall adopt rules to implement this chapter. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. [PL 2015, c. 148, §1 (NEW).]

SECTION HISTORY

PL 2015, c. 148, §1 (NEW).

CHAPTER 19

PUBLIC EXHIBITIONS

(REPEALED)

§501. License required

(REPEALED)

SECTION HISTORY

PL 2013, c. 595, Pt. U, §4 (RP).

§502. Fees, prosecutions; traveling shows

(REPEALED)

SECTION HISTORY

PL 1969, c. 590, §§7-A (AMD). PL 1971, c. 592, §33 (AMD). PL 1971, c. 622, §141B (AMD). PL 1977, c. 433, §2 (RPR). PL 1983, c. 328 (AMD). PL 1987, c. 264 (AMD). PL 1987, c. 737, §§C13,C106 (AMD). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,C10 (AMD). PL 1989, c. 502, §C2 (AMD). PL 1991, c. 464, §3 (AMD). PL 1995, c. 533, §1 (AMD). PL 1997, c. 728, §§2,3 (AMD). PL 2013, c. 595, Pt. U, §4 (RP).

CHAPTER 20

MIXED MARTIAL ARTS, MUAY THAI, KICKBOXING AND BOXING

§521. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2009, c. 352, §2 (NEW).]

1. Authority. "Authority" means the Combat Sports Authority of Maine created under section 522.
[PL 2011, c. 305, §2 (AMD).]

2. Authorized participants. "Authorized participants" means competitors, officials, referees, judges, promoters, managers, physicians, timekeepers and knock-down timekeepers.
[PL 2009, c. 352, §2 (NEW).]

3. Board. "Board" means the board of directors of the authority.
[PL 2009, c. 352, §2 (NEW).]

3-A. Boxing. "Boxing" means a combative sport for compensation that features the use of gloved fists in attack and defense.
[PL 2011, c. 305, §3 (NEW).]

3-B. Kickboxing. "Kickboxing" means a combative sport that is a form of boxing in which blows are delivered with the hand and any part of the leg below the hip, including the bare foot, with the intent to disable or cause injury to an opponent in a contest, exhibition or event.
[PL 2023, c. 152, §2 (NEW).]

4. Mixed martial arts. "Mixed martial arts" means a combative sport for compensation that features a mixture of karate, jiu-jitsu, Muay Thai, tae kwon do, boxing, kickboxing, wrestling, judo and striking and grappling techniques.
[PL 2023, c. 152, §3 (AMD).]

5. Muay Thai. "Muay Thai" means a combative sport that is a form of boxing in which blows are delivered with the fist, elbow, knee and shin and in which various clinching techniques are employed, with the intent to disable or cause injury to an opponent in a contest, exhibition or event.
[PL 2023, c. 152, §4 (NEW).]

SECTION HISTORY

PL 2009, c. 352, §2 (NEW). PL 2011, c. 305, §§2, 3 (AMD). PL 2023, c. 152, §§2-4 (AMD).

§522. Combat Sports Authority of Maine

1. Establishment. The Combat Sports Authority of Maine, as established in Title 5, section 12004-G, subsection 4-D, is a body corporate and politic and a public instrumentality of the State. The exercise by the authority of the powers conferred by this chapter constitutes the performance of essential governmental functions.

[PL 2011, c. 305, §4 (AMD).]

2. Purpose. The authority is established to regulate and promote mixed martial arts, Muay Thai, kickboxing and boxing competitions, exhibitions and events in the State as set forth in this chapter. A mixed martial arts, Muay Thai, kickboxing or boxing competition, exhibition or event may not be held in the State prior to the adoption of rules pursuant to this chapter.
[PL 2023, c. 152, §5 (AMD).]

3. Board of directors. The authority is governed and its powers exercised by a board of directors. The board consists of 7 voting members appointed by the Governor. Immediately after their appointments, the members of the authority shall assume their duties. All board members serve as agents of the authority for purposes of service of process.
[PL 2011, c. 305, §4 (AMD).]

4. Officers. The board shall elect a chair, a secretary and a treasurer from among its members.
[PL 2009, c. 352, §2 (NEW).]

5. Terms; vacancy. Members of the authority are appointed to 3-year terms. A vacancy in the authority does not impair the right of a quorum of the members to exercise all the rights and perform all the duties of the authority. In the event of vacancy occurring in the membership, the Governor shall appoint a replacement member for the remainder of that term. Each member of the authority serves until that member's successor is appointed and qualified. A member of the authority is eligible for reappointment.
[PL 2009, c. 352, §2 (NEW).]

5-A. Compensation. Members of the authority may be compensated for per diem and expenses as provided in the board's bylaws from money received under subsection 7.
[PL 2011, c. 305, §4 (NEW).]

6. Bylaws and business plan. The board shall adopt bylaws for the governance of the authority and the conduct of its affairs and may amend and revoke the bylaws as necessary. The board shall adopt a business plan setting forth goals, desired outcomes and performance expectations for the authority and shall update the business plan on an annual basis.
[PL 2009, c. 352, §2 (NEW).]

7. Revenue and expenditures. The board may receive revenue from mixed martial arts, Muay Thai, kickboxing and boxing competitions, exhibitions and events, as well as from the sale of goods and merchandise, in accordance with rules adopted pursuant to sections 523 and 524. The authority may apply for, solicit and receive grants, donations and gifts and may receive appropriations from the State and funds from other governmental authorities. All funds received must be spent solely to assist with operational expenses in furtherance of the purpose of the authority. Funds may be used to compensate members of the authority for per diem and expenses in accordance with the board's bylaws. The board may enter into contracts to obtain the assistance of staff sufficient to support operations of the board.
[PL 2023, c. 152, §6 (AMD).]

8. Annual report. By March 15th of each year, beginning in 2010, the authority shall provide an annual report on its activities to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters. The report must include an evaluation of the authority's success in meeting the goals, outcomes and performance expectations contained in its business plan, as well as a summary of the revenue and expenditures of the authority pursuant to subsection 7 and section 525.
[PL 2009, c. 352, §2 (NEW).]

SECTION HISTORY

PL 2009, c. 352, §2 (NEW). PL 2009, c. 582, §1 (AMD). PL 2011, c. 305, §4 (AMD). PL 2023, c. 152, §§5, 6 (AMD).

§523. Powers of authority

In furtherance of its purpose, the authority shall, no later than October 15, 2010: [PL 2009, c. 582, §2 (AMD); PL 2009, c. 582, §9 (AFF).]

1. Rules. Adopt rules to protect the health and safety of authorized participants and the integrity of competition, as well as to establish a certification process authorizing participation in a mixed martial arts, Muay Thai, kickboxing or boxing competition, exhibition or event and set the fee schedules for all authorized participants. A certificate authorizing participation in a mixed martial arts, Muay Thai, kickboxing or boxing competition, exhibition or event may be issued for one year or such other time period as may be fixed by rule under this chapter. The board may establish requirements to ensure that a mixed martial arts, Muay Thai, kickboxing or boxing competition, exhibition or event is not conducted unless a promoter's fee has been paid and that each competitor has been examined by a physician who has certified the competitor's fitness to participate in the mixed martial arts, Muay Thai, kickboxing or boxing competition, exhibition or event. Rules adopted pursuant to this subsection are routine technical rules, as defined in Title 5, chapter 375, subchapter 2-A. Notwithstanding this subsection, rules establishing fees, including promotion fees pursuant to section 524, are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. The authority's rules must include, but are not limited to, the following:

A. Rules of competition, weighing of participants and scoring of decisions; [PL 2009, c. 352, §2 (NEW).]

B. Length of contests and rounds; [PL 2009, c. 352, §2 (NEW).]

C. Availability of medical services, including a requirement that a physician be present during a mixed martial arts, Muay Thai, kickboxing or boxing competition, exhibition or event; [PL 2023, c. 152, §7 (AMD).]

D. Age limits, which must include a minimum age of not less than 18 years; [PL 2009, c. 352, §2 (NEW).]

E. Weight limits and classification of participants; [PL 2009, c. 352, §2 (NEW).]

F. Physical condition of participants; [PL 2009, c. 352, §2 (NEW).]

G. Qualifications of referees and other authorized participants; [PL 2009, c. 352, §2 (NEW).]

H. Uniforms, attire, safety gear and equipment of authorized participants; [PL 2009, c. 352, §2 (NEW).]

I. Specifications of facilities and equipment; and [PL 2009, c. 352, §2 (NEW).]

J. Requirements for health and accident insurance providing coverage in the event of injury or death to authorized participants. This coverage must comply with standards prescribed by the Superintendent of Insurance. [PL 2009, c. 582, §2 (AMD); PL 2009, c. 582, §9 (AFF).]
[PL 2023, c. 152, §7 (AMD).]

2. Other action.
[PL 2009, c. 582, §2 (RP); PL 2009, c. 582, §9 (AFF).]

SECTION HISTORY

PL 2009, c. 352, §2 (NEW). PL 2009, c. 582, §2 (AMD). PL 2009, c. 582, §9 (AFF). PL 2011, c. 305, §5 (AMD). PL 2023, c. 152, §7 (AMD).

§524. Promotion fees

In addition to the requirements set by rule pursuant to section 523, a promoter of a mixed martial arts, Muay Thai, kickboxing or boxing competition, exhibition or event authorized under this chapter must pay a fee set by the authority in advance of the mixed martial arts, Muay Thai, kickboxing or boxing competition, exhibition or event. A promoter who fails to pay the fee required pursuant to this section is prohibited from promoting the competition as well as any further competitions, exhibitions or events held under this chapter until the fee and any penalties are paid in full or satisfactory arrangements are made with the authority. [PL 2023, c. 152, §8 (AMD).]

SECTION HISTORY

PL 2009, c. 352, §2 (NEW). PL 2011, c. 305, §6 (AMD). PL 2023, c. 152, §8 (AMD).

§525. Fund established; excess revenue to be deposited into General Fund

The authority shall establish and maintain a reserve fund called the "Combat Sports Reserve Fund" and shall deposit in the fund all money received pursuant to section 522, as well as any other money or funds from any other sources. At the close of each fiscal year, the State Controller shall transfer from the fund any revenue in excess of operating expenses to the General Fund. [PL 2011, c. 305, §7 (AMD).]

SECTION HISTORY

PL 2009, c. 352, §2 (NEW). PL 2011, c. 305, §7 (AMD).

§526. Prohibited interests of officers, directors and employees

A director of the authority or a spouse, domestic partner or dependent child of a director of the authority may not receive any direct personal benefit from the activities or undertakings of the authority. This section does not prohibit corporations or other entities with which a director is associated by reason of ownership or employment from participating in mixed martial arts, Muay Thai, kickboxing or boxing activities if ownership or employment is made known to the authority and the director abstains from voting on matters relating to that participation. A director of the authority must comply with the requirements of Title 5, section 18. [PL 2023, c. 152, §9 (AMD).]

SECTION HISTORY

PL 2009, c. 352, §2 (NEW). PL 2011, c. 305, §8 (AMD). PL 2023, c. 152, §9 (AMD).

§527. Limitations of powers

The authority may not enter into contracts, obligations or commitments of any kind on behalf of the State or any of its agencies. No contract, obligation, commitment, agreement, debt, act or undertaking of the authority of any nature binds the State or any of its agencies. [PL 2009, c. 352, §2 (NEW).]

SECTION HISTORY

PL 2009, c. 352, §2 (NEW).

§528. Penalty

(REPEALED)

SECTION HISTORY

PL 2009, c. 352, §2 (NEW). PL 2009, c. 582, §3 (RP).

§529. Powers of board

1. Inspections and investigations. The board may enter and inspect the premises where a mixed martial arts, Muay Thai, kickboxing or boxing competition, exhibition or event is to be conducted and question persons present and review documents to the extent it considers necessary to determine whether the event is in accordance with this chapter and rules adopted under this chapter.

[PL 2023, c. 152, §10 (AMD).]

2. Other action. The board may take all reasonable steps to ensure that a mixed martial arts, Muay Thai, kickboxing or boxing competition, exhibition or event is conducted in accordance with this chapter and rules adopted under this chapter and take all other lawful action necessary and incidental to its purposes.
[PL 2023, c. 152, §10 (AMD).]

SECTION HISTORY

PL 2009, c. 582, §4 (NEW). PL 2011, c. 305, §9 (AMD). PL 2023, c. 152, §10 (AMD).

§530. Refusal, suspension or revocation of certificate; grounds

The board may, after notice of an opportunity for hearing in accordance with Title 5, chapter 375, subchapter 4, refuse to issue or renew and may suspend or revoke a certificate described under section 523, subsection 1. The following are grounds for an action to refuse to issue, suspend, revoke or refuse to renew a certificate issued under section 523, subsection 1: [PL 2009, c. 582, §5 (NEW).]

1. Fraud or deceit. The practice of fraud or deceit in obtaining a certificate under section 523, subsection 1;
[PL 2009, c. 582, §5 (NEW).]

2. Violation of chapter or rule. Any violation of this chapter or any rule adopted by the authority;
[PL 2009, c. 582, §5 (NEW).]

3. Failure to maintain insurance. Failure to maintain health and accident insurance required by section 523, subsection 1, paragraph J; and
[PL 2009, c. 582, §5 (NEW).]

4. Conviction of certain crimes. Conviction of a crime that involves dishonesty or false statement that relates directly to the practice for which the applicant is certified or requesting certification or that relates directly to an applicant's qualifications for a certificate under section 523, subsection 1. The board shall consider such a conviction in the same manner as a licensing agency pursuant to Title 5, chapter 341.
[PL 2009, c. 582, §5 (NEW).]

SECTION HISTORY

PL 2009, c. 582, §5 (NEW).

§531. Complaint investigation; confidentiality

Complaints and investigative records of the authority relating to a violation of this chapter or any rule adopted by the authority are confidential to the same extent provided for licensing boards and commissions under Title 10, section 8003-B. [PL 2009, c. 582, §6 (NEW).]

SECTION HISTORY

PL 2009, c. 582, §6 (NEW).

§532. Fines; enforcement

The board may, after a hearing under Title 5, chapter 375, subchapter 4, impose a fine of not more than $500 for each violation against a person who violates this chapter or rules adopted pursuant to this chapter or who participates in a mixed martial arts, Muay Thai, kickboxing or boxing competition, exhibition or event without the certificate described under section 523, subsection 1. The Attorney General may bring an action in Superior Court to enjoin a mixed martial arts, Muay Thai, kickboxing or boxing competition, exhibition or event from occurring for which the promoter's fee has not been paid or a participant who does not meet the qualifications of this chapter from participating in the competition, exhibition or event. [PL 2023, c. 152, §11 (AMD).]

SECTION HISTORY

PL 2009, c. 582, §7 (NEW). PL 2011, c. 305, §10 (AMD). PL 2023, c. 152, §11 (AMD).

CHAPTER 21

RACING STRUCTURES

(REPEALED)

§551. Rules and regulations

(REPEALED)

SECTION HISTORY

PL 1973, c. 662, §1 (RP).

CHAPTER 22

MOTOR VEHICLE RACING

§561. License required; issuance of license

No person or organization shall operate any type of motor vehicle racing within the State unless such person or organization has obtained a license therefor from the Commissioner of Public Safety. [PL 1973, c. 662, §2 (NEW).]

A license for the operation of motor vehicle racing may be issued by the commissioner to the person or organization applying for such license if the commissioner is satisfied that such person or organization has complied with all the provisions of this chapter and all the rules and regulations promulgated by the commissioner pursuant to section 562 and that such person or organization has furnished the commissioner, in an amount to be determined by him, a certificate of public liability insurance to cover the losses, damages or injuries that might ensue to persons or property by reason of the operation of motor vehicle racing. [PL 1973, c. 662, §2 (NEW).]

All licenses issued for the operation of any type of motor vehicle racing shall expire December 31st of each year unless sooner revoked by the commissioner for violation of any provision of this chapter or for violation of any rule or regulation promulgated by the commissioner pursuant to section 562. Any such license issued shall not be transferable or assignable. [PL 1973, c. 662, §2 (NEW).]

SECTION HISTORY

PL 1973, c. 662, §2 (NEW).

§562. Rules

The Commissioner of Public Safety shall make, amend or rescind, after public hearing, notice of which has been duly advertised in the state paper, reasonable rules to be enforced with respect to the location, erection, construction and maintenance of grandstands, bleachers, stadiums, arenas, fences, safety barriers or other like structures intended primarily to support or protect spectators during any type of motor vehicle racing and with respect to public liability insurance coverage required by section 561. [PL 1997, c. 728, §4 (AMD).]

Rules become effective when reviewed for form and legality by the Office of the Attorney General and approved in writing by the Commissioner of Public Safety and when a certified copy of the rules has been filed with the Secretary of State. [PL 1997, c. 728, §4 (AMD).]

The Commissioner of Public Safety may waive the requirements of any rules to cover any special circumstances or conditions when the commissioner is satisfied that the special circumstances or conditions provide at least the same amount of safety to spectators at motor vehicle races that the rules, the waiver of which is requested, were intended to provide. [PL 1997, c. 728, §4 (AMD).]

SECTION HISTORY

PL 1973, c. 662, §2 (NEW). PL 1975, c. 771, §108 (AMD). PL 1979, c. 156, §§1,2 (AMD). PL 1997, c. 728, §4 (AMD).

§563. Fees

The fee for the inspection of all structures and the annual license for motor vehicle raceways is $300. The fee permits the holder of any motor vehicle raceway license to provide entertainment events such as auto thrill shows, motorcycle acts and other spectacular stunts at the licensed raceway. These events must be included in the certificate of public liability required pursuant to section 562. These fees must accompany the application and be credited to a special revenue account to defray expenses in carrying out this section. Any balance of these fees does not lapse but is carried forward as a continuing account to be expended for the same purposes in the following years. [PL 1997, c. 728, §5 (AMD).]

SECTION HISTORY

PL 1973, c. 662, §2 (NEW). PL 1983, c. 210 (RPR). PL 1995, c. 533, §2 (AMD). PL 1997, c. 728, §5 (AMD).

§564. Appeal

Any person aggrieved by any rule or regulation adopted by the Commissioner of Public Safety pursuant to this chapter, or the reasonableness of such rule or regulation, or any act or order of the commissioner in enforcing such rule or regulation, may appeal to the Superior Court by filing a complaint therefor, and the court shall fix a time and place of hearing, and cause notice thereof to be given to the commissioner. After the hearing, the court may affirm or reverse the rule, regulation, act or order of the commissioner. [PL 1973, c. 662, §2 (NEW).]

SECTION HISTORY

PL 1973, c. 662, §2 (NEW).

§565. Penalties

Any person or organization who operates any type of motor vehicle racing without a license duly issued therefor shall be punished by a fine of not more than $1,000. [PL 1973, c. 662, §2 (NEW).]

Any person or organization who operates any type of motor vehicle racing or who locates, erects, constructs or maintains any motor vehicle racing structure except as provided for in the rules and regulations of the Commissioner of Public Safety shall be punished by a fine of not more than $500 for each offense. [PL 1973, c. 662, §2 (NEW).]

SECTION HISTORY

PL 1973, c. 662, §2 (NEW).

§566. Injunctions

In addition to any other remedy set forth in this chapter for the enforcement of this chapter or any rule, order or decision of the Commissioner of Public Safety, the Superior Court has jurisdiction upon complaint filed by the commissioner, or any person duly authorized to act for the commissioner, to restrain or enjoin any person or organization from operating any type of motor vehicle racing or doing any act prohibited by this chapter or prohibited by any rule of the commissioner. If it is established upon hearing that the person or organization, or the officers, agents, servants or employees of such person or organization, charged has been or is operating any type of motor vehicle racing in violation

of any rule, order or decision of the commissioner, the court shall enter a decree enjoining that person or organization and the officers, agents, servants and employees of that person or organization and any other person from further operation of such motor vehicle racing. In case of violation of any injunction issued under this section, the court shall summarily try and punish the person for contempt of court. The existence of other civil or criminal remedies is not a defense to this proceeding. The commissioner or the commissioner's authorized agent is not required to give or post a bond when making an application for an injunction under this section. [RR 2023, c. 1, §42 (COR).]

SECTION HISTORY

PL 1973, c. 662, §2 (NEW). RR 2023, c. 1, §42 (COR).

§567. Motorcycle racing excluded

This chapter shall not apply to motorcycle racing. [PL 1973, c. 662, §2 (NEW).]

SECTION HISTORY

PL 1973, c. 662, §2 (NEW).

CHAPTER 23

ROLLER-SKATING RINKS

§601. License required

(REPEALED)

SECTION HISTORY

PL 2017, c. 12, §1 (RP).

§602. Hours

(REPEALED)

SECTION HISTORY

PL 1977, c. 284, §2 (RP).

SUBCHAPTER 1

ROLLER-SKATING SAFETY

§603. Short title

This subchapter is known and may be cited as the "Roller-skating Safety Act." [PL 1991, c. 124 (NEW).]

SECTION HISTORY

PL 1991, c. 124 (NEW).

§604. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1991, c. 124 (NEW).]

1. Operator. "Operator" means a person or entity who owns or controls, or who has operational responsibility for, a roller-skating rink. An operator may include the State or a political subdivision of the State.

[PL 1991, c. 124 (NEW).]

2. Roller-skating rink. "Roller-skating rink" means a building, facility or premises that provides an area used for roller skating.
[PL 1991, c. 124 (NEW).]

3. Skater. "Skater" means a person in a roller-skating rink for the purpose of skating.
[PL 1991, c. 124 (NEW).]

SECTION HISTORY

PL 1991, c. 124 (NEW).

§605. Duties of operators

An operator shall: [PL 1991, c. 124 (NEW).]

1. Post duties. Post in conspicuous places of the roller-skating rink the duties of skaters and inherent dangers of skating as provided in sections 606 and 607;
[PL 1991, c. 124 (NEW).]

2. Compliance with standards. Comply with the safety standards specified in the roller-skating rink safety standards adopted by a national roller-skating rink operators association;
[PL 1991, c. 124 (NEW).]

3. Maintain equipment. Maintain roller-skating equipment and roller-skating surfaces according to the safety standards in subsection 2; and
[PL 1991, c. 124 (NEW).]

4. Stability and legibility of notices. Maintain the stability and legibility of all required signs, symbols and posted notices.
[PL 1991, c. 124 (NEW).]

SECTION HISTORY

PL 1991, c. 124 (NEW).

§606. Duties and conduct of skaters

1. Ability. Each skater shall know the range of that skater's ability to travel while on roller skates and shall skate within the limits of that ability.
[PL 1991, c. 124 (NEW).]

2. Control. Each skater shall maintain control of the skater's speed and course at all times when skating and be alert and observant as to the inherent dangers described in section 607. Except when the skater is taking part in an organized team sport during practice, scrimmage, games, clinics or an officially sanctioned skating or roller derby event, a skater attempting to overtake other skaters shall do so in a manner that avoids collision with objects and other skaters in that skater's field of vision.
[PL 2015, c. 454, §1 (AMD).]

SECTION HISTORY

PL 1991, c. 124 (NEW). PL 2015, c. 454, §1 (AMD).

§607. Inherent dangers

Insofar as the dangers inherent in roller skating are obvious, by participating in roller skating a person accepts those dangers. Those dangers include, but are not limited to, injuries that result from collisions with other skaters or spectators, injuries that result from falls and injuries that involve objects or artificial structures properly within the intended travel of the skater that are not otherwise attributable to a breach of the operator's common law duties. [PL 1991, c. 124 (NEW).]

SECTION HISTORY

PL 1991, c. 124 (NEW).

§608. Violation; liability

A skater or operator who violates this subchapter is liable to an injured person in a civil action for damages resulting from the violation. [PL 1991, c. 124 (NEW).]

SECTION HISTORY

PL 1991, c. 124 (NEW).

CHAPTER 24

ICE-SKATING SAFETY

§621. Short title

This chapter is known and may be cited as the "Ice-skating Safety Act." [PL 1991, c. 648 (NEW).]

SECTION HISTORY

PL 1991, c. 648 (NEW).

§622. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1991, c. 648 (NEW).]

1. Ice-skating rink. "Ice-skating rink" means a building, facility or premises that provides an area used for ice-skating.
[PL 1991, c. 648 (NEW).]

2. Operator. "Operator" means a private person or entity who owns or controls or who has operational responsibility for an ice-skating rink. An "operator" does not include the State or a political subdivision of the State.
[PL 1991, c. 648 (NEW).]

3. Skater. "Skater" means a person in an ice-skating rink for the purpose of skating.
[PL 1991, c. 648 (NEW).]

SECTION HISTORY

PL 1991, c. 648 (NEW).

§623. Duties of operators

An operator shall: [PL 1991, c. 648 (NEW).]

1. Post duties. Post in conspicuous places at the ice-skating rink the duties of skaters and inherent dangers of skaters as provided in sections 624 and 625;
[PL 1991, c. 648 (NEW).]

2. Maintain equipment. Maintain ice-skating equipment and ice-skating surfaces in a reasonably safe condition; and
[PL 1991, c. 648 (NEW).]

3. Stability and legibility of notices. Maintain the stability and legibility of all required signs, symbols and posted notices.
[PL 1991, c. 648 (NEW).]

SECTION HISTORY

PL 1991, c. 648 (NEW).

§624. Duties and conduct of skaters

1. Ability. Each skater shall know the range of that skater's ability to travel while on ice skates and shall skate within the limits of that ability.
[PL 1991, c. 648 (NEW).]

2. Control. Each skater shall maintain control of the skater's speed and course at all times when skating and be alert and observant as to avoid other skaters, spectators and objects. A skater attempting to overtake other skaters shall do so in a manner that avoids collision with structures and other skaters in that skater's field of vision.
[PL 1991, c. 648 (NEW).]

SECTION HISTORY

PL 1991, c. 648 (NEW).

§625. Inherent dangers

Insofar as the dangers inherent in ice-skating are obvious, by participating in ice-skating, a person accepts those dangers. Those dangers include, but are not limited to, injuries that result from collisions with other skaters, injuries that result from falls and injuries that involve objects or artificial structures properly within the intended travel of the skater that are not otherwise attributable to a breach of the operator's common law duties. [PL 1991, c. 648 (NEW).]

SECTION HISTORY

PL 1991, c. 648 (NEW).

§626. Violation; liability

A skater or operator who violates this chapter is liable to an injured person in a civil action for damages resulting from the violation. [PL 1991, c. 648 (NEW).]

SECTION HISTORY

PL 1991, c. 648 (NEW).

CHAPTER 25

THEATERS AND SHOWS

§651. License required

No building or place of assembly shall be used for theatrical or motion picture purposes unless a license or permit shall have first been obtained from the Commissioner of Public Safety. No license shall be required if the building or place of assembly is a public or private school building, or a building owned by a municipality, county or the State; and no license shall be required if no admission fee is charged for the theatrical or motion picture production, or the production is sponsored, operated and conducted for the exclusive benefit of a social, fraternal, charitable, religious or educational organization and all admission fees are to be devoted exclusively to the uses of that organization. All buildings used for these purposes shall comply with the statutes and lawful regulations promulgated and properly adopted by the commissioner before a license may be issued. Each theater auditorium in a building shall be licensed. [PL 1977, c. 340, §1 (RPR).]

SECTION HISTORY

PL 1971, c. 592, §§32,33 (AMD). PL 1977, c. 340, §1 (RPR).

§652. Applications for license; inspections

The owner, lessee, tenant or occupant of any building or place of assembly required to be licensed under section 651 shall apply to the Commissioner of Public Safety for that license. Upon receipt of the application, the Commissioner of Public Safety or the commissioner's designee shall inspect the building or place of assembly to be used for theatrical or motion picture purposes. If the building complies with all laws and rules, the commissioner shall issue a license to the person desiring to operate the theatrical or motion picture production in that building. The fee for a license is $106. All theatrical or motion picture licenses issued expire one year after date of issue unless sooner revoked. The fees are credited to a special revenue account to defray the expenses of the inspections. Any balance of those fees does not lapse but must be carried forward as a continuing account to be expended for the same purposes in the following fiscal years. [PL 2001, c. 437, §4 (AMD); PL 2001, c. 437, §8 (AFF).]

SECTION HISTORY

PL 1971, c. 592, §§32,33 (AMD). PL 1977, c. 340, §1 (RPR). PL 1991, c. 464, §4 (AMD). PL 1997, c. 728, §6 (AMD). PL 2001, c. 437, §4 (AMD). PL 2001, c. 437, §§6,8 (AFF).

§653. Projectionist licenses

(REPEALED)

SECTION HISTORY

PL 1971, c. 592, §§32,33 (AMD). PL 1977, c. 340, §2 (RPR). PL 1981, c. 577, §§1-4 (AMD). PL 1985, c. 389, §3 (RP).

§654. Specifications; exits

(REPEALED)

SECTION HISTORY

PL 1971, c. 592, §32 (AMD). PL 1977, c. 340, §3 (RP).

§654-A. Projectionist required on premise

(REPEALED)

SECTION HISTORY

PL 1977, c. 340, §4 (NEW). PL 1985, c. 389, §4 (RP).

§655. Applicability of ordinances

(REPEALED)

SECTION HISTORY

PL 1971, c. 592, §32 (AMD). PL 1977, c. 340, §5 (RP).

§656. Asbestos booths

(REPEALED)

SECTION HISTORY

PL 1977, c. 340, §6 (RP).

§657. Violations

Whoever operates a theatrical or motion picture production contrary to sections 651 and 652 shall be guilty of a Class E crime. [PL 1977, c. 340, §7 (RPR).]

SECTION HISTORY

PL 1977, c. 340, §7 (RPR).

§658. Unincorporated places

County commissioners within their counties and counties within their limits shall respectively exercise over unincorporated places all the powers of municipal officers and towns under chapters 20 to 25. [PL 2015, c. 148, §2 (AMD).]

SECTION HISTORY

PL 1973, c. 625, §44 (AMD). PL 1979, c. 127, §48 (AMD). PL 2013, c. 595, Pt. U, §5 (AMD). PL 2015, c. 148, §2 (AMD).

§659. Traffic officer at drive-ins

(REPEALED)

SECTION HISTORY

PL 1977, c. 340, §8 (RP).

CHAPTER 26

REGULATION OF MOTION PICTURES FOR EXHIBITION TO MINORS

(REPEALED)

§660. Definitions

(REPEALED)

SECTION HISTORY

PL 1969, c. 575, §1 (NEW). PL 1979, c. 541, §§A81,A82 (AMD). PL 1983, c. 300, §1 (RP).

§661. Commercial exhibitions prohibited

(REPEALED)

SECTION HISTORY

PL 1969, c. 575, §1 (NEW). PL 1983, c. 300, §1 (RP).

§662. Municipal laws prohibited

(REPEALED)

SECTION HISTORY

PL 1969, c. 575, §1 (NEW). PL 1983, c. 300, §1 (RP).

§663. Exemption

(REPEALED)

SECTION HISTORY

PL 1969, c. 575, §1 (NEW). PL 1983, c. 300, §1 (RP).

§664. Defenses

(REPEALED)

SECTION HISTORY

PL 1969, c. 575, §1 (NEW). PL 1983, c. 300, §1 (RP).

§665. Exhibitions visible by minors

(REPEALED)

SECTION HISTORY

PL 1973, c. 464 (NEW). PL 1983, c. 300, §1 (RP).

CHAPTER 27

VIOLATIONS AND ENFORCEMENT

§701. Jurisdiction

All penalties provided in chapters 3, 7 and 20 to 25 must be recovered by complaint for the use of the town where incurred. [PL 2015, c. 148, §3 (AMD).]

SECTION HISTORY

PL 1979, c. 127, §49 (AMD). PL 2013, c. 595, Pt. U, §6 (AMD). PL 2015, c. 148, §3 (AMD).

CHAPTER 29

RIDER SAFETY

§801. Short title

This chapter may be known and cited as the "Rider Safety Act." [PL 1997, c. 303, §1 (NEW).]

SECTION HISTORY

PL 1997, c. 303, §1 (NEW).

§802. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1997, c. 303, §1 (NEW).]

1. Amusement owner. "Amusement owner" means a person, the State or a political subdivision of the State that owns an amusement ride or, if the amusement ride is leased, the lessee.
[PL 1997, c. 303, §1 (NEW).]

2. Amusement ride. "Amusement ride" means:

A. A device that is intended to give amusement, excitement, pleasure or thrills to passengers whom the device carries along or around a fixed or restricted course or within a defined area; or [PL 1997, c. 303, §1 (NEW).]

B. A structure that gives amusement, excitement, pleasure or thrills to people who move around, over or through the structure without the aid of a moving device integral to the structure. [PL 1997, c. 303, §1 (NEW).]

"Amusement ride" does not include a device or structure that is devoted principally to exhibitions related to agriculture, the arts, education, industry, religion or science.
[PL 1997, c. 303, §1 (NEW).]

3. Parent or guardian. "Parent or guardian" means each parent, custodian or guardian responsible for the control, safety, training or education of a minor rider.
[PL 1997, c. 303, §1 (NEW).]

4. Rider. "Rider" means any person who is:

A. Waiting in the immediate vicinity to get on an amusement ride; [PL 1997, c. 303, §1 (NEW).]

B. Getting on an amusement ride; [PL 1997, c. 303, §1 (NEW).]

C. Using an amusement ride; [PL 1997, c. 303, §1 (NEW).]

D. Getting off an amusement ride; or [PL 1997, c. 303, §1 (NEW).]

E. Leaving an amusement ride and still in its immediate vicinity. [PL 1997, c. 303, §1 (NEW).]

"Rider" does not include employees, agents or servants of the amusement owner while engaged in the duties of their employment.
[PL 1997, c. 303, §1 (NEW).]

5. Sign. "Sign" means any symbol or language reasonably calculated to communicate information to riders or their parents or guardians, including placards, prerecorded messages, live public address, stickers, pictures, pictograms, video, verbal information and visual signals.
[PL 1997, c. 303, §1 (NEW).]

SECTION HISTORY

PL 1997, c. 303, §1 (NEW).

§803. Rider conduct

1. Reports. A rider or the rider's parent or guardian shall report in writing to the amusement owner or the amusement owner's designee any injury sustained on an amusement ride before leaving the amusement owner's premises, including:

A. The name, address and phone number of the injured person; [PL 1997, c. 303, §1 (NEW).]

B. A brief description of the incident, the injury claimed and the location, date and time of the injury; [PL 1997, c. 303, §1 (NEW).]

C. The cause of the injury, if known; and [PL 1997, c. 303, §1 (NEW).]

D. The names, addresses and phone numbers of any witnesses to the incident. [PL 1997, c. 303, §1 (NEW).]

If the rider or the rider's parent or guardian is unable to file a report because of the severity of the rider's injuries, the rider or the rider's parent or guardian shall file the report as soon as reasonably possible. The failure of a rider or the rider's parent or guardian to report an injury under this section does not affect the rider's right to commence a civil action.
[PL 1997, c. 303, §1 (NEW).]

2. Code of conduct. A rider shall at a minimum:

A. Obey the reasonable safety rules posted in accordance with this Act and oral instructions for an amusement ride issued by the amusement owner or the amusement owner's employee or agent, unless:

(1) The safety rules are contrary to this Act; or

(2) The oral instructions are contrary to this Act or the safety rules; and [PL 1997, c. 303, §1 (NEW).]

B. Refrain from acting in any manner that may cause or contribute to injuring the rider or others, including:

(1) Exceeding the limits of the rider's ability;

(2) Interfering with safe operation of the amusement ride;

(3) Not engaging any safety devices that are provided;

(4) Disconnecting or disabling a safety device except at the express instruction of the ride operator;

(5) Altering or enhancing the intended speed, course or direction of an amusement ride;

(6) Using the controls of an amusement ride designed solely to be operated by the ride operator;

(7) Extending arms and legs beyond the carrier or seating area except at the express direction of the ride operator;

(8) Throwing, dropping or expelling an object from or toward an amusement ride except as permitted by the ride operator;

(9) Getting on or off an amusement ride except at the designated time and area, if any, at the direction of the ride operator or in an emergency; and

(10) Not reasonably controlling the speed or direction of the rider's person or an amusement ride that requires the rider to control or direct the rider's person or a device. [PL 1997, c. 303, §1 (NEW).]

[PL 1997, c. 303, §1 (NEW).]

3. Rider qualifications. A rider may not get on or attempt to get on an amusement ride unless the rider or the rider's parent or guardian reasonably determines that, at a minimum, the rider:

A. Has sufficient knowledge to use, get on and get off the amusement ride safely without instruction or has requested and received before getting on the ride sufficient information to get on, use and get off safely; [PL 1997, c. 303, §1 (NEW).]

B. Has located, reviewed and understood any signs in the vicinity of the ride and has satisfied any posted height, medical or other restrictions; [PL 1997, c. 303, §1 (NEW).]

C. Knows the range and limits of the rider's ability and knows the requirements of the amusement ride will not exceed those limits; [PL 1997, c. 303, §1 (NEW).]

D. Is not under the influence of alcohol or any drug that affects the rider's ability to safely use the amusement ride or obey the posted rules or oral instructions; and [PL 1997, c. 303, §1 (NEW).]

E. Is authorized by the amusement owner or the amusement owner's authorized servant, agent or employee to get on the amusement ride. [PL 1997, c. 303, §1 (NEW).]

[PL 1997, c. 303, §1 (NEW).]

SECTION HISTORY

PL 1997, c. 303, §1 (NEW).

§804. Notice to riders

1. General signs. An amusement owner shall display signs indicating the applicable safety responsibilities of riders set forth in section 803 and the location of stations to report injuries. The signs must be located at:

A. Each station for reporting an injury; [PL 1997, c. 303, §1 (NEW).]

B. Each first aid station; and [PL 1997, c. 303, §1 (NEW).]

C. Either:

(1) At least 4 other locations on the premises, including each premises entrance and exit, if there are no more than 4 entrances or exits for riders;

(2) At least 4 other locations on the premises, including the 4 premises entrances and exits most commonly used by riders, if there are more than 4 entrances and exits for riders; or

(3) Each amusement ride. [PL 1997, c. 303, §1 (NEW).]

[PL 1997, c. 303, §1 (NEW).]

2. Individual amusement ride signs. An amusement owner shall post a sign at each amusement ride that includes:

A. Operational instructions, if any; [PL 1997, c. 303, §1 (NEW).]

B. Safety guidelines for riders, if any; [PL 1997, c. 303, §1 (NEW).]

C. Restrictions on the use of the amusement ride, if any; [PL 1997, c. 303, §1 (NEW).]

D. Behavior or activities that are prohibited, if any; and [PL 1997, c. 303, §1 (NEW).]

E. A legend providing that "State law requires riders to obey all warnings and directions for this ride and behave in a manner that will not cause or contribute to injuring themselves or others. Riders must report injuries before leaving. Failure to comply is punishable by fine and imprisonment." [PL 1997, c. 303, §1 (NEW).]

[PL 1997, c. 303, §1 (NEW).]

Any sign required by this section must be prominently displayed at a conspicuous location, clearly visible to the public and bold and legible in design. [PL 1997, c. 303, §1 (NEW).]

SECTION HISTORY

PL 1997, c. 303, §1 (NEW).

§805. Construction

Nothing in this chapter may be construed to preclude a criminal prosecution or civil action available under any other law. [PL 1997, c. 303, §1 (NEW).]

SECTION HISTORY

PL 1997, c. 303, §1 (NEW).

§806. Uniformity of interpretation

This Act must be interpreted and construed as to effectuate its general purpose to make uniform the law of those states that enact it. [PL 1997, c. 303, §1 (NEW).]

SECTION HISTORY

PL 1997, c. 303, §1 (NEW).

CHAPTER 30

SLOT MACHINES

(REPEALED)

SUBCHAPTER 1

GENERAL PROVISIONS

(REPEALED)

§901. Definitions

(REPEALED)

SECTION HISTORY

IB 2003, c. 1, §5 (NEW). PL 2003, c. 687, §B5 (RP). PL 2003, c. 687, §B11 (AFF).

§902. License required

(REPEALED)

SECTION HISTORY

IB 2003, c. 1, §5 (NEW). PL 2003, c. 687, §B5 (RP). PL 2003, c. 687, §B11 (AFF).

§903. Administration and enforcement

(REPEALED)

SECTION HISTORY

IB 2003, c. 1, §5 (NEW). PL 2003, c. 687, §B5 (RP). PL 2003, c. 687, §B11 (AFF).

§904. Powers and duties of the commission

(REPEALED)

SECTION HISTORY

IB 2003, c. 1, §5 (NEW). PL 2003, c. 687, §B5 (RP). PL 2003, c. 687, §B11 (AFF).

SUBCHAPTER 2

LICENSING

(REPEALED)

§911. License to operate

(REPEALED)

SECTION HISTORY

IB 2003, c. 1, §5 (NEW). PL 2003, c. 687, §B5 (RP). PL 2003, c. 687, §B11 (AFF).

§912. Registration of slot machines

(REPEALED)

SECTION HISTORY

IB 2003, c. 1, §5 (NEW). PL 2003, c. 687, §B5 (RP). PL 2003, c. 687, §B11 (AFF).

§913. Licensing of slot machine distributors

(REPEALED)

SECTION HISTORY

IB 2003, c. 1, §5 (NEW). PL 2003, c. 687, §B5 (RP). PL 2003, c. 687, §B11 (AFF).

§914. Qualifications for license

(REPEALED)

SECTION HISTORY

IB 2003, c. 1, §5 (NEW). PL 2003, c. 687, §B5 (RP). PL 2003, c. 687, §B11 (AFF).

§915. Applications

(REPEALED)

SECTION HISTORY

IB 2003, c. 1, §5 (NEW). PL 2003, c. 687, §B5 (RP). PL 2003, c. 687, §B11 (AFF).

§916. Fees; term of license or registration; transferability

(REPEALED)

SECTION HISTORY

IB 2003, c. 1, §5 (NEW). PL 2003, c. 687, §B5 (RP). PL 2003, c. 687, §B11 (AFF).

§917. Actions relating to licenses and registrations

(REPEALED)

SECTION HISTORY

IB 2003, c. 1, §5 (NEW). PL 2003, c. 687, §B5 (RP). PL 2003, c. 687, §B11 (AFF).

SUBCHAPTER 3

SLOT MACHINE OPERATION; ALLOCATION OF FUNDS

(REPEALED)

§921. Limits on slot machine use

(REPEALED)

SECTION HISTORY

IB 2003, c. 1, §5 (NEW). PL 2003, c. 687, §B5 (RP). PL 2003, c. 687, §B11 (AFF).

§922. Payment of credits by licensee

(REPEALED)

SECTION HISTORY

IB 2003, c. 1, §5 (NEW). PL 2003, c. 687, §B5 (RP). PL 2003, c. 687, §B11 (AFF).

§923. Allocation of funds

(REPEALED)

SECTION HISTORY

IB 2003, c. 1, §5 (NEW). PL 2003, c. 687, §B5 (RP). PL 2003, c. 687, §B11 (AFF).

SUBCHAPTER 4

ENFORCEMENT AND PENALTIES

(REPEALED)

§931. Reports; records

(REPEALED)

SECTION HISTORY

IB 2003, c. 1, §5 (NEW). PL 2003, c. 687, §B5 (RP). PL 2003, c. 687, §B11 (AFF).

§932. Access to premises, equipment and records

(REPEALED)

SECTION HISTORY

IB 2003, c. 1, §5 (NEW). PL 2003, c. 687, §B5 (RP). PL 2003, c. 687, §B11 (AFF).

§933. Contempt

(REPEALED)

SECTION HISTORY

IB 2003, c. 1, §5 (NEW). PL 2003, c. 687, §B5 (RP). PL 2003, c. 687, §B11 (AFF).

§934. Violations

(REPEALED)

SECTION HISTORY

IB 2003, c. 1, §5 (NEW). PL 2003, c. 687, §B5 (RP). PL 2003, c. 687, §B11 (AFF).

§935. Fines and suspensions

(REPEALED)

SECTION HISTORY

IB 2003, c. 1, §5 (NEW). PL 2003, c. 687, §B5 (RP). PL 2003, c. 687, §B11 (AFF).

§936. Rules

(REPEALED)

SECTION HISTORY

IB 2003, c. 1, §5 (NEW). PL 2003, c. 687, §B5 (RP). PL 2003, c. 687, §B11 (AFF).

§937. Applicability of Title 17, chapter 14

(REPEALED)

SECTION HISTORY

IB 2003, c. 1, §5 (NEW). PL 2003, c. 687, §B5 (RP). PL 2003, c. 687, §B11 (AFF).

CHAPTER 31

GAMBLING CONTROL BOARD

SUBCHAPTER 1

GENERAL PROVISIONS

§1001. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

1. Applicant. "Applicant" means a person who has submitted an application for a license. [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

1-A. Advance deposit wagering. "Advance deposit wagering" means a form of pari-mutuel wagering on horse races in which a person places a wager in person or by telephone, Internet, mobile

device or other electronic communication. Before the wager occurs, the person placing the wager deposits money in a wagering account administered by an advance deposit wagering licensee. The advance deposit wagering licensee places the wager from the account at the direction of and on behalf of the account holder. The advance deposit wagering licensee deposits money into the wagering account from winnings awarded to the account holder.
[PL 2023, c. 440, §1 (RPR).]

1-B. Advance deposit wagering licensee. "Advance deposit wagering licensee" means a person that is licensed by the board pursuant to subchapter 7 to conduct advance deposit wagering.
[PL 2023, c. 440, §2 (AMD).]

1-C. Account wagering provider. "Account wagering provider" means a business entity that offers advance deposit wagering on a horse race that is not a commercial track or an off-track betting facility licensed under section 275-D.
[PL 2023, c. 440, §3 (NEW).]

2. Associated equipment. "Associated equipment" means any mechanical, electromechanical or electronic component part or machine that is used, or intended for use, in a slot machine or table game and that affects the outcome of the game or that is involved in the handling of money, tokens, credits or similar objects or things of value used to play a slot machine or table game or the calculation of or distribution of payoffs of the slot machine or table game.
[PL 2019, c. 614, §1 (AMD).]

3. Beano. "Beano" has the same meaning as set forth in Title 17, section 311, subsection 1.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

4. Board. "Board" means the Gambling Control Board established under section 1002.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

5. Business organization. "Business organization" means a partnership, incorporated or unincorporated association, firm, corporation, limited liability company, trust or other form of business or legal entity other than a financial institution regulated by a state or federal agency that is not exercising control over a licensee.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

5-A. Casino. "Casino" means a facility licensed in accordance with this chapter, where gambling activities occur, including, but not limited to, the operation of slot machines and table games.
[PL 2011, c. 417, §1 (AMD).]

5-B. Casino operator. “Casino operator” means a person who is licensed under this chapter to operate a casino.
[IB 2009, c. 2, §3 (NEW).]

6. Commercial track. "Commercial track" has the same meaning as set forth in section 275-A, subsection 1.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

7. Control. "Control" means the power to exercise authority over or direct the management or policies of a person.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

8. Department. "Department" means the Department of Public Safety.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

9. Director. "Director" means the executive director of the board.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

10. Distribute. "Distribute" means to sell, lease, license, place or otherwise make available for use in the State or to transport into the State for the purpose of selling, leasing, licensing, placing or otherwise making available for use in the State.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

11. Drug user. "Drug user" has the same meaning as set forth in Title 5, section 20003, subsection 10.
[PL 2017, c. 407, Pt. A, §47 (AMD).]

12. Person with substance use disorder. "Person with substance use disorder" has the same meaning as set forth in Title 5, section 20003, subsection 17-A.
[PL 2017, c. 407, Pt. A, §47 (AMD).]

13. Drug-dependent person.
[PL 2017, c. 407, Pt. A, §48 (RP).]

13-A. Electronic table game. "Electronic table game" means a game approved by the board that is played in an electronic or electromechanical format that replicates a table game by incorporating all or part of the characteristics of the game. "Electronic table game" does not include a slot machine.
[PL 2021, c. 513, §1 (AMD).]

13-B. Facility-based monitoring system. "Facility-based monitoring system" means an on-site computer system at a casino or slot machine facility that is accessible by the department to which all slot machines at the casino or slot machine facility communicate for the purpose of auditing capacity and real-time information retrieval of the details of any financial event that occurs in the operation of the casino or slot machine facility, door openings and closings, power failure and malfunction.
[PL 2023, c. 549, §1 (NEW); PL 2023, c. 549, §15 (AFF).]

REVISOR'S NOTE: (Subsection 13-B as enacted by PL 2023, c. 635, §1 is REALLOCATED TO TITLE 8, SECTION 1001, SUBSECTION 13-C)

13-C. (REALLOCATED FROM T. 8, §1001, sub-§13-B) Fantasy contest. "Fantasy contest" has the same meaning as in section 1101, subsection 4.
[PL 2023, c. 635, §1 (NEW); RR 2023, c. 2, Pt. A, §17 (RAL).]

14. Fugitive from justice. "Fugitive from justice" has the same meaning as set forth in Title 15, section 201, subsection 4.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

15. Gambling activity. "Gambling activity" means off-track betting, pari-mutuel wagering at a race track, high-stakes beano, beano, games of chance or slot machine or table game operation.
[IB 2009, c. 2, §4 (AMD).]

16. Gambling facility. "Gambling facility" means a race track, off-track betting facility, high-stakes beano or beano facility, game of chance facility, slot machine facility or casino.
[IB 2009, c. 2, §5 (AMD).]

17. Gambling services. "Gambling services" means any goods or services provided to an operator licensed under this chapter or at a gambling facility that are used directly in connection with the operation of a slot machine or table game, including, but not limited to, associated equipment, maintenance, security services or junket services, and excluding slot machine or table game distribution by a slot machine distributor or table game distributor.
[PL 2019, c. 614, §2 (AMD).]

18. Gambling services vendor. "Gambling services vendor" means a person who is licensed under this chapter to provide gambling services.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

19. Game of chance. "Game of chance" has the same meaning as set forth in Title 17, section 1831, subsection 5.
[PL 2009, c. 487, Pt. B, §2 (AMD).]

20. Gaming employee. "Gaming employee" means any person connected directly with a gambling facility, including cashiers, change personnel, counting room personnel, hosts, persons who extend credit or offer complimentary services, machine mechanics, security personnel, supervisors or managers. "Gaming employee" also includes employees of a slot machine distributor, table game distributor or gambling services vendor whose duties are directly involved with repair or distribution of slot machines, gaming devices or table games.
[PL 2013, c. 212, §3 (AMD).]

20-A. Gross advance deposit wagers. "Gross advance deposit wagers" means the total amount of wagers placed by residents of this State by means of advance deposit wagering before payment of money to winning residents of this State.
[PL 2023, c. 440, §4 (NEW).]

21. Gross slot machine income. "Gross slot machine income" means the total value of money, tokens, credits or similar objects or things of value used to actually play a slot machine before payback is distributed to a player.
[PL 2005, c. 663, §2 (AMD).]

21-A. Gross table game income. "Gross table game income" means the total value of money, tokens, credits or similar objects or things of value used to actually play a table game before payback is distributed to a player.
[IB 2009, c. 2, §8 (NEW).]

22. High-stakes beano. "High-stakes beano" means the activity authorized in Title 17, section 314-A.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

23. Holding company. "Holding company" means any company that directly or indirectly owns or has the power or right to control a company that holds or applies for a slot machine operator license or a slot machine distributor license, except that a company that has a beneficial ownership of more than 10% of the voting securities of a publicly traded corporation is not a holding company.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

24. Immediate family. "Immediate family" means spouse, parents and children.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

25. Intermediary company. "Intermediary company" means a company that is a holding company of a company that applies for a slot machine operator license or a slot machine distributor license or is a subsidiary of a holding company of a company that applies for a slot machine operator license or a slot machine distributor license.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

26. Junket services. "Junket services" means an arrangement to facilitate the attendance at a gambling facility of customers selected by reason of their propensity to gamble by providing to those customers any consideration, including cash, credits or rebates or reduced charges for goods or services such as transportation, lodging, food, beverages or entertainment. "Junket services" does not include providing common transportation to a gambling facility to the public without limitation to selected customers.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

27. Key executive. "Key executive" means any executive of a licensee having power to exercise a significant influence over decisions concerning the operation or distribution of slot machines, table games or gambling services.

[PL 2013, c. 212, §4 (AMD).]

28. License. "License" means a license issued by the board under this chapter.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

29. Licensee. "Licensee" means a person granted a license under this chapter.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

29-A. Net slot machine income. "Net slot machine income" means money, tokens, credits or similar objects or things of value used to play a slot machine minus money, credits or prizes paid out to winners and amounts paid pursuant to section 1036, subsection 1.
[PL 2005, c. 663, §3 (NEW).]

29-B. Net table game income. "Net table game income" means money, tokens, credits or similar objects or things of value used to play a table game minus money, credits or prizes paid out to winners.
[IB 2009, c. 2, §10 (NEW).]

29-C. Net commission.
[PL 2023, c. 440, §5 (RP).]

30. Nongambling services. "Nongambling services" means any goods or services, other than gambling services and slot machine or table game distribution by a slot machine distributor or table game distributor, provided to an operator licensed under this chapter or at a gambling facility, including, but not limited to, hotel concessions, restaurant concessions or food service.
[IB 2009, c. 2, §11 (AMD).]

31. Operate. "Operate" means to offer for use.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

32. Owner. "Owner" means a person who owns or controls, directly or indirectly, 10% or more of a business organization.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

33. Pari-mutuel facility. "Pari-mutuel facility" means a location at which a person is licensed under chapter 11 to accept pari-mutuel wagers on horse races.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

34. Payback percentage. "Payback percentage" means the percentage of the total value of money or tokens, credits or similar objects or things of value used to play a slot machine that is returned to players of that slot machine as winnings, prizes or credits.
[PL 2013, c. 212, §5 (AMD).]

35. Person. "Person" means an individual or a business organization.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

36. Premises.
[PL 2007, c. 611, §10 (RP).]

36-A. Promotional credit. "Promotional credit" means any noncashable electronic thing of value used solely to play a slot machine that is provided by a slot machine operator or a casino operator to customers and approved by the Gambling Control Board. Promotional credits played by slot machine customers have no value attributed to their use for purposes of calculating gross slot machine income, net slot machine income and payback percentage.
[PL 2013, c. 212, §6 (AMD).]

37. Publicly traded corporation. "Publicly traded corporation" means a company that is an issuer subject to Section 15(d) of the Securities Exchange Act of 1934, as amended, 15 United States Code, Section 780 or applicable foreign laws or has one or more of the following:

A. Classes of securities registered pursuant to Section 12 of the Securities Exchange Act of 1934, as amended, 15 United States Code, Section 78l; or [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

B. Classes of securities registered pursuant to applicable foreign laws that the board finds protect the public interest. [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

38. Registration. "Registration" means an approval or board action that authorizes a company to be a holding company of a company that holds or applies for a slot machine operator license, a casino operator license, a slot machine distributor license or a table game distributor license or of other persons required to be licensed under this chapter.

[IB 2009, c. 2, §12 (AMD).]

39. Slot machine. "Slot machine" means any mechanical, electrical or electronic device, contrivance or machine or other device, contrivance or machine that is available to play upon insertion of money or a token, credit or similar object or thing of value, the play of which by the element of chance may deliver or entitle the person playing the device, contrivance or machine to receive cash, tokens or credits to be exchanged for cash, merchandise or anything of value, whether the payoff is made automatically from the device, contrivance or machine or in any other manner, and includes progressive electronic gaming devices with a payoff that increases as the electronic gaming device is played.

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

40. Slot machine distributor. "Slot machine distributor" means a person who is licensed under this chapter to distribute slot machines and associated equipment for use in the State.

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

41. Slot machine facility. "Slot machine facility" means a facility, not including a casino, at which a slot machine operator operates slot machines.

[IB 2009, c. 2, §13 (AMD).]

42. Slot machine operator. "Slot machine operator" means a person, not including a casino operator, who is licensed under this chapter to operate slot machines and associated equipment in the State.

[IB 2009, c. 2, §14 (AMD).]

42-A. Sports wagering. "Sports wagering" has the same meaning as in section 1202, subsection 14.

[PL 2023, c. 635, §2 (NEW).]

43. Subsidiary. "Subsidiary" means any corporation or company, all or any part of whose outstanding equity securities are owned, subject to a power or right of control, or held, with power to vote, by a holding company or intermediary company.

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

43-A. Table game. "Table game" means a card game, dice game or other game of chance, including, but not limited to, blackjack, poker, dice, craps, roulette, baccarat, money wheels, wheel of fortune or an electronic table game located in a casino. Table games are governed under this chapter and excluded from the definition of "game of chance" in Title 17, section 1831, subsection 5.

[PL 2021, c. 513, §2 (AMD).]

43-B. Table game distributor. "Table game distributor" means a person who is licensed under this chapter to distribute table games and associated equipment for use in the State.

[IB 2009, c. 2, §16 (NEW).]

44. Uniform location agreement. "Uniform location agreement" means a written agreement in a form prescribed by the board between a slot machine operator or casino operator and a slot machine distributor or table game distributor that governs the terms and conditions of that agreement, including the placement of slot machines or table games on the premises of the slot machine operator or casino operator.
[IB 2009, c. 2, §17 (AMD).]

45. Work permit.
[PL 2013, c. 212, §7 (RP).]

SECTION HISTORY

PL 2003, c. 687, §A5 (NEW). PL 2003, c. 687, §B11 (AFF). PL 2005, c. 663, §§2,3 (AMD). PL 2007, c. 611, §10 (AMD). PL 2009, c. 266, §1 (AMD). PL 2009, c. 487, Pt. B, §2 (AMD). IB 2009, c. 2, §§1-17 (AMD). PL 2011, c. 417, §1 (AMD). PL 2013, c. 212, §§1-7 (AMD). PL 2015, c. 499, §§1, 2 (AMD). PL 2017, c. 407, Pt. A, §§47, 48 (AMD). PL 2019, c. 614, §§1, 2 (AMD). PL 2021, c. 513, §§1, 2 (AMD). PL 2023, c. 440, §§1-5 (AMD). PL 2023, c. 549, §1 (NEW). PL 2023, c. 549, §15 (AFF). PL 2023, c. 635, §§1, 2 (AMD). RR 2023, c. 2, Pt. A, §17 (COR).

§1002. Board

1. Establishment. The Gambling Control Board is created within the Department of Public Safety to carry out the functions specified in this chapter. The board is affiliated with the department as specified in this chapter.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

2. Members. The board consists of 5 members appointed by the Governor. At least 4 of the board members must have training or experience in at least one of the following fields: corporate finance, economics, law, accounting, law enforcement, computer science or the gambling industry. One member must have experience in the harness racing industry. An elected official or candidate for elective office may not serve as a board member.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

3. Term of office. Members of the board serve 3-year terms, except that the Governor shall initially appoint one member for a term of one year, 2 members for a term of 2 years and 2 members for a term of 3 years. A vacancy is filled by appointment for the remainder of the unexpired term of that member. Members whose terms expire serve until their successors are appointed and confirmed. Members may serve no more than 2 full consecutive terms on the board.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

4. Confirmation. Appointees must be reviewed by the joint standing committee of the Legislature having jurisdiction over gambling matters and are subject to confirmation by the Senate.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

5. Chair. The Governor shall appoint one of the 5 board members as chair. The member serves as chair at the pleasure of the Governor.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

6. Quorum. An action of the board is not binding unless taken at a meeting at which at least 3 of the 5 members are present.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

7. Removal. Except as provided in subsection 5, the Governor may remove any member of the board for just cause.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

8. Conflict of interest. In addition to the restrictions imposed pursuant to Title 5, section 18, a board member may not participate in any matter before the board in which that board member has a personal bias or any other conflict of interest as the board determines, either on the board's own motion or in response to a written complaint. During a board member's term of service and for 2 years after the end of that board member's service, any person with a direct and substantial interest in any gambling facility or gambling activity may not employ or be represented by the board member or a member of the board member's immediate family. For the purposes of this subsection, "direct and substantial" means ownership or control of more than 10% of the voting securities of any gambling facility or any entity in contract, consort or cooperation with a gambling facility or key executive.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

SECTION HISTORY

PL 2003, c. 687, §A5 (NEW). PL 2003, c. 687, §B11 (AFF).

§1003. Powers and duties of board

1. Powers. In administering and enforcing this chapter, the board or the director, as delegated by the board, may:

A. Regulate, supervise and exercise general control over the ownership and operation of slot machines and table games, the distribution of slot machines and table games and slot machine facilities and casinos; [IB 2009, c. 2, §18 (AMD).]

B. Adopt those rules the board determines necessary to administer and enforce this chapter; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

C. Issue subpoenas to compel the attendance of witnesses and the production of evidence relevant to any fact at issue and administer oaths and require testimony under oath in the course of any investigation or hearing conducted under this chapter; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

D. Require a licensee to file an independently audited annual financial report with the board, including a balance sheet and profit and loss statement, a list of all persons having any beneficial or financial interest in the licensee and such other information as the board may require, all in such form as the board may establish by rule; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

E. Approve or disapprove terms and conditions of uniform location agreements; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

F. Subject to any applicable laws relating to public contracts, enter into a contract for the performance of the board's or director's duties under this chapter. A contract awarded or entered into by the board or director may not be assigned by the holder of the contract except by specific approval of the board or director. All contracts must be awarded in accordance with rules adopted by the Department of Administrative and Financial Services pursuant to Title 5, chapters 141 to 145 and Title 5, sections 1812 and 1813; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

G. Pursuant to subchapter 5, deny any application and limit, restrict, suspend or revoke any license, registration or approval under this chapter; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

H. Impose sanctions, penalties and costs of investigation and hearing against any applicant or licensee for violation of this chapter or the rules adopted under this chapter; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

I. Take any action as may be reasonable or appropriate to protect the public interest and enforce this chapter and the rules adopted under this chapter including denial, suspension or revocation

without hearing of a license issued under this chapter as provided in Title 5, section 10004, subsection 4-A; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

J. Negotiate consent agreements to resolve administrative violations or investigations; [PL 2015, c. 499, §3 (AMD).]

K. Ensure that public safety inspectors employed by the board assigned to enforce the provisions of this chapter at the site of a casino may, in the absence of a sworn law enforcement officer, detain any person who is suspected of violating any provision of this chapter. Such detention must comply with federal and state laws including the provisions of Title 17-A, section 107; and [PL 2015, c. 499, §4 (AMD).]

L. Regulate, supervise and exercise general control over the operation of advance deposit wagering in the State. [PL 2015, c. 499, §5 (NEW).]

[PL 2015, c. 499, §§3-5 (AMD).]

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

A. Enforce the provisions of this chapter and any rules adopted under this chapter; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

B. Hear and decide all license and registration applications under this chapter and issues affecting the granting, suspension, revocation or renewal of licenses and registrations; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

C. Review the department's reports of its investigation of the qualifications of an applicant before a license or registration is issued and investigate the circumstances surrounding any act or transaction for which board approval is required; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

D. Cause the department to investigate any alleged violations of this chapter or rules adopted under this chapter and the direct or indirect ownership or control of any licensee; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

E. Refer violations of this chapter to the Attorney General to bring action in the courts and administrative tribunals of this State or the United States, in the name of the State of Maine. This paragraph does not limit the authority of district attorneys to prosecute criminal violations of the law; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

F. Collect all licensing and registration fees and taxes imposed by this chapter and rules adopted pursuant to this chapter; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

G. Develop a standard uniform location agreement; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

H. Pursuant to subchapter 5, cause the department to investigate all complaints made to the board regarding ownership, distribution or operation of slot machines or table games and all violations of this chapter or rules adopted under this chapter; [PL 2013, c. 212, §8 (AMD).]

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

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

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

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

(4) The presence of disorderly persons in a location where slot machines or table games are in use; [IB 2009, c. 2, §19 (AMD).]

J. [PL 2023, c. 549, §2 (RP); PL 2023, c. 549, §15 (AFF).]

J-1. Ensure the board or the director or staff has the ability to regulate, manage and audit the operation, financial data and program information relating to slot machines that enables the department to audit the operation, financial data and program information of a casino or slot machine facility licensee, as required by the board, and provide the department with the ability to monitor at any time on a real-time basis wagering patterns, payouts, tax collection and compliance with rules adopted by the board for the regulation and control of slot machines operated under this chapter; [PL 2023, c. 549, §3 (NEW); PL 2023, c. 549, §15 (AFF).]

K. Ensure the board or the director or staff, in collaboration with the casino operator or slot machine operator, has the ability to activate and deactivate the operation of individual slot machines; [PL 2023, c. 549, §4 (AMD); PL 2023, c. 549, §15 (AFF).]

L. Ensure that the slot machine operator or casino operator does not have access to any system that is capable of programming slot machines; [PL 2013, c. 212, §9 (AMD).]

M. Inform commercial track operators applying for a license to operate slot machines that any slot machines licensed by the board must be compatible with a facility-based monitoring system; [PL 2023, c. 549, §5 (AMD); PL 2023, c. 549, §15 (AFF).]

N. Cause, in collaboration with the casino operator or slot machine operator, a slot machine to be disabled that does not meet registration requirements provided by this chapter or rules adopted under this chapter; [PL 2023, c. 549, §6 (AMD); PL 2023, c. 549, §15 (AFF).]

O. Cause, in collaboration with the casino operator or slot machine operator, a slot machine to be disabled and cause the department to seize the proceeds of that slot machine if the funds from that slot machine have not been distributed, deposited or allocated in accordance with section 1036; [PL 2023, c. 549, §7 (AMD); PL 2023, c. 549, §15 (AFF).]

P. Collect all funds and taxes due to the State under sections 1018 and 1036; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

Q. Certify monthly to the department a full and complete statement of all slot machine and table game revenue, credits disbursed by licensees, administrative expenses and the allocation of slot machine and table game income for the preceding month; [IB 2009, c. 2, §20 (AMD).]

R. Submit by March 15th an annual report to the Governor and the joint standing committee of the Legislature having jurisdiction over gambling affairs on slot machine and table game revenue, credits disbursed by slot machine operators and table game operators, administrative expenses and the allocation of slot machine and table game income for the preceding year; [IB 2009, c. 2, §21 (AMD).]

S. Prepare and submit to the department a budget for the administration of this chapter; [PL 2015, c. 499, §6 (AMD).]

T. Keep accurate and complete records of its proceedings and certify the records as may be appropriate; and [PL 2015, c. 499, §6 (AMD).]

U. Adopt rules relating to the conduct of advance deposit wagering, including but not limited to the following:

(1) Requirements for licensure to conduct advance deposit wagering;

(2) The prevention of any fraud or deception upon an advance deposit wagering account holder;

(3) Distributions of account statements to advance deposit wagering account holders from the advance deposit wagering licensee;

(4) Establishing a definition of an abandoned advance deposit wagering account and provisions for disposition of funds in an abandoned account;

(5) Prescribing methods for verifying residency and age of an applicant for an advance deposit wagering account;

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

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

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

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

Rules initially adopted as required by this paragraph are major substantive rules as described in Title 5, chapter 375, subchapter 2-A. Rules adopted after the first year of operation of advance deposit wagering conducted by an advance deposit wagering licensee are routine technical rules as described in Title 5, chapter 375, subchapter 2-A. [PL 2023, c. 635, §§3-5 (AMD).]

[PL 2023, c. 549, §§2-7 (AMD); PL 2023, c. 549, §15 (AFF); PL 2023, c. 635, §§3-5 (AMD).]

3. Required rules. The board shall, without limitation on the powers conferred and duties imposed in subsections 1 and 2, adopt rules governing:

A. Methods and forms of application that an applicant must follow and complete prior to consideration of the applicant's application by the board; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

B. Methods, procedures and forms for delivery of information concerning an applicant's immediate family, character, associates, criminal record, business activities and financial affairs; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

C. Procedures for the fingerprinting of an applicant, or other methods of identification the board determines necessary to accomplish effective licensing and enforcement of restrictions; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

D. The method of collection of payments of taxes, fees and penalties; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

E. The location and hours of operation of slot machines and table games, types of slot machines and table games permitted, methods of operation of slot machines and table games and distribution

and servicing of slot machines and table games and associated equipment; [IB 2009, c. 2, §22 (AMD).]

F. Procedures, forms and methods of management controls of licensees, including the structure of the organization and minimum security standards, including organizational structure of security personnel and alarm and other electrical or visual security measures; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

G. Minimum procedures for the exercise of effective control over the internal fiscal affairs of slot machine operators, casino operators, slot machine distributors, table game distributors, gambling services vendors and nongambling services vendors, including provisions for the safeguarding of assets and revenues, the recording of cash and evidence of indebtedness and the maintenance of reliable records, accounts and reports of transactions, operations and events, including reports to the board; [IB 2009, c. 2, §23 (AMD).]

G-1. The handling of money, chips, tokens or other items of value used to place bets on table games. The rules must prohibit the use of cash to place bets and ensure that the exchange of cash for chips, tokens or other items of value used to place bets on table games is conducted in a manner that permits thorough auditing; [PL 2011, c. 469, §3 (NEW).]

H. Procedures for the annual audit of the books and records of slot machine operators, casino operators, slot machine distributors, table game distributors and gambling services vendors; [IB 2009, c. 2, §24 (AMD).]

I. Establishment of a universal list of persons who have been or are requested to be excluded or removed from any slot machine facility, casino, advance deposit wagering, fantasy contest or sports wagering in this State including those persons who voluntarily request that their names be included on the universal list of excluded persons and those persons who voluntarily requested that their names be included on a list of persons to be excluded or removed that existed before the establishment of the universal list. Rules adopted under this paragraph must be consistent, to the extent possible, for all forms of gambling included on the universal list. These rules must:

(1) Define the standards for exclusion and removal and include standards regarding persons who are career or professional offenders, as defined by rules of the board, whose presence in a slot machine facility or casino or participation in advance deposit wagering, a fantasy contest or sports wagering would, in the opinion of the board, be inimical to the interest of the State; and

(2) Provide that, before making a payout of winnings in an amount equal to or greater than the amount for which the licensee is required to file a Form W-2G or substantially equivalent form with the United States Internal Revenue Service, the licensee, after any interception of winnings required by law to pay child support debt or other obligations, shall intercept money or anything of value that an excluded person is seeking to redeem as a result of wagers made by the person after that person has been excluded. The rules must offer the excluded person the right to an administrative hearing with reasonable notice to contest the interception of winnings. Winnings intercepted must be remitted by the licensee to the board or its designee for deposit in an Other Special Revenue Funds account within the Office of Behavioral Health within the Department of Health and Human Services to address gambling addiction; [PL 2023, c. 635, §6 (AMD).]

J. Gambling-related advertising and marketing programs, including the use of a promotional credit; and [PL 2009, c. 266, §2 (AMD).]

K. Distribution and consumption of alcoholic beverages and tobacco products on the premises of gambling facilities. [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

[PL 2023, c. 635, §6 (AMD).]

4. Rules governing the regulation of table games.
[PL 2011, c. 469, §4 (NEW); MRSA T. 8 §1003, sub-§4 (RP).]

5. Additional duties of the director. The director also serves as the director of the Gambling Control Unit, established as a bureau within the Department of Public Safety under Title 25, section 2902, subsection 12. As director of the unit, the director shall administer and enforce the laws governing fantasy contests under chapter 33, sports wagering under chapter 35 and beano and games of chance under Title 17, chapters 13-A and 62, respectively.
[PL 2021, c. 681, Pt. J, §4 (AMD).]

SECTION HISTORY

PL 2003, c. 687, §A5 (NEW). PL 2003, c. 687, §B11 (AFF). PL 2005, c. 663, §§4,5 (AMD). PL 2009, c. 266, §2 (AMD). PL 2009, c. 571, Pt. HHHH, §1 (AMD). IB 2009, c. 2, §§18-25 (AMD). PL 2011, c. 469, §§1-4 (AMD). PL 2013, c. 212, §§8-10 (AMD). PL 2015, c. 499, §§3-7 (AMD). PL 2017, c. 284, Pt. IIIII, §1 (AMD). PL 2017, c. 303, §1 (AMD). PL 2017, c. 475, Pt. A, §11 (AMD). PL 2021, c. 398, Pt. VV, §3 (AMD). PL 2021, c. 681, Pt. J, §4 (AMD). PL 2023, c. 549, §§2-7 (AMD). PL 2023, c. 549, §15 (AFF). PL 2023, c. 635, §§3-6 (AMD).

§1004. Facility-based monitoring system

1. Generally. In order to facilitate auditing and security programs under section 1003, subsection 2, all slot machines at a casino or slot machine facility must communicate electronically with the licensee's facility-based monitoring system. The facility-based monitoring system, in addition to other functions the board determines necessary, must:

A. Be a fully operational slot machine control system that has the capability of supporting all slot machines licensed for operation at the casino or slot machine facility and is capable of being upgraded to maintain a fully operational and proper reporting capability; [PL 2023, c. 549, §8 (AMD); PL 2023, c. 549, §15 (AFF).]

B. Use a widely accepted gaming industry protocol to facilitate slot machine manufacturers' ability to communicate with the facility-based monitoring system; [PL 2023, c. 549, §8 (AMD); PL 2023, c. 549, §15 (AFF).]

C. Have the capability to support progressive slot machines, both in-house and wide-area, as approved by the board. For purposes of this paragraph, "progressive slot machine" means a slot machine or series of slot machines in which the payback amount to an individual player increases as that player continues to play the slot machine or slot machines; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

D. Allow the slot machine operator to install independent player tracking systems to include cashless technology as approved by the board; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

E. Be incapable of altering the statistical awards of slot machines, as designated by the slot machine manufacturer and approved by the board; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

F. Provide redundancy to ensure that each component of the facility-based monitoring system is capable of operating independently if another component of the facility-based monitoring system fails and to ensure that all transactional data is captured and secured; and [PL 2023, c. 549, §8 (AMD); PL 2023, c. 549, §15 (AFF).]

G. Have the ability to meet the reporting and control requirements set forth in section 1003, subsection 2, paragraphs A to S. [PL 2023, c. 549, §8 (AMD); PL 2023, c. 549, §15 (AFF).]

An on-site computer system that is accessible by the department through read-only access and was in operation as of January 1, 2024 at a casino or slot machine facility operated by a person licensed under section 1011 is considered a facility-based monitoring system under this chapter.
[PL 2023, c. 549, §8 (AMD); PL 2023, c. 549, §15 (AFF).]

2. Third-party contractor.
[PL 2023, c. 549, §8 (RP); PL 2023, c. 549, §15 (AFF).]

3. Initial acquisition of central site monitoring system.
[PL 2023, c. 549, §8 (RP); PL 2023, c. 549, §15 (AFF).]

SECTION HISTORY

PL 2003, c. 687, §A5 (NEW). PL 2003, c. 687, §B11 (AFF). PL 2023, c. 549, §8 (AMD). PL 2023, c. 549, §15 (AFF).

§1004-A. Surveillance and monitoring of table games

1. Casino facility requirements. A casino operator shall arrange the facilities of its casino in such a manner as to promote optimum security for the casino facility operations and shall comply in all respects with rules of the board pertaining to security.
[IB 2009, c. 2, §26 (NEW).]

2. Internal controls. The following provisions govern internal procedures and controls of a casino.

A. The casino operator shall submit to the board a description of its system of internal procedures and administrative and accounting controls for table games operations accompanied by a certification by its chief financial officer or equivalent officer that the submitted procedures provide adequate and effective controls, establish a consistent overall system of internal procedures and administrative and accounting controls and conform to generally accepted accounting principles. An applicant for licensure under section 1011, subsection 2-A shall make its initial submission at least 30 business days before table game operations are to commence unless otherwise directed by the board. [IB 2009, c. 2, §26 (NEW).]

B. The casino must contain a count room and such other secure facilities as may be required by the board for the counting and storage of cash, coins, tokens, checks, plaques, gaming vouchers, coupons and other devices or items of value used in wagering and approved by the board that are received in the conduct of gaming and for the inspection, counting and storage of dice, cards, chips and other representatives of value. A drop box or other device in which these items are deposited at the gaming tables, and any area in which these boxes and devices are kept while in use, must be equipped with a locking device approved by the board. These drop boxes and other devices may not be brought into or removed from a casino room except at such times, in such places and according to such procedures as the board may require. [PL 2013, c. 212, §11 (AMD).]
[PL 2013, c. 212, §11 (AMD).]

SECTION HISTORY

IB 2009, c. 2, §26 (NEW). PL 2013, c. 212, §11 (AMD).

§1005. Powers and duties of department

1. Powers. In addition to powers conferred by any other provision of law, the department may:

A. Without notice, and at any time during regular hours of operation, enter the offices, facilities or other places of business of slot machine operators, casino operators, slot machine distributors, table game distributors and gambling services vendors to conduct administrative inspections to determine compliance with this chapter and rules adopted under this chapter; and [IB 2009, c. 2, §27 (AMD).]

B. Request the director to disable any slot machine or table game if the department has a reasonable articulable suspicion that the slot machine or table game is being operated in violation of this chapter or of any rule adopted under this chapter. [IB 2009, c. 2, §27 (AMD).]

[IB 2009, c. 2, §27 (AMD).]

2. Duties. The department shall:

A. Investigate any alleged violation of this chapter or rules adopted under this chapter and investigate the direct or indirect ownership or control of any licensee; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

B. Investigate the qualifications of each applicant before a license or registration is issued and investigate the circumstances surrounding any act or transaction for which board approval is required; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

C. Report to the board any alleged violations of this chapter or rules adopted under this chapter and the results of any investigations of alleged violations of this chapter or rules adopted under this chapter; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

D. Exchange fingerprint data with, and receive criminal history record information from, the Federal Bureau of Investigation for use in considering an applicant for a license issued pursuant to the provisions of this chapter; and [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

E. Report to the board the results of any investigation of an applicant for a license or registration under this chapter. [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

SECTION HISTORY

PL 2003, c. 687, §A5 (NEW). PL 2003, c. 687, §B11 (AFF). IB 2009, c. 2, §27 (AMD).

§1006. Confidentiality of records and information

1. Application and licensing records and information. This subsection applies to information or records included in an application or materials required by the board for issuance of a license pursuant to this chapter, including records obtained or developed by the board or department related to an applicant or licensee. For the purposes of Title 1, section 402, subsection 3, the following records and information are designated as confidential and may not be disclosed except as provided:

A. Trade secrets as defined in Title 10, section 1542 and proprietary information that if released could be competitively harmful to the submitter of the information; [PL 2005, c. 11, §1 (NEW).]

B. Information that if released would constitute an unwarranted invasion of personal privacy of a key executive, gaming employee or any other individual included in application materials, as determined by the board. Upon request, the board shall release a summary of information confidential under this paragraph describing the basis for the board's action in granting, denying, renewing, suspending, revoking or failing to grant or renew a license issued under this chapter. In preparing a summary, the board shall maximize public access to that information while taking reasonable measures to protect the confidentiality of that information; [PL 2005, c. 11, §1 (NEW).]

C. Key executive or gaming employee compensation, except that:

(1) Executive compensation required to be filed with the federal Securities and Exchange Commission or, with respect to applicants or licensees that are not publicly traded corporations, executive compensation that would be required to be filed with the federal Securities and Exchange Commission were the applicant or licensee a publicly traded corporation or controlled by a publicly traded corporation is not confidential; and

(2) Compensation of the officers of the business entity that is organized or authorized to do business in this State who are responsible for the management of gaming operations, as determined by the board, is not confidential; [PL 2005, c. 11, §1 (NEW).]

D. Financial, statistical and surveillance information related to the applicant or licensee that is obtained by the board or department from a facility-based monitoring system or surveillance devices, except that such records or information may be disclosed with the written consent of the licensee as the facility-based monitoring system operator; [PL 2023, c. 549, §9 (AMD); PL 2023, c. 549, §15 (AFF).]

E. Records that contain an assessment by a person who is not employed by the board or the department of the creditworthiness, credit rating or financial condition of any person or project, including reports that detail specific information for presentation to the board or department. Persons retained by the board or department to provide such an assessment shall prepare reports that indicate their conclusions and summarize information reviewed by them in a way that maximizes public access to that information; [PL 2005, c. 11, §1 (NEW).]

F. Information obtained from other jurisdictions designated as confidential by the jurisdiction from which it is obtained and that must remain confidential as a condition of receipt. The board and the department may use information designated as confidential by the jurisdiction from which it is obtained but shall first make reasonable efforts to use information that is known to be publicly available from another source; [PL 2005, c. 11, §1 (NEW).]

G. Information that is designated confidential under federal law whether obtained from federal authorities or provided to the board or department by an applicant, licensee or key executive; and [PL 2005, c. 11, §1 (NEW).]

H. Birth dates, social security numbers, home addresses and telephone numbers, passport numbers, driver's license numbers, fingerprints, marital status, family relationships and support information, health status, personal financial records and tax returns of any individuals. [PL 2005, c. 11, §1 (NEW).]

[PL 2023, c. 549, §9 (AMD); PL 2023, c. 549, §15 (AFF).]

2. Disclosure to applicant or licensee; written consent. Records from an applicant or licensee may be disclosed to the applicant or licensee upon written request or to another person with the written consent of the applicant or licensee who provided the record.
[PL 2005, c. 11, §1 (NEW).]

3. Central site monitoring system operator.
[PL 2023, c. 549, §10 (RP); PL 2023, c. 549, §15 (AFF).]

4. Monitoring and surveillance records and information. Financial, statistical and surveillance information obtained by the board or department from a facility-based monitoring system or surveillance devices is confidential and may not be disclosed, except as provided in subsection 1, paragraph D. The board shall prepare and make publicly available monthly and annual reports on the results of slot machine and table game operations using the information described in this subsection pursuant to section 1003, subsection 2, paragraphs Q and R, as long as the board takes appropriate measures to protect the confidentiality of specific information designated as confidential by this section.
[PL 2023, c. 549, §11 (AMD); PL 2023, c. 549, §15 (AFF).]

5. Application. This section applies to all records and information in the possession of the board or the department on the effective date of this section, and the confidentiality of such information is governed by this section, not by the law in effect when the board or the department obtained the records or information. Disclosure of the records or information is governed by this section.
[PL 2005, c. 11, §1 (NEW).]

6. Publicly available records. Except for the information described in subsection 1, paragraph H, nothing in this section may be construed as designating confidential any records or information that are otherwise publicly available, and the board and the department are not required to treat those records or that information as confidential.
[PL 2005, c. 11, §1 (NEW).]

7. Report on operations. When financial and operating information, business records, business plans and marketing plans that are confidential under this section are submitted, the board and the applicant or licensee shall prepare a publicly available document that summarizes the confidential information in a manner that maximizes public access to that information.
[PL 2005, c. 11, §1 (NEW).]

8. Voluntary exclusion. Notwithstanding Title 1, section 401, records and information obtained or developed by the board as part of establishing and administering the list of persons who voluntarily request exclusion from any slot machine facility, casino, advance deposit wagering, fantasy contest or sports wagering under section 1003, subsection 3, paragraph I are confidential except that information may be released with the written consent of the person requesting voluntary exclusion and as is necessary to inform the slot machine facility, casino, advance deposit wagering, fantasy contest or sports wagering licensee and enforce the voluntary exclusion. Statistical data and general information that do not allow for a person on the voluntary exclusion list to be personally identified are not confidential.
[PL 2023, c. 635, §7 (AMD).]

SECTION HISTORY

PL 2005, c. 11, §1 (NEW). IB 2009, c. 2, §28 (AMD). PL 2013, c. 212, §12 (AMD). PL 2023, c. 549, §§9-11 (AMD). PL 2023, c. 549, §15 (AFF). PL 2023, c. 635, §7 (AMD).

§1007. Intelligence sharing, reciprocal use and restricted use agreements

1. Agreement. The board or the department may enter into intelligence sharing, reciprocal use or restricted use agreements with a department or agency of the Federal Government and law enforcement agencies and gaming enforcement or regulatory agencies of other jurisdictions. The board or the department may provide information or records designated as confidential under section 1006 only after obtaining a signed authorization to release the information or records from the applicant, licensee, owner, key executive or gaming employee to which the information or records relate, pertain or belong. This authorization requirement does not apply to the sharing of information permitted under subsections 2 and 3.
[PL 2005, c. 11, §1 (NEW).]

2. Reports from other jurisdictions. Information or records in the possession of the board or the department received pursuant to an intelligence sharing, reciprocal use or restricted use agreement entered into by the board or the department with a federal department or agency or a law enforcement agency or gaming enforcement or regulatory agency of any jurisdiction are considered records or information within the meaning of section 1006, subsection 1 and may be disseminated only with the permission of the person or agency providing the information or records.
[PL 2005, c. 11, §1 (NEW).]

3. Investigation of violations. Records received by the board or the department as application materials or as part of an investigation related to an applicant or licensee may be disclosed to state or federal law enforcement entities when the Attorney General or the department determines that the information contains evidence of a possible violation of laws, rules or regulations enforced by those entities.
[PL 2005, c. 11, §1 (NEW).]

SECTION HISTORY

PL 2005, c. 11, §1 (NEW).

§1008. Hearings and proceedings

Notwithstanding section 1006, the confidentiality of records and information used or produced in connection with hearings, proceedings or appeals under subchapter 5 regarding noncompliance with or violation of this chapter are governed by the provisions of section 1052. [PL 2005, c. 11, §1 (NEW).]

SECTION HISTORY

PL 2005, c. 11, §1 (NEW).

SUBCHAPTER 2

LICENSING AND REGISTRATION

§1011. License to operate

The board shall exercise authority over the licensing of all persons participating in the operation, distribution and maintenance of slot machines and table games and slot machine facilities and casinos and over the registration of slot machines and table games. [IB 2009, c. 2, §29 (AMD).]

1. Operator license required for slot machine facility. A person may not operate any slot machine in a slot machine facility in the State unless the person has been issued a license to operate slot machines by the board. A slot machine operator license authorizes a licensee to own or lease slot machines operated at a licensed gambling facility.
[IB 2009, c. 2, §29 (AMD).]

1-A. Operator license required for casino. A person may not operate both slot machines and table games in the State unless the person has been issued a casino operator license by the board. A casino operator license authorizes a licensee to own or lease slot machines and table games operated at a casino.
[IB 2009, c. 2, §29 (NEW).]

1-B. Operation of slot machines for training and educational purposes. Notwithstanding subsections 1 and 1-A, an accredited postsecondary institution may possess and operate slot machines and table games for the purposes of training and education. Any casino or slot machine training or education program is subject to approval by the board and must conform to criteria established by the board. Wagers used for slot machine and table game training are for demonstration only.
[PL 2011, c. 585, §1 (NEW).]

2. Persons eligible for slot machine operator license. The board may accept applications for a license to operate slot machines from any person who is licensed to operate a commercial track that satisfies the following criteria:

A. The commercial track is located at or within a 5-mile radius of the center of a commercial track that conducted harness racing with pari-mutuel wagering on more than 25 days during calendar year 2002; and [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

B. The operation of slot machines at the commercial track is approved by the voters of the municipality in which the commercial track to be licensed is located by referendum election held at any time after December 31, 2002 and before December 31, 2003. [PL 2009, c. 687, Pt. A, §5 (NEW); PL 2009, c. 687, Pt. B, §11 (AFF).]

[IB 2009, c. 2, §29 (AMD).]

2-A. Persons eligible for casino operator license. The board may accept an application for a casino operator license to operate slot machines and table games at a casino from a commercial track

licensed to operate a slot machine facility on January 1, 2011 for the same location where slot machines were operated on January 1, 2011 and any person if that person and casino satisfy the following criteria:

A. The casino is located on a parcel of land in Oxford County that is:

(1) No less than 50 acres in size; and

(2) Located not more than:

(a) Thirty miles from a Level I or Level II trauma center verified as such by the American College of Surgeons or successor organization;

(b) Fifteen miles from the main office of a county sheriff;

(c) Twenty-five miles from the main office of a state police field troop;

(d) Thirty miles from an interchange of the interstate highway system;

(e) Ten miles from a fire station;

(f) Ten miles from a facility at which harness racing was conducted pursuant to a license from the State Harness Racing Commission for the 2009 racing year; and

(g) One-half mile from a state highway as defined in Title 23, section 1903, subsection 15.

For the purposes of this paragraph, distances are determined by measuring along the most commonly used roadway, as determined by the Department of Transportation; [PL 2011, c. 417, §2 (AMD).]

B. The criteria adopted through rulemaking by the board regarding the licensing of the operation of slot machines and table games; [IB 2009, c. 2, §29 (NEW).]

C. The operation of a casino is approved by the voters of the municipality in which the casino to be licensed is located in a referendum election or by a vote of the municipal officers in the municipality in which the casino is to be licensed and located held at any time after October 1, 2009 and on or before December 31, 2011; [IB 2009, c. 2, §29 (NEW).]

D. The person owns a facility that is within 10 miles of the proposed casino at which harness racing was conducted pursuant to a license from the State Harness Racing Commission for the 2009 racing year; and [IB 2009, c. 2, §29 (NEW).]

E. The slot machines and table games are located and operated in the casino. [IB 2009, c. 2, §29 (NEW).]

[PL 2011, c. 417, §2 (AMD).]

2-B. Licenses for a slot machine facility or casino issued on or after September 1, 2012. Beginning September 1, 2012, the board may not accept any application for an initial license to operate a slot machine facility or casino or any other gambling facility for which the board has licensing authority where slot machines or table games may be operated; except that the board may accept an application submitted by a federally recognized Indian tribe in the State that was licensed to conduct high-stakes beano at a gaming facility in Washington County as of January 1, 2012 if that tribe is authorized expressly by law to operate slot machines at that gaming facility. This subsection does not apply to a casino licensed for operation in the State as of September 1, 2012.

[PL 2011, c. 699, §1 (NEW).]

3. Requirements for license; continued commercial track licensure. The board may not issue a license to operate a slot machine facility or a casino to any person unless that person demonstrates compliance with the qualifications set forth in sections 1016 and 1019. To maintain eligibility for a slot machine operator license or a casino operator license under subsection 2-A issued to a commercial track with slot machines, a licensed commercial track must at all times maintain a license to operate a commercial track without lapse, suspension or revocation.

[PL 2011, c. 417, §3 (AMD).]

4. Requirement for license; agreement with municipality where slot machines are located. A slot machine operator shall enter into an agreement with the municipality where the slot machine operator's slot machines are located that provides for revenue sharing or other compensation, including, but not limited to, a provision requiring the preparation, in conjunction with the municipality, of a security plan for the premises on which the slot machines are located. The revenue-sharing agreement must provide for a minimum payment to the municipality of 3% of the net slot machine income derived from the machines located in the municipality.
[PL 2005, c. 663, §6 (AMD).]

5. Renewal. Licenses to operate slot machine facilities or a casino may be renewed upon application for renewal in accordance with this subchapter, subject to board rules.
[IB 2009, c. 2, §29 (AMD).]

SECTION HISTORY

PL 2003, c. 687, §A5 (NEW). PL 2003, c. 687, §B11 (AFF). PL 2005, c. 663, §6 (AMD). IB 2009, c. 2, §29 (AMD). PL 2011, c. 417, §§2, 3 (AMD). PL 2011, c. 585, §1 (AMD). PL 2011, c. 699, §1 (AMD).

§1012. Local approval for renewal of slot machine operator license

At least 60 days before a slot machine operator applies for renewal of a slot machine operator license under section 1017, subsection 4, the slot machine operator must first seek approval for the renewal under this section from the municipal officers of the municipality in which the commercial track with slot machines is located or, if the commercial track is in an unincorporated place, the slot machine operator must seek approval for the renewal under this section from the county commissioners of the county in which the commercial track with slot machines is located. [PL 2021, c. 22, §1 (AMD).]

1. Hearings. Municipal officers or county commissioners, as the case may be, may hold a public hearing for the consideration of a request for the renewal of a license to operate slot machines, except that, when an applicant has held a license for the prior 5 years and a complaint has not been filed with the board against the applicant within that time, the applicant may request a waiver of the hearing.

A. The board shall prepare and supply application forms for public hearings under this subsection. [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

B. Municipal officers or county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing, at the applicant's prepaid expense, a notice stating the name and place of the hearing to appear on at least 3 consecutive days before the date of the hearing in a daily newspaper having general circulation in the municipality where the premises of the commercial track with slot machines are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

C. If municipal officers or county commissioners, as the case may be, fail to take final action on an application for a renewal of a slot machine operator license within 60 days of the filing of an application, the application is considered approved and the slot machine operator may submit a renewal application to the board pursuant to section 1017, subsection 4. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. [PL 2021, c. 22, §2 (AMD).]
[PL 2021, c. 22, §2 (AMD).]

2. Findings. In granting or denying an application under this section, municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Noncompliance of the commercial track licensed to operate slot machines with any local zoning ordinance or other land use ordinance not directly related to slot machine operations; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

B. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the premises of the commercial track with slot machines and caused by persons patronizing or employed by the commercial track licensed to operate slot machines or other such conditions caused by persons patronizing or employed by the premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the premises to use their property in a reasonable manner; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

C. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the premises of the commercial track with slot machines and caused by persons patronizing or employed by the commercial track licensed to operate slot machines; and [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

D. A violation of any provision of this chapter. [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

3. Appeal to board. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the board within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The board shall hold a public hearing in the city, town or unincorporated place where the premises of the commercial track with slot machines are situated. In acting on such an appeal, the board may consider all licensure requirements and findings referred to in subsection 2. If the decision appealed is an application denial, the board may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause. [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

4. Appeal to District Court. Any person or governmental entity aggrieved by a board decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the board. An applicant who files an appeal or who has an appeal pending shall pay the license renewal fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the board shall refund the applicant the prorated amount of the unused license fee.

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

SECTION HISTORY

PL 2003, c. 687, §A5 (NEW). PL 2003, c. 687, §B11 (AFF). PL 2021, c. 22, §§1, 2 (AMD).

§1012-A. Local approval for renewal of casino operator license

At least 60 days before a casino operator applies for renewal of a casino operator license under section 1017, subsection 4, the casino operator must first seek approval for the renewal under this section from the municipal officers of the municipality in which the casino is located or, if the casino is in an unincorporated place, the casino operator must seek approval for the renewal under this section from the county commissioners of the county in which the casino is located. [PL 2021, c. 22, §3 (AMD).]

1. Hearings. Municipal officers or county commissioners, as the case may be, may hold a public hearing for the consideration of a request for the renewal of a license to operate a casino, except that,

when an applicant has held a license for the prior 5 years and a complaint has not been filed with the board against the applicant within that time, the applicant may request a waiver of the hearing.

A. The board shall prepare and supply application forms for public hearings under this subsection. [IB 2009, c. 2, §30 (NEW).]

B. Municipal officers or county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing, at the applicant's prepaid expense, a notice stating the name and place of the hearing to appear on at least 3 consecutive days before the date of the hearing in a daily newspaper having general circulation in the municipality where the premises of the casino are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [IB 2009, c. 2, §30 (NEW).]

C. If municipal officers or county commissioners, as the case may be, fail to take final action on an application for a renewal of a casino operator license within 60 days of the filing of an application, the application is considered approved and the casino operator may submit a renewal application to the board pursuant to section 1017, subsection 4. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. [PL 2021, c. 22, §4 (AMD).]

[PL 2021, c. 22, §4 (AMD).]

2. Findings. In granting or denying an application under this section, municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the premises of the casino and caused by persons patronizing or employed by the casino or other such conditions caused by persons patronizing or employed by the casino that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the casino to use their property in a reasonable manner; [IB 2009, c. 2, §30 (NEW).]

B. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the premises of the casino and caused by persons patronizing or employed by the casino; and [IB 2009, c. 2, §30 (NEW).]

C. A violation of any provision of this chapter. [IB 2009, c. 2, §30 (NEW).]

[IB 2009, c. 2, §30 (NEW).]

3. Appeal to board. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the board within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The board shall hold a public hearing in the city, town or unincorporated place where the premises of the casino are situated. In acting on such an appeal, the board may consider all licensure requirements and findings referred to in subsection 2. If the decision appealed is an application denial, the board may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause.

[IB 2009, c. 2, §30 (NEW).]

4. Appeal to District Court. Any person or governmental entity aggrieved by a board decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the board. An applicant who files an appeal or who has an appeal pending shall pay the license renewal fee the applicant would otherwise pay. Upon resolution of the appeal, if the applicant's license renewal is denied, the board shall refund the applicant the prorated amount of the unused license fee.

[IB 2009, c. 2, §30 (NEW).]

SECTION HISTORY

IB 2009, c. 2, §30 (NEW). PL 2021, c. 22, §§3, 4 (AMD).

§1013. Licensing of slot machine distributors

1. License to distribute required. A person may not distribute a slot machine in the State unless the person has been issued a license to distribute slot machines by the board.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

2. Requirements for license. The board may issue a license to distribute slot machines to an applicant that meets the qualifications set out in sections 1016 and 1019.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

3. Distribution of table games by licensed slot machine distributor. The board may accept an application from and issue a table game distributor license to a person who is licensed as a slot machine distributor under subsection 2.
[PL 2011, c. 585, §2 (NEW).]

SECTION HISTORY

PL 2003, c. 687, §A5 (NEW). PL 2003, c. 687, §B11 (AFF). PL 2011, c. 585, §2 (AMD).

§1013-A. Licensing of table game distributors

1. License to distribute required. A person may not distribute table games in the State unless the person has been issued a license to distribute table games by the board.
[IB 2009, c. 2, §31 (NEW).]

2. Requirements for license. The board may issue a license to distribute table games to an applicant that meets the qualifications set out in sections 1016 and 1019.
[IB 2009, c. 2, §31 (NEW).]

3. Distribution of slot machines by licensed table game distributor. The board may accept an application from and issue a slot machine distributor license to a person who is licensed as a table game distributor under subsection 2.
[PL 2011, c. 585, §3 (NEW).]

SECTION HISTORY

IB 2009, c. 2, §31 (NEW). PL 2011, c. 585, §3 (AMD).

§1014. Licensing of gambling services vendors

1. License required. A person may not provide gambling services in the State unless the person is licensed as a gambling services vendor by the board.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

2. Requirements for license. The board may issue a gambling services vendor license to an applicant that meets the qualifications set out in sections 1016 and 1019.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

SECTION HISTORY

PL 2003, c. 687, §A5 (NEW). PL 2003, c. 687, §B11 (AFF).

§1015. Licensing of employees of slot machine and casino operators, slot machine and table game distributors, gambling services vendors and advance deposit wagering licensees

1. License required. A person may not be employed by a slot machine operator, casino operator, slot machine distributor, table game distributor, gambling services vendor or advance deposit wagering licensee unless the person is licensed to do so by the board, temporarily authorized as an employee pursuant to subsection 4 or granted a waiver by the board pursuant to subsection 3.

[PL 2023, c. 440, §6 (AMD).]

2. Requirements for license. The board may issue an employee license to an employee of a slot machine operator, casino operator, slot machine distributor, table game distributor, gambling services vendor or advance deposit wagering licensee if the applicant meets the qualifications set out in sections 1016 and 1019.
[PL 2023, c. 440, §6 (AMD).]

3. Requirements for waiver. Upon application by a slot machine operator, casino operator, slot machine distributor, table game distributor, gambling services vendor or advance deposit wagering licensee, the board may waive the employee license requirement under this section if the slot machine operator, casino operator, slot machine distributor, table game distributor, gambling services vendor or advance deposit wagering licensee demonstrates to the board's satisfaction that the public interest is not served by the requirement of the employee license.
[PL 2023, c. 440, §6 (AMD).]

4. Employees authorized temporarily. A new employee of a slot machine operator, casino operator, slot machine distributor, table game distributor, gambling services vendor or advance deposit wagering licensee is temporarily authorized to work in a position requiring an employee license pursuant to subsection 1 as of the date a completed employee license application is received by the board. A completed employee license application is composed of:

A. The completed form for application for an employee license approved by the board; [PL 2013, c. 212, §14 (NEW).]

B. Two complete sets of the fingerprints of the applicant; [PL 2013, c. 212, §14 (NEW).]

C. The fee for processing the employee license application as prescribed by the board; and [PL 2013, c. 212, §14 (NEW).]

D. The results of the background investigation conducted by the employer. [PL 2013, c. 212, §14 (NEW).]

If the department determines after receiving an employee license application under this subsection that the application is incomplete, it may suspend the new employee's temporary authorization until such time as the new employee files a completed application.

Temporary authorization is not available for renewal of employee licenses.
[PL 2023, c. 440, §6 (AMD).]

5. Termination of temporary authorization. Unless suspended or revoked, a temporary authorization under subsection 4 continues until the granting or denial of the new employee's employee license application in accordance with sections 1016, 1017 and 1019 and any applicable rules adopted by the board. An applicant whose temporary authorization is suspended or revoked is not eligible for employment in a position requiring an employee license pursuant to subsection 1 until such time as the suspension or revocation is withdrawn or an employee license is issued.
[PL 2013, c. 212, §14 (NEW).]

SECTION HISTORY

PL 2003, c. 687, §A5 (NEW). PL 2003, c. 687, §B11 (AFF). IB 2009, c. 2, §32 (AMD). PL 2013, c. 212, §§13, 14 (AMD). PL 2023, c. 440, §6 (AMD).

§1016. Qualifications for license

1. Minimum qualifications. Notwithstanding Title 5, chapter 341, and in addition to any requirements imposed by rules adopted by the board, a person must satisfy the following qualifications to be a slot machine operator, a casino operator, a slot machine distributor, a table game distributor, a gambling services vendor, an advance deposit wagering licensee or an employee of these entities:

A. The person has completed the application form, promptly and truthfully complied with all information requests of the board and complied with any applicable rules adopted by the board; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

B. The person has sufficient financial assets and responsibility to meet any financial obligations imposed by this chapter and, if applying for a slot machine operator license, casino operator license, slot machine operator license renewal or casino operator license renewal, has sufficient financial assets and responsibility to continue operation of a commercial track or casino; [IB 2009, c. 2, §33 (AMD).]

B-1. If applying for an advance deposit wagering license or renewal of an advance deposit wagering license under section 1073, subsection 1, paragraph A or B, the person has sufficient financial assets and responsibility to continue operation of a commercial track or off-track betting facility as defined in section 275-A, subsection 8; [PL 2023, c. 440, §7 (NEW).]

C. The person has not knowingly or recklessly made a false statement of material fact in applying for a license under this chapter or any gambling-related license in any other jurisdiction; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

D. In the case of a person applying to be a slot machine operator, casino operator or advance deposit wagering licensee, the person has sufficient knowledge and experience in the business of operating slot machines, casinos or advance deposit wagering to effectively operate the slot machine facilities, casino or advance deposit wagering to which the license application relates in accordance with this chapter and the rules and standards adopted under this chapter; and [PL 2023, c. 440, §7 (AMD).]

E. [PL 2013, c. 212, §16 (RP).]

F. If the applicant is a business organization, the applicant is organized in this State, although that business organization may be a wholly or partially owned subsidiary of an entity that is organized pursuant to the laws of another state or a foreign country, unless the applicant is applying for an advance deposit wagering license and the applicant is an account wagering provider. [PL 2023, c. 440, §7 (AMD).]

G. [PL 2013, c. 212, §18 (RP).]

Except as provided by section 1013, subsection 3 and section 1013-A, subsection 3, a person may not hold more than one class of license under this chapter unless the 2nd license is an employee license under section 1015 or an advance deposit wagering license under section 1073.
[PL 2023, c. 440, §7 (AMD).]

1-A. Further qualifications. In addition to the qualifications set forth in subsection 1, and notwithstanding Title 5, chapter 341, the board may refuse to grant a license if the person has had a gambling-related license application denied or an adverse action taken against a gambling-related license by authorities in this State or any other jurisdiction. For purposes of this subsection, "adverse action" includes, but is not limited to, a condition resulting from an administrative, civil or criminal violation, a suspension or revocation of a license or a voluntary surrender of a license to avoid or resolve a civil, criminal or disciplinary action. In making a determination under this subsection, the board shall consider whether the person has established sufficient rehabilitation to warrant the public trust.
[PL 2013, c. 212, §19 (NEW).]

2. Suitability. In addition to the qualifications set forth in subsection 1 and subsection 1-A, a person may not receive a license unless the board determines that the person is suitable and that the public interest is served by granting or renewing the person's license. In making a determination of suitability, the board shall consider whether the person:

A. Is of good moral character. In determining whether a person is of good moral character, the board shall consider qualities that include but are not limited to honesty, candor, trustworthiness, diligence, reliability, observance of fiduciary and financial responsibility and respect for the rights of others; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

B. Has not in any jurisdiction been convicted of or pled guilty or nolo contendere to a crime punishable by one year or more of imprisonment; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

C. Has not been adjudicated of committing a civil violation or been convicted of a criminal violation involving dishonesty, deception, misappropriation or fraud; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

D. Has not engaged in conduct in this State or any other jurisdiction that would constitute a violation of this chapter, chapter 11 involving gambling, Title 17, chapter 13-A or 62 or Title 17-A, chapter 39 or substantially similar offenses in other jurisdictions; [PL 2009, c. 487, Pt. B, §3 (AMD).]

E. Is not a fugitive from justice, a drug user, a person with substance use disorder, an illegal alien or a person who was dishonorably discharged from the Armed Forces of the United States; [PL 2017, c. 407, Pt. A, §49 (AMD).]

F. Is current in filing all applicable tax returns and in the payment of all taxes, penalties and interest owed to this State, any other state or the Internal Revenue Service, excluding items under formal appeal; and [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

G. Has demonstrated financial responsibility. For the purposes of this paragraph, "financial responsibility" means a demonstration of a current and expected future condition of financial solvency sufficient to satisfy the board that the person can successfully engage in business without jeopardy to the public health, safety and welfare. "Financial responsibility" may be determined by an evaluation of the total history concerning the person, including past, present and expected condition and record of financial solvency, business record and accounting and managerial practices. [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

Title 5, chapter 341 does not apply to this section.
[PL 2017, c. 407, Pt. A, §49 (AMD).]

3. Applicant other than individual. If the person required to meet the qualifications and suitability requirements specified in subsections 1, 1-A and 2 is a business organization, the key executives, directors, officers, partners, shareholders, creditors, owners and associates of the person must meet the suitability requirements specified in subsection 2.
[PL 2013, c. 212, §21 (AMD).]

4. Burden of proof. The applicant bears the burden of demonstrating eligibility, suitability and qualification for licensure pursuant to this chapter and any rules adopted under this chapter.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

SECTION HISTORY

PL 2003, c. 687, §A5 (NEW). PL 2003, c. 687, §B11 (AFF). PL 2009, c. 487, Pt. B, §3 (AMD). IB 2009, c. 2, §33 (AMD). PL 2011, c. 585, §4 (AMD). PL 2013, c. 212, §§15-21 (AMD). PL 2017, c. 407, Pt. A, §49 (AMD). PL 2023, c. 440, §7 (AMD).

§1017. Applications

1. Form. An application for a license required under this chapter must be on the form provided by the board. The application must contain, but is not limited to, the following information regarding the individual applicant and each key executive, officer, director, partner, shareholder, creditor, associate or owner of any legal or beneficial interest in a person applying for a license:

A. Full name; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

B. Full current address and addresses for the prior 15 years; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

C. A record of previous issuances and denials of or any adverse action taken against a gambling-related license or application under this chapter or in any other jurisdiction. For purposes of this paragraph, "adverse action" includes, but is not limited to, a condition resulting from an administrative, civil or criminal violation, a suspension or revocation of a license or a voluntary surrender of a license to avoid or resolve a civil, criminal or disciplinary action; [PL 2013, c. 212, §22 (AMD).]

D. All information the board determines is necessary or appropriate to determine whether the applicant satisfies the qualifications specified in section 1016, subsections 1 and 1-A; and [PL 2013, c. 212, §22 (AMD).]

E. Any information the board by rule considers necessary. [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

[PL 2015, c. 494, Pt. D, §1 (AMD).]

2. Signature as certification. The applicant, by affixing the applicant's signature to the application, certifies:

A. That the statements made in the application and any documents made a part of the application are true and correct; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

B. That the applicant understands that the information provided pursuant to subsection 1 is used by the board, along with other information, in judging the applicant's suitability and that this information may be cause for refusal to issue a license; and [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

C. That the applicant understands that knowingly making a false statement in the application, during the application process or in a document made a part of the application is among the grounds for refusal to issue a license or for revocation or suspension of a license. [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

3. Consent to review records. At the request of the board, the applicant shall take whatever action is necessary to permit the board, a designee of the board or the department to examine all accounts and records in the applicant's possession, under the applicant's control or under the control of 3rd parties but accessible by consent of the applicant, and must authorize all 3rd parties in possession or in control of those accounts or records to allow the board, a designee of the board or the department to examine the accounts and records as the board, a designee of the board or the department determines necessary, to ascertain:

A. Whether the information supplied on the application or any documents made a part of the application is true and correct; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

B. Whether each of the requirements of this chapter and rules adopted under this chapter has been met; and [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

C. Whether the applicant meets the requirements for licensure under this chapter and under rules adopted under this chapter. [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

The consent to review records includes the applicant's taking whatever action is necessary to permit the board, a designee of the board or the department to have access to confidential records held by banks,

courts, law enforcement agencies and the military for purposes stated in this chapter. Refusal to provide consent or access to records is grounds for denial of a license.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

4. Application for renewal. Application for renewal of a license issued under this chapter must be made no less than 60 days prior to the expiration of the current license. Before submitting an application for renewal of a slot machine operator license under this subsection, the slot machine operator must comply with section 1012. Before submitting an application for renewal of a casino operator license under this subsection, the casino operator must comply with section 1012-A.
[RR 2021, c. 1, Pt. A, §8 (COR).]

SECTION HISTORY

PL 2003, c. 687, §A5 (NEW). PL 2003, c. 687, §B11 (AFF). PL 2013, c. 212, §22 (AMD). PL 2015, c. 494, Pt. D, §1 (AMD). PL 2021, c. 22, §5 (AMD). RR 2021, c. 1, Pt. A, §8 (COR).

§1018. Fees; term of license or registration; nontransferability; vested rights

1. Fees. The application fee for a license and the annual fee for a registered slot machine or table game under this chapter are as set out in this subsection.

A. Except for slot machines operated as part of a training and education program as provided by section 1011, subsection 1-B, the initial registration fee for a registered slot machine is $100. The annual renewal fee is $100 for each registered slot machine. [PL 2011, c. 585, §5 (AMD).]

A-1. Except for table games operated as part of a training and education program as provided by section 1011, subsection 1-B, the initial registration fee for a registered table game is $100. The annual renewal fee is $100 for each registered table game. [PL 2011, c. 585, §6 (AMD).]

B. The initial application fee for a slot machine distributor license is $200,000, except that the initial application fee for a slot machine distributor license for an applicant that has applied to distribute fewer than 50 slot machines per location annually is $50,000. The annual renewal fee is $75,000, except that the annual renewal fee for a slot machine distributor that distributes fewer than 50 slot machines per location annually is $10,000. [PL 2023, c. 655, §1 (AMD).]

B-1. The initial application fee for a table game distributor license is $5,000. The annual renewal fee is $1,000. [IB 2009, c. 2, §34 (NEW).]

C. The initial application fee for a slot machine operator license is $200,000. The annual renewal fee is $75,000 plus an amount, set by rules of the board, equal to the cost to the board of licensing slot machine operators and determined by dividing the costs of administering the slot machine operator licenses by the total number of slot machine operators licensed by the board. [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

C-1. The initial application fee for a casino operator license is $225,000, except that the initial application fee for an applicant that is a commercial track that was licensed to operate slot machines as of January 1, 2011 is $25,000. The annual renewal fee is $80,000 plus an amount, set by rules of the board, equal to the cost to the board of licensing casino operators and determined by dividing the costs of administering the casino operator licenses by the total number of casino operators licensed by the board. In addition, a casino operator shall pay an initial gaming table fee of $100,000 for the privilege to operate each gaming table for a period of 20 years as long as the casino operator is licensed. Each gaming table is also subject to an annual gaming table renewal fee of $1,000. The gaming table fees authorize the casino operator to conduct any authorized table game at the gaming table during the 20-year period. A casino licensed in accordance with section 1011, subsection 2-A, paragraph A is not required to pay the gaming table fees until after one calendar year of table game operation. Fees collected in accordance with this paragraph must be

deposited to the Gambling Control Board administrative expenses Other Special Revenue Funds account, which is a nonlapsing dedicated account. [PL 2011, c. 417, §4 (AMD).]

D. The annual application fee for a license for a gambling services vendor is $2,000. [PL 2005, c. 663, §7 (AMD).]

E. The initial application fee for an employee license under section 1015 is $250. The renewal fee for a one-year employee license is $25. The renewal fee for a 3-year employee license is $50. [PL 2021, c. 697, §1 (AMD).]

In addition to the application fee for a license or annual fee for a registered slot machine or table game, the board may charge a one-time application fee for a license or registration listed in paragraphs A to E in an amount equal to the projected cost of processing the application and performing any background investigations. If the actual cost exceeds the projected cost, an additional fee may be charged to meet the actual cost. If the projected cost exceeds the actual cost, the difference may be refunded to the applicant. All fees collected pursuant to this section must be deposited directly to the Administrative Expenses Other Special Revenue Funds account, which is a dedicated nonlapsing account within the Gambling Control Board, except that $25,000 of the annual renewal fee for a slot machine operator or casino operator must be deposited to the Gross Slot Income Other Special Revenue Funds account within the Gambling Control Board to be transferred to the municipality in which the slot machine facility or casino is operated, in accordance with subsection 2. All application and registration fees are nonrefundable and are due upon submission of the application.
[PL 2023, c. 655, §1 (AMD).]

1-A. Fees for slot machine and casino operator licenses on or after September 1, 2012. Notwithstanding subsection 1, paragraphs C and C-1, beginning September 1, 2012, an applicant for a slot machine operator license or a casino operator license must pay a $250,000 nonrefundable privilege fee to be submitted with the application for the license and a minimum license fee, or cash bid if the license is part of a competitive bidding process established by law, of $5,000,000. This subsection does not apply to a casino licensed for operation in the State as of September 1, 2012.
[PL 2011, c. 699, §2 (NEW).]

2. Term of license; renewal, renewal fees. Except as provided in section 1073, subsection 6 for licenses to conduct advance deposit wagering or as otherwise provided in this subsection, licenses issued by the board under this chapter are effective for one year, unless revoked or surrendered pursuant to subchapter 5. Employee licenses issued by the board under this chapter may be renewed for a one-year term or a 3-year term. Upon proper application and payment of the required fees and taxes and in accordance with rules adopted by the board, the board may renew a license for an additional year if municipal approval has been obtained as provided in section 1012 or 1012-A. The board shall transfer $25,000 of the renewal fee required by subsection 1, paragraph C to the municipality in which the slot machines are operated.
[PL 2023, c. 440, §8 (AMD).]

3. Not transferable. A license issued under this chapter is not transferable or assignable.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

4. Hearing. A full adjudicatory hearing is not required for the denial of an initial license or registration application. Appeals of license or registration denials must be conducted in accordance with section 1051, subsection 4.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

5. Vested rights. A person does not have any vested rights in any license, registration, authorization, permit, application or process provided or offered under this chapter.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

6. Rules. Rules adopted pursuant to this section are major substantive rules, except that a rule adopted pursuant to subsection 1 that proposes to establish a fee for renewal that is less than $10,000 is a routine technical rule in accordance with Title 5, chapter 375, subchapter 2-A.
[PL 2005, c. 663, §8 (AMD).]

SECTION HISTORY

PL 2003, c. 687, §A5 (NEW). PL 2003, c. 687, §B11 (AFF). PL 2005, c. 663, §§7,8 (AMD). IB 2009, c. 2, §34 (AMD). PL 2011, c. 417, §4 (AMD). PL 2011, c. 469, §5 (AMD). PL 2011, c. 585, §§5, 6 (AMD). PL 2011, c. 699, §2 (AMD). PL 2021, c. 22, §6 (AMD). PL 2021, c. 697, §§1, 2 (AMD). PL 2023, c. 440, §8 (AMD). PL 2023, c. 655, §1 (AMD).

§1019. Other requirements

1. Waiver of liability for disclosure. An applicant or licensee shall provide all information required by this chapter and rules adopted under this chapter and satisfy all requests for information pertaining to licensing, in the form specified by the board. An applicant or licensee shall waive liability as to the State, its instrumentalities and agents for any damages resulting from any disclosure or publication in any manner other than a willful unlawful disclosure or publication of any material or information acquired during inquiries, investigations or hearings.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

2. Continuing duty to disclose certain information. An applicant or licensee shall continue to provide any assistance or information required by the board and cooperate in any inquiry, investigation or hearing conducted by the board or the department. Failure to comply upon issuance of a formal request to answer or produce information, evidence or testimony may result in the denial or revocation of a license by the board.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

3. Compensation or reward prohibited. Except as authorized in this chapter, an applicant or licensee may not give or provide or offer to give or provide, directly or indirectly, any compensation, reward or percentage or share of the money or property played or received through gambling activity in exchange for obtaining a license, authorization, permission or privilege to participate in gambling activities.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

4. Identification. An applicant or licensee shall submit to photographing and fingerprinting for identification and investigation purposes in accordance with procedures established by the board.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

5. Information regarding violations of chapter. An applicant or licensee shall inform the board of any action that the applicant or licensee believes would constitute a violation of this chapter. A person who so informs the board may not be discriminated against by another applicant or licensee because of the supplying of such information.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

6. Proximity of licensed casinos and slot machine facilities. A casino operator license or slot machine operator license may not be issued under this chapter to operate any casino or slot machine facility located within 100 miles of a licensed casino or slot machine facility. This subsection does not prohibit a commercial track that was licensed to operate slot machines on January 1, 2011 from obtaining a casino operator license for the same facility where slot machines were operated as of January 1, 2011.
[PL 2011, c. 417, §5 (AMD).]

7. Statewide and county referendum; municipal vote. After January 1, 2011, any proposed casino or slot machine facility may not be issued a license unless it has been approved by a statewide referendum vote and a vote of the municipal officers or municipality in which the casino or slot machine

facility is to be located, except that a commercial track licensed to operate slot machines on January 1, 2011 is only required, as a condition to obtain a casino license, to receive approval to operate a casino by means of a referendum of the voters of the county in which the commercial track is located.
[PL 2011, c. 417, §6 (AMD).]

SECTION HISTORY

PL 2003, c. 687, §A5 (NEW). PL 2003, c. 687, §B11 (AFF). IB 2009, c. 2, §§35, 36 (AMD). PL 2011, c. 417, §§5, 6 (AMD).

§1020. Registration of slot machines

1. Registration required. A slot machine may not be operated or distributed pursuant to this chapter unless the slot machine is registered by the board, the slot machine operator is licensed by the board and each slot machine distributor or gambling services vendor that distributed the slot machine or the slot machine's associated equipment is licensed by the board or the slot machine is distributed to and operated by an accredited postsecondary institution for the purposes of training and education under section 1011, subsection 1-B.
[PL 2019, c. 614, §3 (AMD).]

2. Requirements for registration. To be registered, a slot machine:

A. May not have any means of manipulation that affect the random probabilities of winning a game; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

B. Must have one or more mechanisms that accept money or tokens, credits or similar objects or things of value and that are designed to prevent a person from obtaining credits or cash without paying; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

C. Must be designed to suspend operation until reset if a person attempts, by physical or other tampering, to obtain credits or cash without paying; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

D. [PL 2013, c. 212, §23 (RP).]

E. Must have accounting software that keeps an electronic record of information that includes, but is not limited to, total cash inserted into the slot machine; total cash awarded, total credits played for games and total credits distributed by tickets issued by the slot machine; and the payback percentage of each game; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

F. Must have technology compatible with the licensee's facility-based monitoring system; [PL 2023, c. 549, §12 (AMD); PL 2023, c. 549, §15 (AFF).]

G. Must have a minimum average daily aggregate payback percentage of 89% computed for all slot machines operated at each slot machine facility or casino on a quarterly basis; and [PL 2013, c. 212, §24 (AMD).]

H. Must have, in addition to the requirements of paragraphs A to G, other such characteristics as the board may establish by rule. [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

[PL 2023, c. 549, §12 (AMD); PL 2023, c. 549, §15 (AFF).]

3. Limits on total slot machines. The board shall determine the number of slot machines to be registered in the State. The board shall make this determination based upon the minimum net slot machine income, when distributed pursuant to section 1036, necessary to maintain the harness horse racing industry in this State, except that:

A. Except for slot machines used for training and educational purposes at postsecondary institutions as provided by section 1011, subsection 1-B, the total number of slot machines registered in the State may not exceed 3,000; and [PL 2011, c. 585, §8 (AMD).]

B. A slot machine operator may not operate more than 1,500 slot machines at any one commercial track and a casino operator may not operate more than 1,500 slot machines at a casino. [IB 2009, c. 2, §37 (AMD).]

[PL 2011, c. 585, §8 (AMD).]

4. Certification of slot machines and associated equipment. The board shall, in cooperation with the department, approve qualified independent laboratories for certification of slot machines and slot machine associated equipment from slot machine distributors and gambling services vendors seeking registration as required in this chapter. The board shall require the slot machine distributor or gambling services vendor seeking certification of the slot machine or slot machine associated equipment to pay the board-approved independent laboratory the cost of the certification before the certification is completed. The board may adopt rules to establish the approval process to verify certifications, approve shipments and inspect slot machines. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2023, c. 549, §13 (AMD); PL 2023, c. 549, §15 (AFF).]

5. Unregistered or noncompliant slot machine subject to confiscation. A slot machine that is not registered as required by this section or that does not comply with the requirements of this chapter or rules adopted under this chapter is contraband and a public nuisance and the slot machine and the slot machine's monetary contents, monetary proceeds and associated equipment are subject to confiscation by any law enforcement officer. Slot machines and any monetary contents, monetary proceeds and associated equipment confiscated pursuant to this section are subject to forfeiture in accordance with the procedures outlined in Title 17-A, section 959 or 960.

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

SECTION HISTORY

PL 2003, c. 687, §A5 (NEW). PL 2003, c. 687, §B11 (AFF). PL 2005, c. 663, §9 (AMD). IB 2009, c. 2, §37 (AMD). PL 2011, c. 585, §§7, 8 (AMD). PL 2013, c. 212, §§23, 24 (AMD). PL 2019, c. 614, §§3, 4 (AMD). PL 2023, c. 549, §§12, 13 (AMD). PL 2023, c. 549, §15 (AFF).

§1021. Registration of table games

1. Registration required. A table game may not be operated or distributed pursuant to this chapter unless the table game is registered by the board and the casino operator and the table game distributor are each licensed by the board or the table game is distributed to and operated by an accredited postsecondary institution for the purposes of training and education under section 1011, subsection 1-B.

[PL 2011, c. 585, §9 (AMD).]

2. Requirements for registration. To be registered, a table game:

A. May not have any means of manipulation that affect the random probabilities of winning a game; and [IB 2009, c. 2, §38 (NEW).]

B. Must have, in addition to the requirements of paragraph A, other such characteristics as the board may establish by rule. [IB 2009, c. 2, §38 (NEW).]

[IB 2009, c. 2, §38 (NEW).]

3. Examination of table games. The board shall, in cooperation with the department, examine table games and associated equipment of table game distributors seeking registration as required in this chapter. The board shall require the table game distributor seeking examination and approval of the table game or associated equipment to pay the anticipated cost of the examination before the examination occurs. After the examination occurs, the board shall refund overpayments or charge and

collect amounts sufficient to reimburse the board for underpayments of actual cost. The board may contract for the examinations of table games and associated equipment as required by this section.
[IB 2009, c. 2, §38 (NEW).]

4. Unregistered or noncompliant table games subject to confiscation. A table game that is not registered as required by this section or that does not comply with the requirements of this chapter or rules adopted under this chapter is contraband and a public nuisance and the table game and the table game's monetary contents, monetary proceeds and associated equipment are subject to confiscation by any law enforcement officer. Table games and any monetary contents, monetary proceeds and associated equipment confiscated pursuant to this section are subject to forfeiture in accordance with the procedures outlined in Title 17-A, section 959 or 960.
[IB 2009, c. 2, §38 (NEW).]

SECTION HISTORY

IB 2009, c. 2, §38 (NEW). PL 2011, c. 585, §9 (AMD).

SUBCHAPTER 3

SLOT MACHINE OPERATION; ALLOCATION OF FUNDS

§1031. Age limit on slot machine and table game use; access by minors; credit prohibited

1. Minimum age. A slot machine operator or casino operator may not permit a person under 21 years of age to play a slot machine or table game.
[IB 2009, c. 2, §39 (AMD).]

2. Placement of slot machines and table games. A slot machine operator, casino operator, slot machine distributor, table game distributor or gambling services vendor shall prohibit persons under 21 years of age from any area in which a slot machine or table game is located, except that a person 18 to 20 years of age may be present if that person is a licensed employee under section 1015.
[IB 2009, c. 2, §39 (AMD).]

3. Credit prohibited. A slot machine operator or casino operator may not allow the use of a credit card or debit card by a person to play a slot machine or table game.
[IB 2009, c. 2, §39 (AMD).]

4. Table game wagering. Each table game must be equipped with a sign indicating the permissible minimum and maximum wagers pertaining to that table game. A casino operator may not require any wager to be greater than the stated minimum or less than the stated maximum, and any wager actually made by a patron and not rejected by a casino operator prior to the commencement of play must be treated as a valid wager.
[IB 2009, c. 2, §39 (NEW).]

SECTION HISTORY

PL 2003, c. 687, §A5 (NEW). PL 2003, c. 687, §B11 (AFF). IB 2009, c. 2, §39 (AMD).

§1032. Payment of credits by slot machine or casino operator

A slot machine operator or casino operator shall redeem credits for players who earn credits on a slot machine or table game located on the premises of that slot machine facility or casino in accordance with rules adopted by the board. A slot machine operator or casino operator may not redeem a credit slip more than 365 days from the date of issuance. The funds reserved for the payment of such a credit slip or expired unclaimed jackpot must be retained by the slot machine operator or casino operator and treated as gross slot machine income or gross table game income and do not constitute property subject to the requirements of Title 33, chapter 45. [PL 2019, c. 498, §2 (AMD).]

SECTION HISTORY

PL 2003, c. 687, §A5 (NEW). PL 2003, c. 687, §B11 (AFF). PL 2005, c. 663, §10 (AMD). IB 2009, c. 2, §40 (AMD). PL 2019, c. 498, §2 (AMD).

§1032-A. Promotional credit calculation

Cash prizes, winnings or credits that are received as a result of redeeming promotional credits and are used to play a slot machine are considered gross slot machine income for the purposes of allocation under section 1036. [PL 2009, c. 266, §3 (NEW).]

SECTION HISTORY

PL 2009, c. 266, §3 (NEW).

§1033. Uniform location agreement

Each slot machine or table game is subject to a uniform location agreement between the slot machine distributor or table game distributor and the slot machine operator or casino operator. A copy of the agreement must be submitted to the board for approval. The uniform location agreement is the complete and sole agreement between the slot machine operator or casino operator and the slot machine distributor or table game distributor regarding slot machines and table games. No other agreement between the slot machine operator or casino operator and the slot machine distributor or table game distributor is legally binding. [IB 2009, c. 2, §41 (AMD).]

SECTION HISTORY

PL 2003, c. 687, §A5 (NEW). PL 2003, c. 687, §B11 (AFF). IB 2009, c. 2, §41 (AMD).

§1034. Disclosure of other contracts and agreements

A slot machine operator or casino operator must submit to the board all contracts or agreements the slot machine operator or casino operator establishes with a slot machine distributor, table game distributor, licensed gambling services vendor or key executive. [IB 2009, c. 2, §42 (AMD).]

SECTION HISTORY

PL 2003, c. 687, §A5 (NEW). PL 2003, c. 687, §B11 (AFF). IB 2009, c. 2, §42 (AMD).

§1035. Location of slot machines

Slot machines may be located only on the premises of a commercial track, the premises of a casino or the premises of an accredited postsecondary institution for the purposes of training and education under section 1011, subsection 1-B. For the purposes of this section, "premises of a commercial track" means property owned by the person who owns the property on which a commercial track is located and that is either within 200 feet of the outside edge of the racing oval or, if the commercial track was owned by a municipality when a license to operate slot machines in association with that commercial track was issued, within 2,000 feet of the center of the racing oval. [PL 2011, c. 585, §10 (AMD).]

SECTION HISTORY

PL 2003, c. 687, §A5 (NEW). PL 2003, c. 687, §B11 (AFF). PL 2007, c. 611, §11 (AMD). IB 2009, c. 2, §43 (AMD). PL 2011, c. 585, §10 (AMD).

§1035-A. Location of table games

Table games may be located only on the premises of a casino or the premises of an accredited postsecondary institution for the purposes of training and education under section 1011, subsection 1-B. [PL 2011, c. 585, §11 (AMD).]

SECTION HISTORY

IB 2009, c. 2, §44 (NEW). PL 2011, c. 585, §11 (AMD).

§1036. Allocation of funds

1. Distribution for administrative expenses of board. A slot machine operator licensed under section 1011, subsection 2 or a casino operator that is a commercial track that was licensed to operate slot machines under section 1011, subsection 2 on January 1, 2011 shall collect and distribute 1% of gross slot machine income to the Treasurer of State for deposit in the General Fund for the administrative expenses of the board.
[PL 2011, c. 417, §7 (AMD).]

2. Distribution of net slot machine income from casino with commercial track. A slot machine operator licensed under section 1011, subsection 2 or a casino operator that is a commercial track that was licensed to operate slot machines under section 1011, subsection 2 on January 1, 2011 shall collect and distribute 39% of the net slot machine income from slot machines operated by the slot machine operator to the board for distribution by the board as follows:

A. Three percent of the net slot machine income must be deposited to the General Fund for administrative expenses of the board in accordance with rules adopted by the board, except that of the amount calculated pursuant to this paragraph, the following amounts must be transferred annually to the Gambling Addiction Prevention and Treatment Fund established by Title 5, section 20006-B:

(1) For the fiscal year beginning July 1, 2011, $50,000;

(2) For the fiscal year beginning July 1, 2012, $50,000; and

(3) For the fiscal year beginning July 1, 2013 and for each fiscal year thereafter, $100,000;
[PL 2009, c. 622, §2 (AMD).]

B. Ten percent of the net slot machine income must be forwarded by the board to the Treasurer of State, who shall credit the money to the fund established in section 298 to supplement harness racing purses; [PL 2005, c. 663, §12 (AMD).]

C. Three percent of the net slot machine income must be credited by the board to the Sire Stakes Fund created in section 281; [PL 2005, c. 663, §12 (AMD).]

D. Three percent of the net slot machine income must be forwarded by the board to the Treasurer of State, who shall credit the money to the Agricultural Fair Support Fund established in Title 7, section 91; [PL 2007, c. 466, Pt. A, §29 (RPR).]

E. Ten percent of the net slot machine income must be forwarded by the board to the State Controller and except as otherwise provided in this paragraph credited to the Fund for a Healthy Maine established by Title 22, section 1511 and segregated into a separate account under Title 22, section 1511, subsection 11, with the use of funds in the account restricted to the purposes described in Title 22, section 1511, subsection 6, paragraph E. For the fiscal years ending June 30, 2010, June 30, 2011 and June 30, 2012, the amount credited annually by the State Controller to the Fund for a Healthy Maine under this paragraph may not exceed $4,500,000 annually and any funds in excess of $4,500,000 annually during these fiscal years must be credited as General Fund undedicated revenue, and, for the fiscal year ending June 30, 2013, the amount credited by the State Controller to the Fund for a Healthy Maine under this paragraph is $0; [PL 2011, c. 657, Pt. E, §1 (AMD).]

F. Two percent of the net slot machine income must be forwarded by the board to the University of Maine System Scholarship Fund created in Title 20-A, section 10909 and to the Board of Trustees of the Maine Maritime Academy to be applied by the board of trustees to fund its scholarship program. The slot machine income under this paragraph must be distributed as follows:

(1) The University of Maine System share is the total amount of the distribution multiplied by the ratio of enrolled students in the system to the total number of enrolled students both in the system and at the Maine Maritime Academy; and

(2) The Maine Maritime Academy share is the total amount of the distribution multiplied by the ratio of enrolled students at the academy to the total number of enrolled students both in the system and at the academy; [PL 2013, c. 118, §1 (AMD).]

G. One percent of the net slot machine income must be forwarded by the board to the board of trustees of the Maine Community College System to be applied by the board of trustees to fund its scholarships program under Title 20-A, section 12716, subsection 1; [PL 2005, c. 663, §12 (AMD).]

H. Four percent of the net slot machine income must be forwarded by the board to the Treasurer of State, who shall credit the money to the Fund to Encourage Racing at Maine's Commercial Tracks, established in section 299; [PL 2015, c. 493, §4 (AMD).]

I. Two percent of the net slot machine income must be forwarded by the board to the Treasurer of State, who shall credit the money to the Fund to Stabilize Off-track Betting Facilities established by section 300, as long as a facility has conducted off-track wagering operations for a minimum of 250 days during the preceding 12-month period in which the first payment to the fund is required. After 48 months of receiving an allocation of the net slot machine income from a licensed operator, the percent of net slot machine income forwarded to the Fund to Stabilize Off-track Betting Facilities is reduced to 1% with the remaining 1% to be forwarded to the State in accordance with subsection 1; and [PL 2005, c. 663, §12 (AMD).]

J. One percent of the net slot machine income must be forwarded directly to the municipality in which the slot machines are located. [PL 2005, c. 663, §12 (AMD).]
[PL 2015, c. 493, §4 (AMD).]

2-A. Distribution from casino of slot machine income. A casino operator shall collect and distribute 46% of the net slot machine income from slot machines operated by the casino operator to the board for distribution by the board as follows:

A. Twenty-five percent of the net slot machine income must be forwarded directly by the board to the Treasurer of State, who shall credit the money to the Department of Education, to be used for essential programs and services for kindergarten to grade 12 under Title 20-A, chapter 606-B; [PL 2017, c. 284, Pt. C, §1 (AMD).]

B. Four percent of the net slot machine income must be forwarded by the board to the University of Maine System Scholarship Fund created in Title 20-A, section 10909 and to the Board of Trustees of the Maine Maritime Academy to be applied by the board of trustees to fund its scholarship program. The slot machine income under this paragraph must be distributed as follows:

(1) The University of Maine System share is the total amount of the distribution multiplied by the ratio of enrolled students in the system to the total number of enrolled students both in the system and at the Maine Maritime Academy; and

(2) The Maine Maritime Academy share is the total amount of the distribution multiplied by the ratio of enrolled students at the academy to the total number of enrolled students both in the system and at the academy; [PL 2013, c. 118, §2 (AMD).]

C. Three percent of the net slot machine income must be forwarded by the board to the Board of Trustees of the Maine Community College System to be applied by the board of trustees to fund its scholarships program under Title 20-A, section 12716, subsection 1; [IB 2009, c. 2, §45 (NEW).]

D. Four percent of the net slot machine income must be forwarded by the board to the Treasurer of State, who shall distribute the funds to the tribal governments of the Penobscot Nation and the Passamaquoddy Tribe; [IB 2009, c. 2, §45 (NEW).]

E. Three percent of the net slot machine income must be deposited to the General Fund for administrative expenses of the board, including gambling addiction counseling services, in accordance with rules adopted by the board; [IB 2009, c. 2, §45 (NEW).]

F. Two percent of the net slot machine income must be forwarded directly to the municipality in which the casino is located; [IB 2009, c. 2, §45 (NEW).]

G. One percent of the net slot machine income must be forwarded by the board to the Treasurer of State, who shall credit the money to the Agricultural Fair Support Fund established in Title 7, section 91; [IB 2009, c. 2, §45 (NEW).]

H. One percent of the net slot machine income must be forwarded by the board to the Treasurer of State, who shall credit the money to the fund established in section 298 to supplement harness racing purses; [IB 2009, c. 2, §45 (NEW).]

I. One percent of the net slot machine income must be credited by the board to the Sire Stakes Fund created in section 281; [IB 2009, c. 2, §45 (NEW).]

J. One percent of the net slot machine income must be forwarded directly to the county in which the casino is located to pay for mitigation of costs resulting from gaming operations; [PL 2011, c. 625, §3 (AMD).]

K. [PL 2011, c. 625, §3 (AMD); PL 2011, c. 657, Pt. W, §5 (REV); MRSA T. 8 §1036, sub2A, ¶K (RP).]

L. Beginning July 1, 2013, 1/2 of 1% of the net slot machine income must be forwarded by the board to the Treasurer of State, who shall credit the money to the Maine Milk Pool, Other Special Revenue Funds account within the Department of Agriculture, Conservation and Forestry to help fund dairy farm stabilization pursuant to Title 7, sections 3153-B and 3153-D; and [PL 2011, c. 625, §4 (NEW); PL 2011, c. 657, Pt. W, §5 (REV).]

M. Beginning July 1, 2013, 1/2 of 1% of the net slot machine income must be forwarded by the board to the Treasurer of State, who shall credit the money to the Dairy Improvement Fund established under Title 10, section 1023-P. [PL 2011, c. 625, §4 (NEW).]

If a recipient of net slot machine income in paragraph D, H or I owns or receives funds from a slot machine facility or casino, other than the casino in Oxford County or the slot machine facility in Bangor, then the recipient may not receive funds under this subsection, and those funds must be retained by the Oxford County casino operator.
[PL 2017, c. 284, Pt. C, §1 (AMD).]

2-B. Distribution from casino of table game income. A casino operator licensed in accordance with section 1011, subsection 2-A, paragraph A shall collect and distribute 16% of the net table game income from table games operated by the casino operator to the board for distribution by the board as follows:

A. Ten percent of the net table game income must be forwarded directly by the board to the Treasurer of State, who shall credit the money to the Department of Education, to be used for essential programs and services for kindergarten to grade 12 under Title 20-A, chapter 606-B; [PL 2017, c. 284, Pt. C, §2 (AMD).]

B. Three percent of the net table game income must be deposited to the Gambling Control Board administrative expenses Other Special Revenue Funds account, which is a nonlapsing dedicated account; [PL 2011, c. 417, §9 (AMD).]

C. Two percent of the net table game income must be forwarded directly to the municipality in which the table games are located; and [IB 2009, c. 2, §46 (NEW).]

D. One percent of the net table game income must be forwarded directly to the county in which the table games are located to pay for mitigation of costs resulting from gaming operations. [IB 2009, c. 2, §46 (NEW).]

[PL 2017, c. 284, Pt. C, §2 (AMD).]

2-C. Distribution of table game income from casino with a commercial track. A casino operator that is a commercial track and was licensed to operate slot machines on January 1, 2011 shall collect and distribute 16% of the net table game income from table games operated by the casino operator to the board for distribution by the board as follows:

A. Nine percent of the net table game income must be deposited to the General Fund for administrative expenses of the board, including gambling addiction counseling services, in accordance with rules adopted by the board; [PL 2011, c. 417, §10 (NEW).]

B. Three percent of the net table game income must be deposited to the Gambling Control Board administrative expenses Other Special Revenue Funds account, which is a nonlapsing dedicated account; [PL 2011, c. 417, §10 (NEW).]

C. Two percent of the net table game income must be forwarded directly to the municipality in which the table games are located; and [PL 2011, c. 417, §10 (NEW).]

D. Two percent of net table game income must be deposited into the Coordinated Veterans Assistance Fund established in Title 37-B, section 514. [PL 2013, c. 128, §1 (AMD).]

[PL 2013, c. 128, §1 (AMD).]

3. Failure to deposit funds. A slot machine operator or casino operator who knowingly or intentionally fails to comply with this section commits a Class C crime. In addition to any other sanction available by law, the license of the operator may be revoked by the board and the slot machines or table games operated by that slot machine operator or casino operator may be disabled, and the slot machines or table games, slot machines' or table games' proceeds and associated equipment may be confiscated by the board and are subject to forfeiture under Title 17-A, section 959 or 960.

[IB 2009, c. 2, §47 (AMD).]

4. Late payments. The board may adopt rules establishing the dates on which payments required by this section are due. All payments not remitted when due must be paid together with interest on the unpaid balance at a rate of 1.5% per month.

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

5. Annual report on use of funds.

[PL 2011, c. 358, §5 (RP).]

SECTION HISTORY

PL 2003, c. 687, §A5 (NEW). PL 2003, c. 687, §B11 (AFF). PL 2005, c. 109, §1 (AMD). PL 2005, c. 563, §10 (AMD). PL 2005, c. 663, §§11,12 (AMD). PL 2007, c. 466, Pt. A, §29 (AMD). PL 2009, c. 462, Pt. H, §1 (AMD). PL 2009, c. 571, Pt. FFF, §1 (AMD). PL 2009, c. 622, §2 (AMD). IB 2009, c. 2, §§45-47 (AMD). PL 2011, c. 358, §§4, 5 (AMD). PL 2011, c. 380, Pt. II, §1 (AMD). PL 2011, c. 417, §§7-10 (AMD). PL 2011, c. 477, Pt. DD, §1 (AMD). PL 2011, c. 625, §§3, 4 (AMD). PL 2011, c. 657, Pt. E, §1 (AMD). PL 2011, c. 657, Pt. W, §5 (REV). PL 2013, c. 118, §§1, 2 (AMD). PL 2013, c. 128, §1 (AMD). PL 2015, c. 493, §4 (AMD). PL 2017, c. 284, Pt. C, §§1, 2 (AMD).

§1037. Annual report on use of funds

Beginning February 15, 2019 and annually thereafter, the executive director of the State Harness Racing Commission, in consultation with the Commissioner of Agriculture, Conservation and Forestry,

shall submit a report to the joint standing committees of the Legislature having jurisdiction over slot machines, harness racing, agricultural fairs and appropriations and financial affairs regarding the use of slot machine revenue deposited in funds under section 1036, subsection 2, paragraphs B, C, D, H and I. The executive director and the commissioner shall obtain the information as described in this section. The report required by this section must be completed using budgeted resources. The executive director may not distribute funds listed under section 1036, subsection 2, as applicable, to harness racing tracks, off-track betting facilities, agricultural fairs or the Sire Stakes Fund under section 281 until the information required to submit the report required by this section is provided. The report required by this section may be combined with the report required under section 267. [PL 2017, c. 371, §6 (AMD).]

1. Commercial tracks. A report required by this section must include the following information from commercial tracks licensed in accordance with chapter 11 that receive a distribution of slot machine revenue under section 1036, subsection 2, paragraph B, D or H:

A. The total amount wagered on live harness races; [PL 2011, c. 358, §6 (NEW).]

B. The total amount wagered on intrastate simulcast races; [PL 2011, c. 358, §6 (NEW).]

C. The total amount wagered on interstate simulcast races; [PL 2011, c. 358, §6 (NEW).]

D. The number of harness races originated in the State and made available for simulcast outside of the State; [PL 2011, c. 358, §6 (NEW).]

E. The amount of the harness racing handle from wagers at the commercial track kept by that commercial track and the distribution of the handle to the State and industry recipients under section 286; [PL 2011, c. 358, §6 (NEW).]

F. The amount received from the handle distribution from wagers at other tracks and off-track betting facilities under section 286; [PL 2011, c. 358, §6 (NEW).]

G. The amount of revenue received in accordance with section 1036, subsection 2, paragraphs B, D and H; [PL 2011, c. 358, §6 (NEW).]

H. The number of full-time and part-time employees at the commercial track; [PL 2011, c. 358, §6 (NEW).]

I. The amount, if any, spent on capital improvements to the commercial track and related facilities and a description of those improvements. The first report must include the amount spent since November 2005, shown by year. Subsequent annual reports must include the amount spent on capital improvements the immediately preceding calendar year; [PL 2011, c. 358, §6 (NEW).]

J. Operating costs for the commercial track; [PL 2011, c. 358, §6 (NEW).]

K. Profit and loss or depreciation figures for the commercial track; and [PL 2011, c. 358, §6 (NEW).]

L. Administrative costs to comply with reporting requirements and contributions to the State Harness Racing Commission's operating account described in section 267-A. [PL 2011, c. 358, §6 (NEW).]

[PL 2011, c. 358, §6 (NEW).]

2. Agricultural fair that conducts harness racing. The report required by this section must include the following with regard to the use of slot machine revenue distributed to an agricultural fair that is licensed under chapter 11 to conduct harness racing:

A. An estimate of the number of people that attended the agricultural fair, including separate estimates of paid attendance, free-pass attendance, vendor attendance and attendance under a local campground pass; [PL 2011, c. 358, §6 (NEW).]

B. The total amount wagered on harness races at the agricultural fair; [PL 2011, c. 358, §6 (NEW).]

C. The number of harness races originated at the agricultural fair and made available for simulcast outside of the State; [PL 2011, c. 358, §6 (NEW).]

D. The amount of the harness racing handle received by the agricultural fair under section 286; [PL 2011, c. 358, §6 (NEW).]

E. The amounts, reported separately, of revenue received in accordance with section 1036, subsection 2, paragraphs B and D and from the Stipend Fund under Title 7, section 86 and any other source in accordance with rules adopted under section 263-A, subsection 1, paragraph C and Title 7, section 82, subsection 5 by the Commissioner of Agriculture, Conservation and Forestry or the State Harness Racing Commission; and [PL 2017, c. 288, Pt. B, §2 (AMD).]

F. The amount of revenue received to supplement harness racing purses, pay fair premiums, make capital improvements to fairground facilities, racing venues or grandstand operations and labor costs and operating expenses. [PL 2011, c. 358, §6 (NEW).]

[PL 2017, c. 288, Pt. B, §2 (AMD).]

3. Agricultural fair that does not conduct harness racing. The report required by this section must include the following with regard to an agricultural fair:

A. The amount spent to pay fair premiums, to make capital improvements to fairground facilities and for labor costs and operating expenses; [PL 2017, c. 288, Pt. B, §3 (AMD).]

B. The amounts, reported separately, received from slot machine revenue in accordance with section 1036, subsection 2, paragraph D and from the Stipend Fund under Title 7, section 86 and any other source in accordance with rules adopted under section 263-A, subsection 1, paragraph C and Title 7, section 82, subsection 5 by the Commissioner of Agriculture, Conservation and Forestry or the State Harness Racing Commission; and [PL 2017, c. 288, Pt. B, §3 (AMD).]

C. An estimate of the number of people that attended the agricultural fair, including separate estimates of paid attendance, free-pass attendance, vendor attendance and attendance under a local campground pass. [PL 2011, c. 358, §6 (NEW).]

[PL 2017, c. 288, Pt. B, §3 (AMD).]

4. Breeders and owners within the Maine Standardbred program. A report required by this section must include the following information from horse breeders and owners within the Maine Standardbred program established pursuant to section 281 who receive a distribution under section 1036, subsection 2, paragraph C:

A. The number of mares bred by each Maine Standardbred stallion as reported to the State Harness Racing Commission; [PL 2011, c. 358, §6 (NEW).]

B. An assessment of whether the number of Maine Standardbred horses in the State is sufficient to grow and sustain harness racing in the State; [PL 2011, c. 358, §6 (NEW).]

C. The number of yearling horses eligible and nominated to participate in sire stakes racing; [PL 2011, c. 358, §6 (NEW).]

D. The amount received from slot machine revenue in accordance with section 1036, subsection 2, paragraph C; [PL 2011, c. 358, §6 (NEW).]

E. The total number of qualifying dashes for sire stakes races and the average purse for each dash sorted by the age of the horse and the average purse for each sire stakes final dash sorted by the age of the horse; and [PL 2011, c. 358, §6 (NEW).]

F. An accounting of the Sire Stakes Fund, including the total amount of the fund at the beginning and end of the racing season and, reported separately, expenditures used to supplement purses, pay

breeder promotional contracts, pay advertising costs, make payments to a statewide association of horse owners, trainers and drivers, pay administrative costs and make contributions to the operating account described in section 267-A. [PL 2025, c. 390, Pt. B, §20 (AMD).]

[PL 2025, c. 390, Pt. B, §20 (AMD).]

5. Off-track betting facility. The report required by this section must include, with regard to a facility licensed to conduct off-track betting on harness racing:

A. The number of individual wagers placed on intrastate and interstate simulcast races and the total amount for each; [PL 2011, c. 358, §6 (NEW).]

B. The number of full-time and part-time employees of the off-track betting facility; [PL 2011, c. 358, §6 (NEW).]

C. The operating costs for the off-track betting facility; [PL 2011, c. 358, §6 (NEW).]

D. The name and primary location of the company licensed to operate the off-track betting facility; [PL 2011, c. 358, §6 (NEW).]

E. The total number of races originating in the State received for simulcast as reported by the off-track betting facility; [PL 2011, c. 358, §6 (NEW).]

F. The amount, if any, spent on capital improvements to the off-track betting facility and a description of those improvements. The first report must include the amount spent since November 2005, shown by year. Subsequent annual reports must include the amount spent on capital improvements the immediately preceding calendar year; [PL 2011, c. 358, §6 (NEW).]

G. The amount of the harness racing handle kept by the off-track betting facility and the distribution of the handle to the State and industry recipients under section 286; [PL 2011, c. 358, §6 (NEW).]

H. The amount received from the handle distribution from wagers at tracks and other off-track betting facilities under section 286; and [PL 2011, c. 358, §6 (NEW).]

I. The amount of revenue received in accordance with section 1036, subsection 2, paragraph I. [PL 2011, c. 358, §6 (NEW).]

[PL 2011, c. 358, §6 (NEW).]

6. Other recipients. The Fund for a Healthy Maine's program providing prescription drugs for adults who are elderly or disabled, the University of Maine System and the Maine Community College System shall submit reports that include the amount of slot machine revenue received under section 1036, subsection 2 and how that revenue was used to meet the statutory requirements cited in section 1036, subsection 2, paragraphs E, F and G, respectively.

[PL 2011, c. 358, §6 (NEW).]

SECTION HISTORY

PL 2011, c. 358, §6 (NEW). PL 2011, c. 657, Pt. W, §6 (REV). PL 2017, c. 231, §26 (AMD). PL 2017, c. 288, Pt. B, §§2, 3 (AMD). PL 2017, c. 371, §6 (AMD). PL 2025, c. 390, Pt. B, §20 (AMD).

SUBCHAPTER 4

RECORDS, ACCESS AND MONITORING

§1041. Reports; records

1. Reports; records. The board or department may require from any licensee whatever records and reports the board considers necessary for the administration and enforcement of this chapter and rules adopted under this chapter.

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

2. Location. A slot machine operator or casino operator shall maintain all records required by this chapter or by rules adopted under this chapter at the operator's primary business office within this State or on the premises where the slot machine or table game is operated. A slot machine distributor or table game distributor shall maintain these records at the distributor's primary business office within this State. The primary business office must be designated by the license holder in the license application. All records must be open to inspection and audit by the board or its designee and a license holder may not refuse the board or its designee the right to inspect or audit the records. Refusal to permit inspection or audit of the records constitutes grounds for revocation or suspension of the license or registration.
[IB 2009, c. 2, §48 (AMD).]

SECTION HISTORY

PL 2003, c. 687, §A5 (NEW). PL 2003, c. 687, §B11 (AFF). IB 2009, c. 2, §48 (AMD).

§1042. Access to premises, equipment and records

1. Inspection. A person holding a license or registration under this chapter shall permit the board, the department or a designee of the board or the department unrestricted access, during regular business hours, including access to locked or secured areas, to inspect any gambling facility and any equipment, prizes, records or items and materials used or to be used in the operation of any slot machine or associated equipment owned, distributed or operated by that person. A person holding a license or registration under this chapter shall consent in writing to the examination of all the licensee's books and records related to operations licensed under this chapter and shall authorize all 3rd parties in possession or in control of those books and records to allow the board or the board's designee to examine such books and records as the board determines necessary.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

2. Monitoring. The board or the department shall monitor the use, operation, distribution and servicing of slot machines through on-site observation and other means at any time during the operation of any license for the purpose of certifying the revenue thereof, receiving complaints from the public relating to the conduct of licensees, examining records of revenues and procedures, enforcing the provisions of this chapter and the rules adopted pursuant to this chapter and conducting periodic reviews of licenses for the purpose of evaluating current or suggested provisions of this chapter and the rules adopted pursuant to this chapter.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

SECTION HISTORY

PL 2003, c. 687, §A5 (NEW). PL 2003, c. 687, §B11 (AFF).

SUBCHAPTER 5

ENFORCEMENT AND PENALTIES

§1051. Disciplinary sanctions

1. Disciplinary proceedings and sanctions. The department or its designee shall investigate a complaint on its own motion at the request of the board or upon receipt of a written complaint filed with the board or the department regarding noncompliance with or violation of this chapter or of any rules adopted by the board. The board or its designee may subpoena witnesses, records and documents, including records and documents maintained by any gambling services vendor or nongambling services vendor in contract, cooperation or consort with a licensee, in any investigation or hearing it conducts.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

2. Notice of complaint or violation and request for hearing. Following investigation by the department or its designee, the director may file a notice of complaint and request for hearing with the board or may serve the licensee with notice of violation and proposed sanction and opportunity to request a hearing.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

3. Further action. If the board or its designee finds after notice pursuant to subsection 2 that the factual basis of the complaint is true and is of sufficient gravity to warrant further action, it may take any of the following actions.

A. The board or its designee may enter into a consent agreement with the consent of the licensee that establishes the period and terms of probation necessary to protect the public health and safety and to rehabilitate or educate the licensee. A consent agreement may be used to terminate a complaint investigation if a consent agreement is entered into by the board, the licensee and the Attorney General. [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

B. If a licensee voluntarily surrenders a license, the board or its designee may negotiate stipulations necessary to ensure protection of the public health and safety and the rehabilitation or education of the licensee. These stipulations may be set forth only in a consent agreement signed by the board, the licensee and the Attorney General. [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

C. The board may take disciplinary action against any applicant or licensee pursuant to this chapter or any rules adopted pursuant to this chapter. Disciplinary action, including, but not limited to, a decision to impose a civil penalty or to modify, suspend or revoke a license or registration, may be predicated on the following grounds:

(1) Fraud or deceit in obtaining a license under this chapter or in connection with service rendered within the scope of the license issued;

(2) A violation of this chapter or any rule adopted by the board;

(3) Ineligibility to hold a license or registration under this chapter;

(4) As provided in Title 5, section 10004, subsection 4-A, conviction of a crime that involves dishonesty or false statement, conviction of a crime for which incarceration for one year or more may be imposed or conviction of a crime defined in Title 17-A, chapter 39; or

(5) Grounds other than those described in subparagraphs (1) to (4) specified by rule or law.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

4. Appeals. A person aggrieved by the decision of a designee of the board in modifying or refusing to issue or renew a license or registration, in taking any disciplinary action pursuant to this chapter or rules adopted pursuant to this chapter or in the interpretation of this chapter or rules adopted pursuant to this chapter may appeal the decision to the board for a final decision. The designee's decision stands until the board issues a decision to uphold, modify or overrule the designee's decision. In the case of appeal to the board, the person must be afforded an opportunity for an adjudicatory hearing in accordance with this chapter and the Maine Administrative Procedure Act.

A person aggrieved by a final decision of the board in waiving the application of any rule, in refusing to issue or renew a license or registration, in taking any disciplinary action pursuant to this chapter or rules adopted pursuant to this chapter or in the interpretation of this chapter or any rule adopted pursuant to this chapter may appeal the board's decision to the Superior Court in accordance with Title 5, chapter 375, subchapter 7.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

SECTION HISTORY

PL 2003, c. 687, §A5 (NEW). PL 2003, c. 687, §B11 (AFF).

§1052. Confidentiality

All reports, information or records compiled by the board or the department pursuant to this subchapter regarding noncompliance with or violation of this chapter by an applicant, licensee, owner or key executive are confidential, except that the board may disclose any confidential information as follows. [PL 2005, c. 11, §2 (AMD).]

1. Hearings or proceedings. Confidential information may be released in an adjudicatory hearing or informal conference before the board or in any subsequent formal proceeding to which the information is relevant.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

2. Consent agreements or settlements. Confidential information may be released in a consent agreement or other written settlement when the information constitutes or pertains to the basis of board action.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

3. During investigation. All complaints and investigative records of the board are confidential during the pendency of an investigation. Notwithstanding section 1006, the complaints and records become public records upon the conclusion of an investigation unless confidentiality is required by some other provision of law. For purposes of this subsection, an investigation is concluded when:

A. A notice of an adjudicatory hearing as defined under Title 5, chapter 375, subchapter 1 has been issued; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

B. A consent agreement has been executed; or [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

C. A letter of dismissal has been issued or the investigation has otherwise been closed. [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]
[PL 2005, c. 11, §3 (AMD).]

4. Exceptions. Notwithstanding subsection 3, during the pendency of an investigation, a complaint or investigative record may be disclosed:

A. To the department; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

B. To other state or federal agencies when the record contains evidence of possible violations of laws, rules or regulations enforced by those agencies or as the board or the board's designee considers appropriate; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

C. When and to the extent considered necessary by the director to avoid imminent and serious harm. The authority of the director to make such a disclosure may not be delegated; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

D. Pursuant to rules adopted by the board, when it is determined that confidentiality is no longer warranted due to general public knowledge of the circumstances surrounding the complaint or investigation and when the investigation would not be prejudiced by the disclosure; or [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

E. To the person investigated on request of that person. The director may refuse to disclose part or all of any investigative information, including the existence of an investigation if the director determines that disclosure would prejudice the investigation. The authority of the director to make such a determination may not be delegated. [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

SECTION HISTORY

PL 2003, c. 687, §A5 (NEW). PL 2003, c. 687, §B11 (AFF). PL 2005, c. 11, §§2,3 (AMD).

§1053. Disciplinary action by the board

1. Possible sanctions. For each violation of this chapter or the rules or conditions of licensure or registration, the board may take one or more of the following actions:

A. Issue a warning, censure or reprimand to a licensee or registrant. Each warning, censure or reprimand issued must be based upon a violation of a different applicable law, rule or condition of licensure or must be based upon a separate instance of actionable conduct or activity; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

B. Suspend a license or registration for up to 360 days for each violation of an applicable law, rule or condition of licensure or registration or instance of actionable conduct or activity. Suspensions may be set to run concurrently or consecutively. Execution of all or any portion of a term of suspension may be stayed pending successful completion of conditions of probation, although the suspension remains part of the licensee's or registrant's record; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

C. Revoke a license or registration; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

D. Impose a fine of up to $100,000 for each violation of an applicable law, rule or condition of licensure or registration or instance of actionable conduct or activity; [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

E. Impose conditions of probation upon a licensee or registrant. Probation may run for such time period as the board determines appropriate; and [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

F. Impose costs of investigation and hearing. [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

2. Consent agreements. The board may execute a consent agreement that resolves a complaint or investigation without further proceedings. Consent agreements may be entered into only with the consent of the licensee or registrant, the board and the Attorney General. Any remedy, penalty or fine that is otherwise available by law may be achieved by consent agreement, including long-term suspension and permanent revocation of a license or registration. A consent agreement is not subject to review or appeal and may be modified only by a writing executed by all parties to the original consent agreement. A consent agreement is enforceable by an action in Superior Court.

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

3. Surrender of license or registration. The board may accept surrender of a license or registration. In order for a licensee's or registrant's surrender of a license or registration to be effective, a surrender must first be accepted by vote of the board. The board may refuse to accept surrender of a license or registration if the licensee or registrant is under investigation or is the subject of a pending complaint or proceeding, unless a consent agreement is first entered into pursuant to this chapter.

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

4. Letters of guidance or concern. The board may issue letters of guidance or concern to a licensee or registrant. Letters of guidance or concern may be used to educate, reinforce knowledge regarding legal or professional obligations and express concern over action or inaction by the licensee or registrant that does not rise to the level of misconduct sufficient to merit disciplinary action. The issuance of a letter of guidance or concern is not a formal proceeding and does not constitute an adverse disciplinary action of any form. Notwithstanding any other provision of law, letters of guidance or concern are not confidential. The board may place letters of guidance or concern, together with any

underlying complaint, report and investigation materials, in a licensee's or registrant's file for a specified amount of time, not to exceed 10 years. Any letters, complaints and materials placed on file may be accessed and considered by the board in any subsequent action commenced against the licensee or registrant within the specified time frame. Complaints, reports and investigation materials placed on file are confidential only to the extent otherwise provided by law.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

SECTION HISTORY

PL 2003, c. 687, §A5 (NEW). PL 2003, c. 687, §B11 (AFF).

§1054. Criminal violations

A person commits a Class C crime if that person knowingly or intentionally: [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

1. Tampering with slot machine or table game. Manipulates or intends to manipulate the outcome, payback or operation of a slot machine or table game by physical tampering or any other means;
[IB 2009, c. 2, §49 (AMD).]

2. Interference. Interferes with the board's ability to monitor compliance with this chapter;
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

3. Operation or distribution without license. Operates or distributes a slot machine or table game in this State without a license. This subsection does not apply to the operation of a slot machine or table game by an accredited postsecondary institution for the purposes of training and education or the distribution of a slot machine or table game to an accredited postsecondary institution for the purposes of training and education;
[PL 2011, c. 585, §12 (AMD).]

4. Operation or distribution of unregistered slot machine or table game. Operates or distributes a slot machine or table game that is not registered in this State. This subsection does not apply to the operation of a slot machine or table game by an accredited postsecondary institution for the purposes of training and education or the distribution of a slot machine or table game to an accredited postsecondary institution for the purposes of training and education;
[PL 2011, c. 585, §12 (AMD).]

5. Possession of tools for purpose of tampering with slot machine or table game. Possesses or makes any tool, implement, instrument or other article that is adopted, designed or commonly used for manipulating the outcome, payback or operation of a slot machine or table game with intent to use that tool, implement, instrument or other article to commit the manipulation of a slot machine or table game;
[IB 2009, c. 2, §49 (AMD).]

6. Failure to disclose contracts and agreements. Violates section 1034;
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

7. Underage use of slot machine or table game. Violates section 1031, subsection 1;
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

8. Failure to deposit funds. Violates section 1036, subsection 2; or
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

9. Failure to grant access to premises, equipment and records. Violates section 1042.
[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

SECTION HISTORY

PL 2003, c. 687, §A5 (NEW). PL 2003, c. 687, §B11 (AFF). IB 2009, c. 2, §49 (AMD). PL 2011, c. 585, §12 (AMD).

§1055. Theft at a casino or slot machine facility

(REPEALED)

SECTION HISTORY

PL 2011, c. 585, §13 (NEW). PL 2013, c. 96, §1 (RP).

SUBCHAPTER 6

MISCELLANEOUS

§1061. Authority to detain persons suspected of cheating; immunity

A licensee or an officer, employee or agent of the licensee who has probable cause to believe there has been a violation of this chapter in the gambling facility by any person may take that person into custody and detain that person in the gambling premises in a reasonable manner for a reasonable length of time for the purpose of notifying and surrendering the person to law enforcement authorities and, when the detained person is a minor, informing a law enforcement officer or the parents or guardian of the minor of the detention and surrendering the minor to the person so informed. The act of taking into custody and detention under this section does not render the licensee or its officers, employees or agents criminally or civilly liable, including but not limited to liability for false arrest, false imprisonment, slander or unlawful detention, unless the taking into custody or detention is unreasonable under all the circumstances. [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

A licensee or an officer, employee or agent of the licensee is not entitled to any immunity from civil or criminal liability provided in this section unless there is displayed in a conspicuous manner in the licensee's gambling facility a notice in boldface type clearly legible and in substantially this form: "Any gambling licensee or any officer, employee or agent of a licensee who has probable cause to believe that a person is violating a provision of law prohibiting cheating or swindling in gambling may detain that person in the establishment for the purpose of notifying law enforcement authorities." [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

SECTION HISTORY

PL 2003, c. 687, §A5 (NEW). PL 2003, c. 687, §B11 (AFF).

§1062. Municipal regulation

This chapter may not be construed to limit municipal regulation of the activities licensed under this chapter, as long as such municipal regulation does not conflict with this chapter or rules adopted under this chapter. [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

SECTION HISTORY

PL 2003, c. 687, §A5 (NEW). PL 2003, c. 687, §B11 (AFF).

§1063. Rules

Unless otherwise specified, rules adopted pursuant to this chapter are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

SECTION HISTORY

PL 2003, c. 687, §A5 (NEW). PL 2003, c. 687, §B11 (AFF).

§1064. Applicability of Title 17, chapter 62

Except as expressly provided in this chapter, the provisions of Title 17, chapter 62 do not apply to the ownership, distribution or operation of slot machines in the State. [PL 2009, c. 487, Pt. B, §4 (AMD).]

SECTION HISTORY

PL 2003, c. 687, §A5 (NEW). PL 2003, c. 687, §B11 (AFF). PL 2009, c. 487, Pt. B, §4 (AMD).

§1065. Distances

For the purposes of this chapter, unless otherwise provided in the laws relating to the Gambling Control Board, distances are determined by measuring along the most commonly used roadway, as determined by the Department of Transportation. [PL 2011, c. 56, §1 (NEW).]

SECTION HISTORY

PL 2011, c. 56, §1 (NEW).

§1066. Interception of slot machine or table game winnings to pay child support debt

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

A. "Child support debt" means child support debt that has been liquidated by judicial or administrative action. [PL 2013, c. 255, §2 (NEW).]

B. "Department" means the Department of Health and Human Services. [PL 2013, c. 255, §2 (NEW).]

C. "Registry operator" means the department or an entity with whom the department enters into a contract to maintain the registry pursuant to subsection 3. [PL 2013, c. 255, §2 (NEW).]

D. "Winner" means a slot machine customer or a table game customer to whom cash is returned as winnings. [PL 2013, c. 255, §2 (NEW).]

[PL 2013, c. 255, §2 (NEW).]

2. Interception. A licensee shall intercept slot machine and table game winnings to pay child support debt in accordance with this section.

[PL 2013, c. 255, §2 (NEW).]

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

A. The name and social security number of each individual with outstanding child support debt; [PL 2013, c. 255, §2 (NEW).]

B. The account number or identifier assigned by the department to the outstanding child support debt; [PL 2013, c. 255, §2 (NEW).]

C. The amount of the outstanding child support debt; and [PL 2013, c. 255, §2 (NEW).]

D. Any other information necessary to effectuate the purposes of this section. [PL 2013, c. 255, §2 (NEW).]

[PL 2013, c. 255, §2 (NEW).]

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

A. Before making a payout of winnings of an amount equal to or greater than the amount for which the licensee is required to file a Form W-2G or substantially equivalent form with the United States Internal Revenue Service, the licensee shall obtain the name, address, date of birth and social

security number of the winner and shall electronically submit this information to the registry operator. [PL 2013, c. 255, §2 (NEW).]

B. Upon receipt of information pursuant to paragraph A, the registry operator shall electronically inform the licensee whether the winner is listed in the registry. If the winner is listed in the registry, the registry operator shall inform the licensee of the amount of the winner's outstanding child support debt and the account number or identifier assigned to the outstanding child support debt and shall provide the licensee with a notice of withholding that informs the winner of the right to an administrative hearing. [PL 2013, c. 255, §2 (NEW).]

C. If the registry operator informs the licensee that the winner is not listed in the registry or if the licensee is unable to obtain information from the registry operator on a real-time basis after attempting in good faith to do so, the licensee may make payment to the winner. [PL 2013, c. 255, §2 (NEW).]

D. If the registry operator informs the licensee that the winner is listed in the registry, the licensee may not make payment to the winner unless the amount of the payout exceeds the amount of outstanding child support debt, in which case the licensee may make payment to the winner of the amount of winnings that is in excess of the amount of the winner's outstanding child support debt. [PL 2013, c. 255, §2 (NEW).]

[PL 2013, c. 255, §2 (NEW).]

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

[PL 2013, c. 255, §2 (NEW).]

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

[PL 2013, c. 255, §2 (NEW).]

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

[PL 2013, c. 255, §2 (NEW).]

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

[PL 2013, c. 255, §2 (NEW).]

9. Authorization to provide information. Notwithstanding any other provision of law to the contrary, the licensee may provide to the department or registry operator any information necessary to effectuate the intent of this section. The department or registry operator may provide to the licensee any information necessary to effectuate the intent of this section.

[PL 2013, c. 255, §2 (NEW).]

10. Confidentiality of information. The information obtained by the department or registry operator from a licensee pursuant to this section and the information obtained by the licensee from the department or registry operator pursuant to this section are confidential and may be used only for the purposes set forth in this section. An employee or prior employee of the department, the registry

operator or a licensee who knowingly or intentionally discloses any such information commits a civil violation for which a fine not to exceed $1,000 may be adjudged.
[PL 2013, c. 255, §2 (NEW).]

11. Effect of compliance; noncompliance. A licensee, the department and the registry operator are not liable for any action taken in good faith to comply with this section. A licensee who fails to make a good faith effort to obtain information from the registry operator or who fails to withhold and transmit the amount of the lien created under subsection 5 is liable to the department for the greater of $500 and the amount the person was required to withhold and transmit to the department under this section, together with costs, interest and reasonable attorney's fees.
[PL 2013, c. 255, §2 (NEW).]

12. Biennial review. The department shall report to the Legislature and the Governor on or before January 31, 2015 and biennially thereafter on:

A. The number of names of winners submitted by licensees to the registry operator pursuant to this section in each of the preceding 2 calendar years; [PL 2013, c. 255, §2 (NEW).]

B. The number of winners who were found to be listed in the registry in each of the preceding 2 calendar years; [PL 2013, c. 255, §2 (NEW).]

C. The amount of winnings withheld by licensees pursuant to this section in each of the preceding 2 calendar years; and [PL 2013, c. 255, §2 (NEW).]

D. The amount of withheld winnings refunded to winners as the result of administrative hearings requested pursuant to this section in each of the preceding 2 calendar years. [PL 2013, c. 255, §2 (NEW).]

[PL 2013, c. 255, §2 (NEW).]

SECTION HISTORY

PL 2013, c. 255, §2 (NEW).

SUBCHAPTER 7

ADVANCE DEPOSIT WAGERING

§1071. Advance deposit wagering license awarded pursuant to competitive bid (REPEALED)

SECTION HISTORY

PL 2015, c. 499, §8 (NEW). PL 2023, c. 440, §9 (RP).

§1072. Distribution of advance deposit wagering revenue

The revenue from wagers placed by means of advance deposit wagering must be distributed according to this section. [PL 2023, c. 440, §10 (AMD).]

1. Distribution of revenue from wagers placed on races conducted in State. An advance deposit wagering licensee shall collect 5% of gross advance deposit wagers from wagers placed with the licensee on races conducted at tracks in the State and distribute it to the board for distribution as follows.

A. Ten percent of the amount collected under this subsection must be deposited directly to the General Fund. [PL 2023, c. 440, §10 (AMD).]

B. Twenty percent of the amount collected under this subsection must be distributed to all off-track betting facilities licensed under section 275-D so that each off-track betting facility receives the same amount. [PL 2023, c. 440, §10 (AMD).]

C. One percent of the amount collected under this subsection must be distributed to the Sire Stakes Fund established under section 281. [PL 2023, c. 440, §10 (AMD).]

D. Ten percent of the amount collected under this subsection must be distributed to the Agricultural Fair Support Fund established under Title 7, section 91 except that, notwithstanding Title 7, section 91, subsection 2, paragraph A, no portion of the distribution required by this paragraph may be distributed to a commercial track. [PL 2023, c. 440, §10 (AMD).]

E. Twenty-four percent of the amount collected under this subsection must be distributed to the fund established under section 298 to supplement harness racing purses. [PL 2023, c. 440, §10 (AMD).]

F. Twenty percent of the amount collected under this subsection must be distributed to the track where the race upon which the wager was placed was conducted. [PL 2023, c. 440, §10 (AMD).]

G. Fifteen percent of the amount collected under this subsection must be distributed to all commercial tracks, with each commercial track receiving a portion determined by multiplying that 15% times a fraction, the numerator of which is the minimum number of days of racing the commercial track is required by law to conduct annually in order to retain its commercial track license and the denominator of which is the sum of the number of days of racing all the commercial tracks are required to conduct in order to retain their commercial track licenses. [PL 2023, c. 440, §10 (AMD).]

[PL 2023, c. 440, §10 (AMD).]

2. Distribution of revenue from wagers placed on races conducted outside State. An advance deposit wagering licensee shall collect 5% of gross advance deposit wagers from wagers placed with the licensee on races conducted at tracks outside the State and distribute it to the board for distribution as follows.

A. Ten percent of the amount collected under this subsection must be deposited directly to the General Fund. [PL 2023, c. 440, §10 (AMD).]

B. Thirty-six percent of the amount collected under this subsection must be distributed to all off-track betting facilities licensed under section 275-D so that each off-track betting facility receives the same amount. [PL 2023, c. 440, §10 (AMD).]

C. One percent of the amount collected under this subsection must be distributed to the Sire Stakes Fund established under section 281. [PL 2023, c. 440, §10 (AMD).]

D. Ten percent of the amount collected under this subsection must be distributed to the Agricultural Fair Support Fund established under Title 7, section 91 except that, notwithstanding Title 7, section 91, subsection 2, paragraph A, no portion of the distribution required by this paragraph may be distributed to a commercial track. [PL 2023, c. 440, §10 (AMD).]

E. Seven percent of the amount collected under this subsection must be distributed to the fund established under section 298 to supplement harness racing purses. [PL 2023, c. 440, §10 (AMD).]

F. Thirty-six percent of the amount collected under this subsection must be distributed to all commercial tracks, with each commercial track receiving a portion determined by multiplying that 36% times a fraction, the numerator of which is the minimum number of days of racing the commercial track is required by law to conduct annually in order to retain its commercial track license and the denominator of which is the sum of the number of days of racing all the commercial

tracks are required to conduct in order to retain their commercial track licenses. [PL 2023, c. 440, §10 (AMD).]

[PL 2023, c. 440, §10 (AMD).]

SECTION HISTORY

PL 2015, c. 499, §8 (NEW). PL 2023, c. 440, §10 (AMD).

§1073. Advance deposit wagering license

The board shall exercise authority over the licensing of all persons conducting advance deposit wagering. A person may not conduct advance deposit wagering without a license issued under this section. [PL 2023, c. 440, §11 (NEW).]

1. Eligibility. In order to receive an advance deposit wagering license from the board, an applicant must meet the requirements of this section and the rules adopted by the board under section 1003, subsection 2, paragraph U and must be:

A. A commercial track; [PL 2023, c. 440, §11 (NEW).]

B. An off-track betting facility licensed under section 275-D; or [PL 2023, c. 440, §11 (NEW).]

C. An account wagering provider. [PL 2023, c. 440, §11 (NEW).]

[PL 2023, c. 440, §11 (NEW).]

2. Authority to conduct advance deposit wagering. An advance deposit wagering license issued under this section allows a licensee to conduct advance deposit wagering in this State.

[PL 2023, c. 440, §11 (NEW).]

3. Contract. An advance deposit wagering licensee may conduct advance deposit wagering directly or through a contract with another advance deposit wagering licensee issued a license under this section.

[PL 2023, c. 440, §11 (NEW).]

4. Conditions of licensure. An advance deposit wagering licensee shall:

A. Purchase a bond to secure the advance deposit wagering accounts; [PL 2023, c. 440, §11 (NEW).]

B. Ensure that a person who establishes an account to place a wager on horse racing by means of advance deposit wagering has attained 18 years of age and is a resident of this State; and [PL 2023, c. 440, §11 (NEW).]

C. Accept wagers on all live races being conducted in this State that are available for simulcast. [PL 2023, c. 440, §11 (NEW).]

[PL 2023, c. 440, §11 (NEW).]

5. Application fee. The nonrefundable application fee for an advance deposit wagering license is $1,000. In addition, the board may require an applicant to pay a one-time investigation fee in an amount limited to the cost to the board of processing the application and performing background investigations.

[PL 2023, c. 440, §11 (NEW).]

6. License fee; renewal fee; term. The fee for an advance deposit wagering license is $500. The fee for the annual renewal of an advance deposit wagering license is $250.

[PL 2023, c. 440, §11 (NEW).]

SECTION HISTORY

PL 2023, c. 440, §11 (NEW).

CHAPTER 33

REGULATION OF FANTASY CONTESTS

§1101. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2017, c. 303, §2 (NEW).]

1. Beginner fantasy contestant. "Beginner fantasy contestant" means an individual who has entered fewer than 51 fantasy contests offered by a single fantasy contest operator.
[PL 2017, c. 303, §2 (NEW).]

2. Director. "Director" means the director of the Gambling Control Unit within the Department of Public Safety.
[PL 2017, c. 303, §2 (NEW).]

3. Entry fee. "Entry fee" means cash or a cash equivalent that is required to be paid by a fantasy contestant to a fantasy contest operator in order to participate in a fantasy contest.
[PL 2017, c. 303, §2 (NEW).]

4. Fantasy contest. "Fantasy contest" means a simulated game or contest in which:

A. Two or more fantasy contestants per game or contest, none of which may be the fantasy contest operator, pay an entry fee to participate; [PL 2025, c. 95, §1 (AMD).]

B. Fantasy contestants compete against each other by using their knowledge and understanding of sports events and persons engaged in those sports events to select and manage a simulated team roster whose performance directly corresponds with the actual performance of human competitors on sports teams and in sports events; and [PL 2017, c. 303, §2 (NEW).]

C. The outcome of the game or contest reflects the relative knowledge and skill of the contestants and does not depend on the performance of any one participant in a sports event or the outcome of any one sports event but is determined predominantly by accumulated statistical results of the performance of individual competitors on sports teams and in sports events. [PL 2017, c. 303, §2 (NEW).]
[PL 2025, c. 95, §1 (AMD).]

5. Fantasy contestant. "Fantasy contestant" means an individual who participates in a fantasy contest offered by a fantasy contest operator.
[PL 2017, c. 303, §2 (NEW).]

6. Fantasy contest operator. "Fantasy contest operator" means a person that offers a platform for the playing of fantasy contests and that administers a fantasy contest for which a prize of value is awarded.
[PL 2017, c. 303, §2 (NEW).]

7. Gross fantasy contest revenues. "Gross fantasy contest revenues" means the amount determined by subtracting the total of all sums paid out by a fantasy contest operator as cash prizes to all fantasy contestants from the total of all entry fees that the fantasy contest operator collects from all fantasy contestants and multiplying the result by the resident percentage. Sums paid out as prizes may not include the cash equivalent of any merchandise or something of value awarded as a prize.
[PL 2017, c. 303, §2 (NEW).]

8. Highly experienced fantasy contestant. "Highly experienced fantasy contestant" means a fantasy contestant who has:

A. Entered more than 1,000 fantasy contests operated by a single fantasy contest operator; or [PL 2017, c. 303, §2 (NEW).]

B. Won more than 3 prizes of $1,000 or more each from a single fantasy contest operator. [PL 2017, c. 303, §2 (NEW).]

[PL 2017, c. 303, §2 (NEW).]

9. Platform. "Platform" means an online or electronic method by which access to a fantasy contest is provided, including, but not limited to, a website, personal digital device, such as a device commonly known as a smartphone, or other application providing access to a fantasy contest.

[PL 2017, c. 303, §2 (NEW).]

10. Resident percentage. "Resident percentage" means, for each fantasy contest, the percentage, rounded to the nearest tenth of a percent, obtained by dividing the total amount of entry fees collected from fantasy contestants located in the State by the total amount of entry fees collected from all fantasy contestants.

[PL 2017, c. 303, §2 (NEW).]

SECTION HISTORY

PL 2017, c. 303, §2 (NEW). PL 2025, c. 95, §1 (AMD).

§1102. Power and duties of director

1. Powers. In administering and enforcing this chapter, the director may:

A. Pursuant to section 1103, issue or deny any application and limit, restrict, suspend or revoke any license issued under this chapter; [PL 2017, c. 303, §2 (NEW).]

B. Review reports of the investigation and qualifications of an applicant before a license is issued; [PL 2017, c. 303, §2 (NEW).]

C. Prescribe the manner for the collection of all license fees and revenues under this chapter; [PL 2017, c. 303, §2 (NEW).]

D. Adopt rules the director determines necessary to administer this chapter; [PL 2017, c. 303, §2 (NEW).]

E. Investigate complaints regarding the conduct of fantasy contests in violation of this chapter and rules adopted pursuant to this chapter; [PL 2017, c. 303, §2 (NEW).]

F. Impose sanctions, penalties and costs of investigation and hearing against an applicant or licensee for violation of this chapter or rules adopted pursuant to this chapter; [PL 2017, c. 303, §2 (NEW).]

G. Review and approve each platform for compliance with the provisions of this chapter and rules adopted pursuant to this chapter; and [PL 2017, c. 303, §2 (NEW).]

H. Conduct a financial audit of any licensee, at any time, to ensure compliance with this chapter. [PL 2017, c. 303, §2 (NEW).]

[PL 2017, c. 303, §2 (NEW).]

SECTION HISTORY

PL 2017, c. 303, §2 (NEW).

§1103. License to conduct fantasy contests

The director shall exercise authority over the licensing of all persons operating fantasy contests in the State. [PL 2017, c. 303, §2 (NEW).]

1. License required. A person or fantasy contest operator may not offer a fantasy contest in the State without first being licensed by the director, except during such time as the person's or fantasy contest operator's application for a license is pending before the director as provided in subsection 9.

[PL 2017, c. 303, §2 (NEW).]

2. Application. Applications for a license must be submitted in a manner prescribed by the director.
[PL 2017, c. 303, §2 (NEW).]

3. Content of application. An application submitted to the director must, at a minimum, include the following:

A. The name, primary business location and contact information of the applicant; [PL 2017, c. 303, §2 (NEW).]

B. Disclosure of ownership interests in the applicant; [PL 2017, c. 303, §2 (NEW).]

C. Consent to permit the director to conduct a criminal background check; [PL 2017, c. 303, §2 (NEW).]

D. The applicant's interest, if any, in other fantasy contest operators licensed in the State or another jurisdiction; [PL 2017, c. 303, §2 (NEW).]

E. Gross fantasy contest revenues in the State, and any another jurisdiction as determined by the director, for the period of 12 months preceding the application; [PL 2017, c. 303, §2 (NEW).]

F. The type and estimated number of fantasy contests to be conducted during the term of the license and during any period of operation authorized under subsection 9; [PL 2017, c. 303, §2 (NEW).]

G. The methods by which the fantasy contest operator will determine and verify the geographic location of a fantasy contestant using the operator's platform; [PL 2017, c. 303, §2 (NEW).]

H. The methods by which the fantasy contest operator will protect a fantasy contestant's personal and private information; and [PL 2017, c. 303, §2 (NEW).]

I. Any additional information required by the director or as determined by rule to ensure that the applicant meets licensing criteria. [PL 2017, c. 303, §2 (NEW).]
[PL 2017, c. 303, §2 (NEW).]

4. Signature as consent. Submission of a signed application is consent of the applicant to be subject to the laws and rules prescribed by this chapter for the operation of fantasy contests.
[PL 2017, c. 303, §2 (NEW).]

5. Application fee. The director may charge a one-time application fee limited to the projected cost of processing the application and performing any background investigations. If the application fee exceeds the actual cost of processing the application and performing background investigations, the excess amount must be applied to the license fee, if the applicant is issued a license, or reimbursed to an applicant not subject to a license fee in accordance with subsection 6 or to an applicant that was not issued a license.
[PL 2017, c. 303, §2 (NEW).]

6. License fee; term. The initial and renewal fee for a license for a fantasy contest operator that had gross fantasy contest revenues during the 12 months preceding application equal to or greater than $100,000 is $2,500. A fantasy contest operator that had gross fantasy contest revenues during the 12 months preceding application of less than $100,000 is not required to pay a license fee. Licenses must be renewed annually.
[PL 2017, c. 303, §2 (NEW).]

7. Denial of license; suspension, refusal to renew and revocation. The director may deny an application for licensure or suspend, refuse to renew or revoke a license issued pursuant to this chapter upon finding that the applicant or licensee or any partner, officer, director or shareholder of the applicant or licensee has:

A. Made a false statement on an initial application or application for renewal or has deliberately failed to disclose any information required by the director; [PL 2017, c. 303, §2 (NEW).]

B. Legally defaulted in the payment of any obligation or debt due to the State; [PL 2017, c. 303, §2 (NEW).]

C. Violated any provision of this chapter or rules adopted pursuant to this chapter; or [PL 2017, c. 303, §2 (NEW).]

D. Been determined, upon investigation and finding by the director, to have a background, including a criminal record, business associations, questionable business practices or prior activities, that poses a threat to the public interest or the security and integrity of the conduct of fantasy contests. [PL 2017, c. 303, §2 (NEW).]

[PL 2017, c. 303, §2 (NEW).]

8. Appeals. A person aggrieved by the decision of the director in denying an application for license or refusing to renew, suspending, revoking or denying transfer of a license issued under this chapter or in imposing disciplinary sanctions prescribed by rules adopted pursuant to this chapter may appeal the decision to the Commissioner of Public Safety for a final decision. The director's decision stands until the commissioner issues a decision to uphold, modify or overrule the director's decision. In the case of appeal to the commissioner, the person must be afforded the opportunity for an adjudicatory hearing in accordance with this chapter and the Maine Administrative Procedure Act. A person aggrieved by the final decision of the commissioner may appeal the commissioner's decision to the Superior Court in accordance with Title 5, chapter 375, subchapter 7.

[PL 2017, c. 303, §2 (NEW).]

9. Operation pending application approval. A fantasy contest operator applying for an initial license, a license renewal or a license transfer under this chapter may operate fantasy contests during the period the application is pending unless the director, for reasonable cause, believes that the applicant is or may be in violation of the provisions of this chapter or rules adopted pursuant to this chapter. In that case, the director shall notify the applicant in writing that the applicant may not operate or must suspend the operation of any fantasy contest until the license or renewal or transfer of licensure is issued.

[PL 2017, c. 303, §2 (NEW).]

10. Transfer. A license issued under this chapter may be transferred upon submission of an application for transfer and approval of the director. If the person to whom the license is being transferred is not licensed as a fantasy contest operator, the director shall require application in the same manner as, or a similar manner to, an initial application as prescribed under this section.

[PL 2017, c. 303, §2 (NEW).]

SECTION HISTORY

PL 2017, c. 303, §2 (NEW).

§1104. Conditions of licensure

1. Conditions of operation. As a condition of licensure, a fantasy contest operator shall submit evidence that the fantasy contest operator has established and will implement procedures for fantasy contests that:

A. Prevent the fantasy contest operator and directors, officers and employees of the fantasy contest operator, and relatives living in the same household as those persons, from participating in a fantasy contest offered or operated by that fantasy contest operator; [PL 2017, c. 303, §2 (NEW).]

B. Prevent the sharing with 3rd parties of confidential information that could affect the outcome of a fantasy contest until the information is made publicly available. As used in this paragraph, "confidential information" means information related to the play of a fantasy contest by fantasy contestants obtained as a result of or by virtue of a person's employment; [PL 2017, c. 303, §2 (NEW).]

C. Provide that a winning outcome may not be based on the score, point spread or performance of a single actual sports team or combination of such teams or solely on a single performance of an individual athlete or participant in a single actual sports event; [PL 2017, c. 303, §2 (NEW).]

D. Prohibit the following individuals from participating in a fantasy contest based on the sport, athletic event or competition in which the individual participates or is otherwise associated:

(1) An athlete or individual who participates or officiates in a game, league, athletic event or competition that is the subject of a fantasy contest; or

(2) A sports agent, team employee, referee or umpire or league official associated with a sport or athletic event that is the subject of a fantasy contest; [PL 2017, c. 303, §2 (NEW).]

E. Verify that a fantasy contestant in a fantasy contest is 18 years of age or older. If the licensee discovers that a person under 18 years of age has accessed the platform as a potential or active fantasy contestant, the licensee shall immediately refund any entry fees or other deposits made by the person under 18 years of age; [PL 2017, c. 303, §2 (NEW).]

F. Publish and facilitate parental control procedures to permit adults to exclude minors from access to the platform and fantasy contests offered by the fantasy contest operator; [PL 2017, c. 303, §2 (NEW).]

G. Provide fantasy contestants with access to information on responsible play; [PL 2017, c. 303, §2 (NEW).]

H. Provide fantasy contestants with access to information on seeking assistance for compulsive behavior; [PL 2017, c. 303, §2 (NEW).]

I. Disclose the number of entries that a fantasy contestant may submit to each fantasy contest and provide reasonable steps to prevent fantasy contestants from submitting more than the allowable number; [PL 2017, c. 303, §2 (NEW).]

J. Allow individuals to restrict themselves from entering fantasy contests upon request pursuant to section 1003, subsection 3, paragraph I and provide reasonable steps to prevent the individuals from entering fantasy contests offered by the fantasy contest operator; [PL 2023, c. 635, §8 (AMD).]

K. Ensure that a fantasy contest is not offered on a prohibited sports event; [PL 2017, c. 303, §2 (NEW).]

L. Limit each fantasy contestant to one active and continuously used account; [PL 2017, c. 303, §2 (NEW).]

M. Protect the privacy and security of a fantasy contestant's information and accounts maintained or accessed by the fantasy contest operator; and [PL 2017, c. 303, §2 (NEW).]

N. Prohibit the extension of credit from the fantasy contest operator to a fantasy contestant. [PL 2017, c. 303, §2 (NEW).]

[PL 2023, c. 635, §8 (AMD).]

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

[PL 2021, c. 681, Pt. J, §5 (AMD).]

3. Notice of prizes required. A fantasy contest operator shall provide publicly available notice of all prizes offered to a winning contestant in advance of the fantasy contest.

[PL 2017, c. 303, §2 (NEW).]

4. Contestant funds segregated; reserve account; audit. A fantasy contest operator licensed under this chapter shall:

A. Segregate fantasy contestant funds from operational funds; [PL 2017, c. 303, §2 (NEW).]

B. Maintain a reserve that exceeds the amount of entry fees and any other funds on deposit; this reserve may not be used for operational activities. Reserve funds may take the form of cash, cash equivalents, payment processor reserves, payment processor receivables, an irrevocable letter of credit, a bond or any combination thereof, and must be in an amount that exceeds the total balances of the fantasy contestants' accounts with the fantasy contest operator; [PL 2017, c. 303, §2 (NEW).]

C. Annually contract with a certified public accountant to conduct an independent audit, consistent with the standards accepted by the American Institute of Certified Public Accountants or a successor organization, to ensure compliance with paragraph B, except that fantasy contest operators with annual gross fantasy contest revenues of less than $100,000 are not required to contract with a certified public accountant as prescribed by this paragraph unless required by the director, in which case the director shall notify the operator and allow a reasonable period of time to comply with the director's requirement for an independent audit; and [PL 2017, c. 303, §2 (NEW).]

D. Provide to the director a copy of the audit report prepared pursuant to paragraph C. Information submitted to the director pursuant to this paragraph is deemed to contain information regarding trade practices of the operator and is confidential and is not a public record within the meaning of Title 1, chapter 13, subchapter 1. [PL 2017, c. 303, §2 (NEW).]

[PL 2017, c. 303, §2 (NEW).]

5. Annual report. By June 30th of each year, a fantasy contest operator licensed under this chapter shall submit a report to the director that includes the following information regarding accounts with the fantasy contest operator held by fantasy contestants in the State:

A. The number of accounts held by fantasy contestants on all platforms offered by the fantasy contest operator. The fantasy contest operator must identify the number of accounts held by highly experienced fantasy contestants on all platforms offered by the fantasy contest operator; [PL 2017, c. 303, §2 (NEW).]

B. The total number of new accounts established and accounts permanently closed in the preceding year or, if the fantasy contest operator has been licensed for less than one year, the number of new accounts and permanently closed accounts in the period since the fantasy contest operator's license was issued; [PL 2017, c. 303, §2 (NEW).]

C. The total amount of entry fees received from fantasy contestants in the State; [PL 2017, c. 303, §2 (NEW).]

D. The total value and number of prizes awarded to fantasy contestants in the State; [PL 2017, c. 303, §2 (NEW).]

E. The total amount of gross fantasy contest revenues received by the fantasy contest operator; and [PL 2017, c. 303, §2 (NEW).]

F. The total number of fantasy contestants who requested to restrict themselves from participating in fantasy contests on all platforms offered by the fantasy contest operator. [PL 2017, c. 303, §2 (NEW).]

Upon submission of a report required by this subsection to the director, to the extent the director considers it necessary to ensure the fantasy contest operator's compliance with this chapter and rules adopted pursuant to this chapter, the director is authorized to conduct a financial audit of the fantasy contest operator. The report of an audit conducted by the director pursuant to this subsection is deemed

to contain information regarding trade practices of the operator and is confidential and is not a public record within the meaning of Title 1, chapter 13, subchapter 1.
[PL 2017, c. 303, §2 (NEW).]

SECTION HISTORY

PL 2017, c. 303, §2 (NEW). PL 2021, c. 681, Pt. J, §5 (AMD). PL 2023, c. 635, §8 (AMD).

§1105. Operation of fantasy contests; allocation of funds

1. Operation of fantasy contests. A fantasy contest operator licensed under this chapter shall:

A. Disclose the number of entries that a fantasy contestant may submit to each fantasy contest and provide reasonable steps to prevent fantasy contestants from submitting more than the allowable number; [PL 2017, c. 303, §2 (NEW).]

B. Prohibit fantasy contestants from submitting more than one entry in any fantasy contest involving 12 entries or fewer; [PL 2017, c. 303, §2 (NEW).]

C. Prohibit fantasy contestants from submitting more than 2 entries in any fantasy contest involving more than 12 entries but fewer than 36 entries; [PL 2017, c. 303, §2 (NEW).]

D. Prohibit fantasy contestants from submitting more than 3 entries in any fantasy contest involving 36 or more entries but fewer than 101 entries; [PL 2017, c. 303, §2 (NEW).]

E. Prohibit, unless otherwise provided by this chapter, fantasy contestants from submitting more than 3% of all entries in any fantasy contest involving more than 100 entries; [PL 2017, c. 303, §2 (NEW).]

F. Permit unlimited entries in no more than 3% of all fantasy contests; the entry fee for such contests must be a minimum of $150; and [PL 2017, c. 303, §2 (NEW).]

G. Inform fantasy contestants of state and federal tax obligations on certain winnings. [PL 2017, c. 303, §2 (NEW).]
[PL 2017, c. 303, §2 (NEW).]

2. Allocation of funds. The director shall collect for deposit to the General Fund 10% of gross fantasy contest revenues, including any revenues earned while operating pending approval of an application submitted to the director as described in section 1103, subsection 9.
[PL 2025, c. 95, §2 (AMD).]

SECTION HISTORY

PL 2017, c. 303, §2 (NEW). PL 2025, c. 95, §2 (AMD).

§1106. Rules

The director shall adopt rules for the proper enforcement and administration of this chapter. When rules are initially adopted as required by this section, rules are major substantive rules as defined by Title 5, chapter 375, subchapter 2-A. Amendments or changes to those rules, after initial adoption, are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A. [PL 2017, c. 303, §2 (NEW).]

1. Required rules. Rules adopted pursuant to this section must include but are not limited to the following:

A. Prohibiting the operator from making statements that are not accurate or are misleading regarding the likelihood of winning; [PL 2017, c. 303, §2 (NEW).]

B. Requiring disclosure of the number of entries an individual fantasy contestant may submit to each fantasy contest and the maximum number of entries allowed by a fantasy contest operator for each contest; [PL 2017, c. 303, §2 (NEW).]

C. Prohibiting advertisements or promotions that target minors and individuals with gambling addiction, including individuals who have requested to be restricted from play on a fantasy contest operator's platform; [PL 2017, c. 303, §2 (NEW).]

D. Requiring the fantasy contest operator to provide information on how to participate and compete in fantasy contests, including an explanation of fantasy contest play and how to identify a highly experienced fantasy contestant; [PL 2017, c. 303, §2 (NEW).]

E. Requiring a system that identifies a highly experienced fantasy contestant by means of a symbol or other identifier easily viewed by fantasy contestants engaged in the fantasy contest on the platform; [PL 2017, c. 303, §2 (NEW).]

F. Prohibiting the use of 3rd-party scripts or 3rd-party scripting programs for any fantasy contest and implementing methods to detect, deter and to the greatest extent possible prevent cheating and improper manipulation of the fantasy contest; [PL 2017, c. 303, §2 (NEW).]

G. Requiring the implementation of a system within the platform by which a fantasy contestant may submit a complaint against the fantasy contest operator and requiring the fantasy contest operator to respond to the complaint within 48 hours; [PL 2017, c. 303, §2 (NEW).]

H. Requiring the maintenance of records of fantasy contestant accounts, which must be made available to the director upon request, for a period of up to 5 years; [PL 2017, c. 303, §2 (NEW).]

I. Requiring the development and offering of fantasy contests limited to beginner fantasy contestants; and [PL 2017, c. 303, §2 (NEW).]

J. Requiring the fantasy contest operator to ensure that winning outcomes reflect the relative knowledge and skill of the fantasy contestant and that winning outcomes are determined primarily by accumulated statistical results of the performance of human competitors in sports events. [PL 2017, c. 303, §2 (NEW).]

[PL 2017, c. 303, §2 (NEW).]

SECTION HISTORY

PL 2017, c. 303, §2 (NEW).

§1107. Violations and penalties

1. Violation. A person, firm, corporation or association or an agent or employee of one of those entities may not violate this chapter or a rule adopted pursuant to this chapter.
[PL 2017, c. 303, §2 (NEW).]

2. Penalty. For each violation of this chapter or any rule adopted pursuant to this chapter, the director may:

A. Impose a fine of up to $1,000 per violation; or [PL 2017, c. 303, §2 (NEW).]

B. Impose a fine not to exceed $5,000 for violations arising out of the same transaction or occurrence. [PL 2017, c. 303, §2 (NEW).]

[PL 2017, c. 303, §2 (NEW).]

SECTION HISTORY

PL 2017, c. 303, §2 (NEW).

§1108. Applicability of other laws

Unless expressly provided in this chapter, the provisions of Title 17, chapter 62 and Title 17-A, chapter 39 do not apply to the conduct of fantasy contests operated in accordance with this chapter and rules adopted pursuant to this chapter. [PL 2017, c. 303, §2 (NEW).]

SECTION HISTORY

PL 2017, c. 303, §2 (NEW).

CHAPTER 35

REGULATION OF SPORTS WAGERING

§1201. Authorization of sports wagering; license required

Notwithstanding any provision of law to the contrary, the operation of sports wagering and ancillary activities are lawful when conducted in accordance with the provisions of this chapter and the rules adopted under this chapter. [PL 2021, c. 681, Pt. J, §6 (NEW).]

A person or entity may not engage in any activities in this State that require a license under this chapter unless all necessary licenses have been obtained in accordance with this chapter and rules adopted under this chapter. [PL 2021, c. 681, Pt. J, §6 (NEW).]

SECTION HISTORY

PL 2021, c. 681, Pt. J, §6 (NEW).

§1202. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2021, c. 681, Pt. J, §6 (NEW).]

1. Adjusted gross sports wagering receipts. "Adjusted gross sports wagering receipts" means an operator's gross receipts from sports wagering less the total of all winnings paid to patrons, which includes the cash equivalent of any merchandise or thing of value awarded as a prize, and less excise tax payments remitted to the Federal Government.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

2. Collegiate sports or athletic event. "Collegiate sports or athletic event" means a sports or athletic event offered or sponsored by, or played in connection with, a public or private institution that offers postsecondary educational services.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

3. Commissioner. "Commissioner" means the Commissioner of Public Safety.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

4. Department. "Department" means the Department of Public Safety.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

5. Director. "Director" means the director of the Gambling Control Unit within the department.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

6. Facility operator. "Facility operator" means a facility sports wagering licensee under subsection 7, paragraph A.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

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

A. A facility sports wagering license under section 1206 to conduct sports wagering in which wagers are placed within a physical location in this State; [PL 2021, c. 681, Pt. J, §6 (NEW).]

B. A mobile sports wagering license under section 1207 to permit a mobile operator to operate sports wagering through an approved mobile application or other digital platform that involves, at least in part, the use of the Internet; [PL 2021, c. 681, Pt. J, §6 (NEW).]

C. A supplier license under section 1208 to sell goods and services to be used in connection with sports wagering, but not to directly accept wagers; [PL 2021, c. 681, Pt. J, §6 (NEW).]

D. A management services license under section 1209 to manage sports wagering on behalf of a facility sports wagering licensee or a mobile sports wagering licensee; and [PL 2021, c. 681, Pt. J, §6 (NEW).]

E. An occupational license under section 1210 to be employed by a facility sports wagering licensee or a mobile sports wagering licensee to operate sports wagering when the employee performs duties in furtherance of or associated with the operation of sports wagering. [PL 2021, c. 681, Pt. J, §6 (NEW).]

[PL 2021, c. 681, Pt. J, §6 (NEW).]

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

[PL 2021, c. 681, Pt. J, §6 (NEW).]

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

[PL 2021, c. 681, Pt. J, §6 (NEW).]

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

[PL 2021, c. 681, Pt. J, §6 (NEW).]

11. Prohibited sports event. "Prohibited sports event" means a high school sports or athletic event, any other event in which a majority of the participants are under 18 years of age or a collegiate sports or athletic event in which any Maine collegiate sports team participates, regardless of where the event takes place. "Prohibited sports event" does not include any game or match that is part of a tournament in which a Maine collegiate sports team participates, as long as a Maine collegiate sports team does not participate in that particular game or match.

[PL 2021, c. 681, Pt. J, §6 (NEW).]

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

[PL 2021, c. 681, Pt. J, §6 (NEW).]

13. Sports governing body. "Sports governing body" means an organization that is headquartered in the United States and prescribes final rules and enforces codes of conduct with respect to a sports event and participants in the sports event.

[PL 2021, c. 681, Pt. J, §6 (NEW).]

14. Sports wagering. "Sports wagering" means the business of accepting wagers on sports events or portions of sports events, the individual performance statistics of athletes in a sports event or a combination of any of the same by any system or method of wagering approved by the director, including, but not limited to, in person on the property of a facility operator or via a mobile operator's mobile applications and digital platforms that use communications technology to accept wagers. "Sports wagering" does not include the sale of pari-mutuel pools authorized under chapter 11 or the operation of fantasy contests as defined in section 1101, subsection 4.

[PL 2021, c. 681, Pt. J, §6 (NEW).]

15. Wager. "Wager" means a sum of money or thing of value risked on an uncertain occurrence.

[PL 2021, c. 681, Pt. J, §6 (NEW).]

SECTION HISTORY

PL 2021, c. 681, Pt. J, §6 (NEW).

§1203. Powers and duties of director

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

A. Has the power to regulate the conduct of sports wagering; [PL 2021, c. 681, Pt. J, §6 (NEW).]

B. Shall determine the eligibility of a person to hold or continue to hold a license, shall issue all licenses and shall maintain a record of all licenses issued under this chapter; [PL 2021, c. 681, Pt. J, §6 (NEW).]

C. Shall levy and collect all fees, civil penalties and tax on adjusted gross sports wagering receipts imposed by this chapter, except as otherwise provided under this chapter; [PL 2021, c. 681, Pt. J, §6 (NEW).]

D. May sue to enforce any provision of this chapter or any rule of the director by civil action or petition for injunctive relief; [PL 2021, c. 681, Pt. J, §6 (NEW).]

E. May hold hearings, administer oaths and issue subpoenas or subpoenas duces tecum in the manner provided by applicable law; and [PL 2021, c. 681, Pt. J, §6 (NEW).]

F. May exercise any other powers necessary to effectuate the provisions of this chapter and the rules of the director. [PL 2021, c. 681, Pt. J, §6 (NEW).]

[PL 2021, c. 681, Pt. J, §6 (NEW).]

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

A. Additional qualifications and procedures for obtaining a facility sports wagering license, supplier license, management services license, mobile sports wagering license or occupational license, including the job classifications subject to the occupational license requirement; [PL 2021, c. 681, Pt. J, §6 (NEW).]

B. Additional qualifications and procedures for obtaining a temporary facility sports wagering license, temporary supplier license, temporary management services license and temporary mobile sports wagering license; [PL 2021, c. 681, Pt. J, §6 (NEW).]

C. The methods of operation of sports wagering, including but not limited to the permitted systems and methods of wagers; the use of credit and checks by persons making wagers, which must prohibit a person from making a wager using a credit card; the types of wagering receipts that may be used; the method of issuing receipts; the prevention of sports wagering on prohibited sports events; the protection of patrons placing wagers; and the promotion of social responsibility and responsible gaming and display of information on resources for problem gambling at a facility operator's premises or on any mobile application or digital platform used to place wagers; [PL 2025, c. 628, §1 (AMD).]

D. If the director determines that establishment of a maximum wager is necessary for the protection of public safety, the maximum wager that may be accepted from any one person on a single sports event; [PL 2021, c. 681, Pt. J, §6 (NEW).]

E. Standards for the adoption of comprehensive house rules governing sports wagering by operators and the approval of house rules by the director as required under section 1211; [PL 2021, c. 681, Pt. J, §6 (NEW).]

F. Minimum design and security requirements for the physical premises of facility operators in which sports wagering is conducted, including but not limited to minimum requirements for the acceptance of wagers at a self-serve kiosk located on the premises and minimum required methods for verifying the identity and age of a person who places a wager with a facility operator, for verifying that the person making a wager is not prohibited from making a wager under section

1213, for ensuring that a person does not use a credit card to make a wager and for requiring the refund of any wager determined to have been placed by a person prohibited from making a wager under section 1213; [PL 2025, c. 628, §2 (AMD).]

G. Minimum design and security requirements for mobile applications and digital platforms for the acceptance of wagers by mobile operators, including required methods for verifying the age and identity of a person who places a wager with a mobile operator, for verifying that the person making the wager is physically located in the State and is not prohibited from making a wager under section 1213, for ensuring that a person does not use a credit card to make a wager and for requiring the refund of any wager determined to have been placed by a person prohibited from making a wager under section 1213; [PL 2025, c. 628, §3 (AMD).]

H. The types of interested parties, including sports team or league employees or owners, from whom operators are prohibited from accepting wagers under section 1213, subsection 4; [PL 2021, c. 681, Pt. J, §6 (NEW).]

I. Minimum design, security, testing and approval requirements for sports wagering equipment, systems or services sold by suppliers licensed under section 1208; [PL 2021, c. 681, Pt. J, §6 (NEW).]

J. Minimum requirements for a contract between a management services licensee under section 1209 and an operator on whose behalf the management services licensee conducts sports wagering, including but not limited to requirements that the person providing management services be licensed prior to entering a contract; that the contract be approved by the director prior to the conduct of sports wagering; that, if the management services licensee contracts with more than one operator, the contract include a condition requiring the management services licensee to employ a method approved by the director for separately accounting for each operator's gross receipts from sports wagering and adjusted gross sports wagering receipts; and that the contract not authorize the person providing management services to receive more than 30% of the operator's adjusted gross sports wagering receipts, except that the director may approve a contract authorizing the management services licensee to receive up to 40% of the operator's adjusted gross sports wagering receipts if the director determines that the management services licensee has demonstrated that the fee is commercially reasonable given the management services licensee's capital investments and the operator's projected adjusted gross sports wagering receipts; [PL 2021, c. 681, Pt. J, §6 (NEW).]

K. Provisions allowing individuals to restrict themselves from sports wagering upon request by placing themselves on the universal list pursuant to section 1003, subsection 3, paragraph I. The rules adopted under this paragraph must define the standards for involuntary placement on the universal list and for removal from the list; [PL 2023, c. 635, §9 (AMD).]

L. Minimum internal control standards for operators and management services licensees, including but not limited to procedures for safeguarding assets and revenues; the recording of cash and evidence of indebtedness; the maintenance of reliable records, accounts and reports of transactions, operations and events; required audits; and the content and frequency of reports of sports wagering activities and revenues that must be made to the director; and [PL 2021, c. 681, Pt. J, §6 (NEW).]

M. Restrictions on the advertisement and marketing of sports wagering, including but not limited to prohibiting misleading, deceptive or false advertisements; requiring an operator to disclose its status as a commercial track, casino or off-track betting facility licensed in the State or a federally recognized Indian tribe or a business entity wholly owned by a federally recognized Indian tribe in the State; and restricting, to the extent permissible, advertising that has a high probability of reaching persons under 21 years of age or that is specifically designed to appeal particularly to persons under 21 years of age. [PL 2021, c. 681, Pt. J, §6 (NEW).]

[PL 2025, c. 628, §§1-3 (AMD).]

3. Rulemaking. Rules adopted by the director pursuant to this chapter are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

SECTION HISTORY

PL 2021, c. 681, Pt. J, §6 (NEW). PL 2023, c. 635, §9 (AMD). PL 2025, c. 628, §§1-3 (AMD).

§1204. Application; criminal history background check

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

A. The full name, current address and contact information of the applicant; [PL 2021, c. 681, Pt. J, §6 (NEW).]

B. Disclosure of each person that has control of the applicant as described in subsection 2; [PL 2021, c. 681, Pt. J, §6 (NEW).]

C. Consent to permit the director to conduct a criminal history record check in accordance with subsection 3 of the applicant and each person disclosed under paragraph B in accordance with procedures established by the director; [PL 2021, c. 681, Pt. J, §6 (NEW).]

D. For the applicant and each person disclosed under paragraph B, a record of previous issuances and denials of or any adverse action taken against a gambling-related license or application under this Title or in any other jurisdiction. For purposes of this paragraph, "adverse action" includes, but is not limited to, a condition resulting from an administrative, civil or criminal violation, a suspension or revocation of a license or a voluntary surrender of a license to avoid or resolve a civil, criminal or disciplinary action; and [PL 2021, c. 681, Pt. J, §6 (NEW).]

E. Any additional information required by the director by rule. [PL 2021, c. 681, Pt. J, §6 (NEW).]
[PL 2021, c. 681, Pt. J, §6 (NEW).]

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

A. Each corporate holding company, parent company or subsidiary company of a corporate applicant or licensee and each person that owns 10% or more of the corporate applicant or licensee and that has the ability to control the activities of the corporate applicant or licensee or elect a majority of the board of directors of that corporate applicant or licensee, except for a bank or other licensed lending institution that holds a mortgage or other lien acquired in the ordinary course of business; [PL 2021, c. 681, Pt. J, §6 (NEW).]

B. Each person associated with a noncorporate applicant or licensee that directly or indirectly holds a beneficial or proprietary interest in the noncorporate applicant's or licensee's business operation or that the director otherwise determines has the ability to control the noncorporate applicant or licensee; and [PL 2021, c. 681, Pt. J, §6 (NEW).]

C. Key personnel of an applicant or licensee, including any executive, employee or agent, having the power to exercise significant influence over decisions concerning any part of the applicant's or licensee's relevant business operation. [PL 2021, c. 681, Pt. J, §6 (NEW).]
[PL 2021, c. 681, Pt. J, §6 (NEW).]

3. Criminal history record check. The director shall request a criminal history record check in accordance with this subsection for each applicant for initial licensure and each person required to be disclosed by the applicant for initial licensure under subsection 1, paragraph B. The director may require a criminal history record check in accordance with this subsection from a licensee seeking to

renew a license, from any person the licensee is required to disclose under subsection 1, paragraph B as part of the license renewal application and from any person identified by the licensee under subsection 4. A criminal history record check conducted pursuant to this subsection must include criminal history record information obtained from the Maine Criminal Justice Information System established in Title 16, section 631 and the Federal Bureau of Investigation.

A. Criminal history record information obtained from the Maine Criminal Justice Information System pursuant to this subsection must include a record of public criminal history record information as defined in Title 16, section 703, subsection 8. [PL 2021, c. 681, Pt. J, §6 (NEW).]

B. Criminal history record information obtained from the Federal Bureau of Investigation pursuant to this subsection must include other state and national criminal history record information. [PL 2021, c. 681, Pt. J, §6 (NEW).]

C. An individual required to submit to a criminal history record check under this subsection shall submit to having the individual's fingerprints taken. The State Police, upon payment by the individual of the fee required under paragraph E, shall take or cause to be taken the individual's fingerprints and shall immediately forward the fingerprints to the Department of Public Safety, Bureau of State Police, State Bureau of Identification. Any person who fails to transmit criminal fingerprint records to the State Bureau of Identification pursuant to this paragraph is subject to the provisions of Title 25, section 1550. [PL 2021, c. 681, Pt. J, §6 (NEW).]

D. The Department of Public Safety, Bureau of State Police, State Bureau of Identification shall conduct the state and national criminal history record checks required under this subsection. Except for the portion of a payment, if any, that constitutes the processing fee for a criminal history record check charged by the Federal Bureau of Investigation, all money received by the State Police under this subsection must be paid to the Treasurer of State, who shall apply the money to the expenses incurred by the Department of Public Safety in the administration of this subsection. [PL 2021, c. 681, Pt. J, §6 (NEW).]

E. The director shall by rule set the amount of the fee to be paid for each criminal history record check required to be performed under this subsection. [PL 2021, c. 681, Pt. J, §6 (NEW).]

F. The subject of a Federal Bureau of Investigation criminal history record check may obtain a copy of the criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state criminal history record check may inspect and review the criminal history record information pursuant to Title 16, section 709. [PL 2021, c. 681, Pt. J, §6 (NEW).]

G. State and national criminal history record information obtained by the director under this subsection may be used only for the purpose of screening an applicant for a license or a license renewal under this chapter. [PL 2021, c. 681, Pt. J, §6 (NEW).]

H. All criminal history record information obtained by the director pursuant to this subsection is confidential, is for the official use of the director only and may not be disseminated by the director or disclosed to any other person or entity except as provided in paragraph F. [PL 2021, c. 681, Pt. J, §6 (NEW).]

I. The director, after consultation with the Department of Public Safety, Bureau of State Police, State Bureau of Identification, shall adopt rules to implement this subsection. [PL 2021, c. 681, Pt. J, §6 (NEW).]

[PL 2021, c. 681, Pt. J, §6 (NEW).]

4. Material change to application. A person licensed under this chapter shall give the director written notice within 30 days of any material change to any information provided in the licensee's application for a license or renewal, including any change in the identity of persons considered to have control of the licensee as described in subsection 2.

[PL 2021, c. 681, Pt. J, §6 (NEW).]

5. Gambling Control Unit employees prohibited. An employee of the Gambling Control Unit within the department may not be an applicant for a license issued under this chapter.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

SECTION HISTORY

PL 2021, c. 681, Pt. J, §6 (NEW).

§1205. Denial of license; administrative sanctions

1. Grounds for denial of license or imposition of administrative sanctions. The following are grounds for the director to deny a license or license renewal or for the imposition of administrative sanctions, in accordance with this section, on a person licensed under this chapter:

A. If the applicant or licensee has knowingly made a false statement of material fact to the director; [PL 2021, c. 681, Pt. J, §6 (NEW).]

B. If the applicant or licensee has not disclosed the existence or identity of other persons that have control of the applicant or licensee as required by section 1204, subsections 1 and 4; [PL 2021, c. 681, Pt. J, §6 (NEW).]

C. If the applicant or licensee has had a license revoked by any government authority responsible for regulation of gaming activities; [PL 2021, c. 681, Pt. J, §6 (NEW).]

D. If the applicant, the licensee or a person having control of the applicant or licensee under section 1204, subsection 2 is not of good moral character. In determining whether the applicant, licensee or person is of good moral character, the director shall consider qualities that include but are not limited to honesty, candor, trustworthiness, diligence, reliability, observance of fiduciary and financial responsibility and respect for the rights of others; [PL 2021, c. 681, Pt. J, §6 (NEW).]

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

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

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

(3) Has engaged in conduct in this State or any other jurisdiction that would constitute a violation of this chapter; chapter 11 involving gambling; chapter 31; chapter 33; chapter 39; Title 17, chapter 13-A or 62; Title 17-A, chapter 39; or substantially similar offenses in other jurisdictions;

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

(5) Is not current in filing all applicable tax returns and in the payment of all taxes, penalties and interest owed to this State, any other state or the United States Internal Revenue Service, excluding items under formal appeal; [PL 2025, c. 538, §1 (AMD).]

F. If the applicant or licensee has not demonstrated to the satisfaction of the director sufficient financial assets to meet the requirements of the licensed business or proposed business and to meet any financial obligations imposed by this chapter; [PL 2021, c. 681, Pt. J, §6 (NEW).]

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

the person can successfully engage in business without jeopardy to the public health, safety and welfare. Financial responsibility may be determined by an evaluation of the total history concerning the applicant, the licensee or the person, including past, present and expected condition and record of financial solvency, business record and accounting and managerial practices; [PL 2021, c. 681, Pt. J, §6 (NEW).]

H. If the applicant or licensee has not met the requirements of this chapter; or [PL 2021, c. 681, Pt. J, §6 (NEW).]

I. If the applicant or licensee has violated any provision of this chapter or of the rules adopted under this chapter. [PL 2021, c. 681, Pt. J, §6 (NEW).]

[PL 2025, c. 538, §1 (AMD).]

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

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

After hearing, if the commissioner finds grounds for denying a license or license renewal under subsection 1, the commissioner may deny the application for a license or for renewal of a license.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

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

If the licensee fails to request a hearing within 30 days of the date that a notice was mailed under this subsection, the director may issue a final decision imposing the sanction proposed in the notice. If the licensee makes a timely request for a hearing, the commissioner shall conduct an adjudicatory hearing in accordance with Title 5, chapter 375, subchapter 4. If, after the hearing, the commissioner finds that the factual basis of the complaint is true and is of sufficient gravity to warrant further action, the commissioner may impose an administrative sanction under subsection 4.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

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

A. A written reprimand; [PL 2021, c. 681, Pt. J, §6 (NEW).]

B. Conditions of probation of a license; [PL 2021, c. 681, Pt. J, §6 (NEW).]

C. A license suspension; [PL 2021, c. 681, Pt. J, §6 (NEW).]

D. A license revocation; or [PL 2021, c. 681, Pt. J, §6 (NEW).]

E. A civil penalty of up to $25,000 per violation of any provision of this chapter or rule adopted pursuant to this chapter. [PL 2021, c. 681, Pt. J, §6 (NEW).]

[PL 2021, c. 681, Pt. J, §6 (NEW).]

5. Appeals. A person aggrieved by the final decision of the commissioner under subsection 2 or 3 may appeal the commissioner's decision to the Superior Court in accordance with Title 5, chapter 375, subchapter 7.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

SECTION HISTORY

PL 2021, c. 681, Pt. J, §6 (NEW). PL 2025, c. 538, §1 (AMD).

§1206. Facility sports wagering license

1. Issuance of license. The director shall issue a facility sports wagering license upon finding that the applicant meets all requirements of this section, sections 1204 and 1205 and rules adopted under this chapter. The director may issue no more than 10 facility sports wagering licenses under this section.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

2. Eligibility; transfer prohibited. To be eligible to receive a facility sports wagering license, an applicant must be:

A. A commercial track as defined in section 275-A, subsection 1 not located in Bangor; [PL 2021, c. 681, Pt. J, §6 (NEW).]

B. A casino licensed under section 1011; or [PL 2021, c. 681, Pt. J, §6 (NEW).]

C. An off-track betting facility licensed under section 275-D or Public Law 2019, chapter 626, section 16. [PL 2021, c. 681, Pt. J, §6 (NEW).]

Each off-track betting facility may receive only one facility sports wagering license under this section. A facility sports wagering license may not be transferred or assigned.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

3. Authority to conduct sports wagering; management services permitted. A facility sports wagering license granted by the director pursuant to this section grants a licensee lawful authority to conduct sports wagering in which wagers are placed within a physical location controlled by the licensee in the State within the terms and conditions of the license and any rules adopted under this chapter. A facility sports wagering licensee may contract with a management services licensee under section 1209.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

4. Fees. The fee for an initial or renewed facility sports wagering license issued prior to September 1, 2024 is $4,000 and for an initial or renewed facility sports wagering license issued on or after September 1, 2024 is $1,000. The fee must be retained by the director for the costs of administering this chapter. In addition to the license fee, the director may charge a processing fee for an initial or renewed license in an amount equal to the projected cost of processing the application and performing any background investigations. If the actual cost exceeds the projected cost, an additional fee may be charged to meet the actual cost. If the projected cost exceeds the actual cost, the difference may be refunded to the applicant or licensee.
[PL 2023, c. 577, §1 (AMD).]

5. Term of license. Except as provided in subsection 6, a license granted or renewed under this section prior to September 1, 2024 is valid for 4 years and a license granted or renewed under this section on or after September 1, 2024 is valid for one year unless sooner revoked by the director or the commissioner under section 1205. The failure of a facility sports wagering licensee to maintain its underlying off-track betting license voids the facility sports wagering license.
[PL 2023, c. 577, §2 (AMD).]

6. Temporary license. An applicant for a facility sports wagering license may submit with the application a request for a temporary license. A request for a temporary license must include the initial license fee under subsection 4. If the director determines that the applicant is qualified under subsection

2, meets the requirements established by rule for a temporary license and has paid the initial license fee and the director is not aware of any reason the applicant is ineligible for a license under this section, the director may issue a temporary facility sports wagering license. A temporary license issued under this subsection is valid for the length of the term of the license under subsection 5 or until a final determination on the facility sports wagering license application is made, whichever is sooner. If after investigation the director determines that the applicant is eligible for a facility sports wagering license under this chapter, the director shall issue the initial facility sports wagering license, at which time the temporary license terminates. The initial facility sports wagering license is valid for 4 years from the date that the temporary license was issued by the director for an applicant that applied for an initial license prior to September 1, 2024 and for one year from the date that the temporary license was issued by the director for an applicant that applied for an initial license on or after September 1, 2024. Sports wagering conducted under authority of a temporary license must comply with the facility operator's house rules adopted under section 1211.
[PL 2023, c. 577, §3 (AMD).]

7. Occupational license required. A facility sports wagering licensee, including a temporary licensee under subsection 6, may conduct sports wagering only through persons holding a valid occupational license under section 1210.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

8. Municipal control. Nothing in this chapter may be construed to restrict the authority of municipalities under municipal home rule provisions of the Constitution of Maine, including zoning and public safety authority.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

SECTION HISTORY

PL 2021, c. 681, Pt. J, §6 (NEW). PL 2023, c. 577, §§1-3 (AMD).

§1207. Mobile sports wagering license

1. Issuance of license. The director shall issue a mobile sports wagering license upon finding that the applicant meets all requirements of this section, sections 1204 and 1205 and rules adopted under this chapter.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

2. Eligibility; transfer to wholly owned entity. To be eligible to receive a mobile sports wagering license, an applicant must be a federally recognized Indian tribe in this State. Each federally recognized Indian tribe may receive only one mobile sports wagering license under this section. A mobile sports wagering license may not be transferred or assigned, except that a federally recognized Indian tribe may transfer its mobile sports wagering license to a business entity with a principal place of business in the State that is wholly owned by that federally recognized Indian tribe.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

3. Authority to conduct sports wagering; management services permitted. A mobile sports wagering license granted by the director pursuant to this section grants a licensee lawful authority to conduct sports wagering in which wagers are placed by persons who are physically located in the State through any mobile applications or digital platforms approved by the director within the terms and conditions of the license and any rules adopted under this chapter. A mobile sports wagering licensee may contract with no more than one management services licensee under section 1209.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

4. Fees. The fee for an initial or renewed mobile sports wagering license issued prior to September 1, 2024 is $200,000 and for an initial or renewed mobile sports wagering license issued on or after September 1, 2024 is $50,000. The fee must be retained by the director for the costs of administering this chapter. In addition to the license fee, the director may charge a processing fee for an initial or

renewed license in an amount equal to the projected cost of processing the application and performing any background investigations. If the actual cost exceeds the projected cost, an additional fee may be charged to meet the actual cost. If the projected cost exceeds the actual cost, the difference may be refunded to the applicant or licensee.
[PL 2023, c. 577, §4 (AMD).]

5. Term of license. Except as provided in subsection 6, a license granted or renewed under this section prior to September 1, 2024 is valid for 4 years and a license granted or renewed under this section on or after September 1, 2024 is valid for one year unless sooner revoked by the director or the commissioner under section 1205.
[PL 2023, c. 577, §5 (AMD).]

6. Temporary license. An applicant for a mobile sports wagering license may submit with the application a request for a temporary license. A request for a temporary license must include the initial license fee under subsection 4. If the director determines that the applicant is qualified under subsection 2, meets the requirements established by rule for a temporary license and has paid the initial license fee and the director is not aware of any reason the applicant is ineligible for a license under this section, the director may issue a temporary mobile sports wagering license. A temporary license issued under this subsection is valid for the length of the term of the license under subsection 5 or until a final determination on the mobile sports wagering license application is made, whichever is sooner. If after investigation the director determines that the applicant is eligible for a mobile sports wagering license under this chapter, the director shall issue the initial mobile sports wagering license, at which time the temporary license terminates. The initial mobile sports wagering license is valid for 4 years from the date that the temporary license was issued by the director for an applicant that applied for an initial license prior to September 1, 2024 and for one year from the date that the temporary license was issued by the director for an applicant that applied for an initial license on or after September 1, 2024. Sports wagering conducted under authority of a temporary license must comply with the mobile operator's house rules adopted under section 1211.
[PL 2023, c. 577, §6 (AMD).]

7. Occupational license required. A mobile sports wagering licensee, including a temporary licensee under subsection 6, may conduct sports wagering only through persons holding a valid occupational license under section 1210.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

SECTION HISTORY

PL 2021, c. 681, Pt. J, §6 (NEW). PL 2023, c. 577, §§4-6 (AMD).

§1208. Supplier license

1. Issuance of license; eligibility. The director shall issue a supplier license upon finding that the applicant meets all requirements of this section, sections 1204 and 1205 and rules adopted under this chapter.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

2. Equipment. An applicant for a supplier license shall demonstrate that the equipment, systems or services that the applicant plans to offer to an operator conform to standards established by rule by the director. The director may accept approval by another jurisdiction that is specifically determined by the director to have similar equipment standards as evidence the applicant meets the standards established by the director by rule.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

3. Authority to supply operators. A supplier license granted by the director pursuant to this section grants a licensee lawful authority to sell or to lease sports wagering equipment, systems or

services to operators in the State within the terms and conditions of the license and any rules adopted under this chapter.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

4. Fees. The fee for an initial or renewed supplier license issued prior to September 1, 2024 is $40,000 and for an initial or renewed supplier license issued on or after September 1, 2024 is $10,000. The fee must be retained by the director for the costs of administering this chapter. In addition to the license fee, the director may charge a processing fee for an initial or renewed license in an amount equal to the projected cost of processing the application and performing any background investigations. If the actual cost exceeds the projected cost, an additional fee may be charged to meet the actual cost. If the projected cost exceeds the actual cost, the difference may be refunded to the applicant or licensee.
[PL 2023, c. 577, §7 (AMD).]

5. Term of license. Except as provided in subsection 6, a license granted or renewed under this section prior to September 1, 2024 is valid for 4 years and a license granted or renewed under this section on or after September 1, 2024 is valid for one year unless sooner revoked by the director or the commissioner under section 1205.
[PL 2023, c. 577, §8 (AMD).]

6. Temporary license. An applicant for a supplier license may submit with the application a request for a temporary license. A request for a temporary license must include the initial license fee under subsection 4. If the director determines that the applicant is qualified under subsection 1, meets the requirements established by rule for a temporary license and has paid the initial license fee and the director is not aware of any reason the applicant is ineligible for a license under this section, the director may issue a temporary supplier license. A temporary license issued under this subsection is valid for the length of the term of the license under subsection 5 or until a final determination on the supplier license application is made, whichever is sooner. If after investigation the director determines that the applicant is eligible for a supplier license under this chapter, the director shall issue the initial supplier license, at which time the temporary license terminates. The initial supplier license is valid for 4 years from the date that the temporary license was issued by the director for an applicant that applied for an initial license prior to September 1, 2024 and for one year from the date that the temporary license was issued by the director for an applicant that applied for an initial license on or after September 1, 2024.
[PL 2023, c. 577, §9 (AMD).]

7. Inventory. A supplier licensee shall submit to the director a list of all sports wagering equipment, systems and services sold or leased to, delivered to or offered to an operator in this State as required by the director, all of which must be tested and approved by an independent testing laboratory approved by the director. An operator may continue to use supplies acquired from a licensed supplier if the supplier's license subsequently expires or is otherwise revoked, unless the director finds a defect in the supplies.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

SECTION HISTORY

PL 2021, c. 681, Pt. J, §6 (NEW). PL 2023, c. 577, §§7-9 (AMD).

§1209. Management services license

1. Issuance of license; eligibility. The director shall issue a management services license upon finding that the applicant meets all requirements of this section, sections 1204 and 1205 and rules adopted under this chapter and that the applicant has sufficient knowledge and experience in the business of operating sports wagering to effectively conduct sports wagering in accordance with this chapter and the rules adopted under this chapter.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

2. Authority to enter contract with operator. A management services licensee may contract with an operator to manage sports wagering operations on behalf of the operator in accordance with rules adopted under this chapter.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

3. Contract approval; material change in written contract. A person may not contract with an operator to conduct sports wagering on behalf of the operator unless the person is licensed under this section and the director approves the written contract. A management services licensee shall submit to the director any proposed material change to the written contract that has been approved by the director under this subsection. A management services licensee may not transfer, assign, delegate or subcontract any portion of the management services licensee's responsibilities under the contract or any portion of the management services licensee's right to compensation under the contract to any other person who does not hold a management services license.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

4. Fees. The fee for an initial or renewed management services license issued prior to September 1, 2024 is $40,000 and for an initial or renewed management services license issued on or after September 1, 2024 is $10,000. The fee must be retained by the director for the costs of administering this chapter. In addition to the license fee, the director may charge a processing fee for an initial or renewed license in an amount equal to the projected cost of processing the application and performing any background investigations. If the actual cost exceeds the projected cost, an additional fee may be charged to meet the actual cost. If the projected cost exceeds the actual cost, the difference may be refunded to the applicant or licensee.
[PL 2023, c. 577, §10 (AMD).]

5. Term of license. Except as provided in subsection 6, a license granted or renewed under this section prior to September 1, 2024 is valid for 4 years and a license granted or renewed under this section on or after September 1, 2024 is valid for one year unless sooner revoked by the director or the commissioner under section 1205.
[PL 2023, c. 577, §11 (AMD).]

6. Temporary license. An applicant for a management services license may submit with the application a request for a temporary license. A request for a temporary license must include the initial license fee under subsection 4. If the director determines that the applicant is qualified under subsection 1, meets the requirements established by rule for a temporary license and has paid the initial license fee and the director is not aware of any reason the applicant is ineligible for a license under this section, the director may issue a temporary management services license. A temporary license issued under this subsection is valid for the length of the term of the license under subsection 5 or until a final determination on the management services license application is made, whichever is sooner. If after investigation the director determines that the applicant is eligible for a management services license under this chapter, the director shall issue the initial management services license, at which time the temporary license terminates. The initial management services license is valid for 4 years from the date that the temporary license was issued by the director for an applicant that applied for an initial license prior to September 1, 2024 and for one year from the date that the temporary license was issued by the director for an applicant that applied for an initial license on or after September 1, 2024.
[PL 2023, c. 577, §12 (AMD).]

SECTION HISTORY

PL 2021, c. 681, Pt. J, §6 (NEW). PL 2023, c. 577, §§10-12 (AMD).

§1210. Occupational license

1. License required. A person may not be employed by an operator to be engaged directly in sports wagering-related activities or otherwise to conduct or operate sports wagering without a valid occupational license issued by the director under this section. The director shall issue an occupational

license to a person who meets the requirements of this section, section 1204 and section 1205. The director shall by rule establish a process for issuance of occupational licenses that is, as far as possible, identical to the process for occupational licenses issued under section 1409 and for licensing employees of a casino under section 1015.
[PL 2025, c. 538, §2 (AMD).]

2. Authority to be employed in sports wagering. An occupational license authorizes the licensee to be employed by an operator in the capacity designated by the director while the license is active. The director may establish, by rule, job classifications with different requirements to recognize the extent to which a particular job has the ability to affect the proper operation of sports wagering.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

3. Application and fee. Except as provided in subsection 5, an applicant shall submit any required application forms established by the director and pay a nonrefundable application fee of $250. The fee may be paid on behalf of an applicant by the operator. Fees paid under this subsection must be retained by the director for the costs of administering this chapter.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

4. Renewal fee and form. An occupational licensee must pay a fee of $25 to renew the license for a one-year term or a fee of $50 to renew the license for a 3-year term. The fee may be paid on behalf of the occupational licensee by the operator. In addition to a renewal fee, an occupational licensee must annually submit a renewal application on a form or in a format approved by the director. Fees paid under this subsection must be retained by the director for the costs of administering this chapter.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

5. Exception. An individual who is actively licensed under section 1015 as an employee of a casino that has a facility sports wagering license or who is actively licensed under section 1409 as an employee of an Internet gaming operator may obtain or renew a license under this section without paying an initial license fee or a renewal license fee under this section.
[PL 2025, c. 538, §3 (AMD).]

SECTION HISTORY

PL 2021, c. 681, Pt. J, §6 (NEW). PL 2025, c. 538, §§2, 3 (AMD).

§1211. Sports wagering house rules

1. Adoption of house rules. An operator shall adopt comprehensive house rules for game play governing sports wagering transactions with its patrons. House rules must be approved by the director prior to implementation and meet the minimum standards established by the director by rule, including, but not limited to, requiring that the house rules specify the amounts to be paid on winning wagers and the effect of sports event schedule changes, the circumstances under which the operator will void a wager and treatment of errors, late wagers and related contingencies.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

2. Advertisement of house rules. The house rules, together with any other information the director determines to be appropriate, must be advertised as required by the director by rule and must be made readily available to patrons.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

SECTION HISTORY

PL 2021, c. 681, Pt. J, §6 (NEW).

§1212. Access to premises and equipment

A licensee under this chapter shall permit the director, the department or a designee of the director unrestricted access, during regular business hours, including access to locked or secured areas, to

inspect any facility and any equipment, prizes, records or other items to be used in the operation of sports wagering. [PL 2021, c. 681, Pt. J, §6 (NEW).]

SECTION HISTORY

PL 2021, c. 681, Pt. J, §6 (NEW).

§1213. Persons prohibited from making wagers on sports events

An operator and a management services licensee conducting sports wagering on behalf of an operator may not accept a wager on a sports event from the following persons: [PL 2021, c. 681, Pt. J, §6 (NEW).]

1. Persons under 21 years of age. A person who has not attained 21 years of age;
[PL 2021, c. 681, Pt. J, §6 (NEW).]

2. Sports event participants. An athlete or individual who participates or officiates in the sports event that is the subject of the wager;
[PL 2021, c. 681, Pt. J, §6 (NEW).]

3. Operators and employees. An operator or management services licensee; directors, officers and employees of an operator or management services licensee; or a relative living in the same household as any of these persons. This subsection does not prohibit a relative living in the same household as a director, officer or employee of an operator or management services licensee from making a sports wager with an unaffiliated operator or management services licensee;
[PL 2021, c. 681, Pt. J, §6 (NEW).]

4. Interested parties. A person with an interest in the outcome of the sports event identified by the director by rule. The interested parties identified by the director by rule under this subsection may include, but are not limited to, legal or beneficial owners of or employees of a sports team participating in the event or another sports team in the same league as a sports team participating in the event as well as directors, owners or employees of the sports league conducting the event;
[PL 2021, c. 681, Pt. J, §6 (NEW).]

5. Unauthorized persons. A person on the universal list established by rule under section 1003, subsection 3, paragraph I of persons who are restricted from making wagers on sports events;
[PL 2023, c. 635, §10 (AMD).]

6. Third parties. A person making a wager on behalf of or as the agent or custodian of another person; and
[PL 2021, c. 681, Pt. J, §6 (NEW).]

7. Regulatory staff. An employee of the Gambling Control Unit within the department.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

SECTION HISTORY

PL 2021, c. 681, Pt. J, §6 (NEW). PL 2023, c. 635, §10 (AMD).

§1214. Certain sports wagers prohibited

1. Prohibited wagers. An operator may not, with respect to a sports event of a sport governing body headquartered in the United States, offer or accept wagers on the occurrence of injuries or penalties, the outcome of player disciplinary rulings or replay reviews.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

2. Request from sports governing body. A sports governing body may submit to the director in writing a request to restrict, limit or exclude a certain type, form or category of sports wagering with respect to sports events of that sports governing body if the sports governing body believes that that type, form or category of sports wagering with respect to sports events of that sports governing body

may undermine the integrity or perceived integrity of that sports governing body or sports events of that sports governing body. The director shall request comment from operators on all requests under this subsection. After giving due consideration to all comments received, the director shall, upon a demonstration of good cause from the sports governing body that the type, form or category of sports wagering is likely to undermine the integrity or perceived integrity of that sports governing body or sports events of that sports governing body, grant the request. The director shall respond to a request concerning a particular event before the start of the event or, if it is not feasible to respond before the start of the event, no later than 7 days after the request is made. If the director determines that the sports governing body is more likely than not to prevail in successfully demonstrating good cause for its request, the director may provisionally grant the request of the sports governing body until the director makes a final determination as to whether the sports governing body has demonstrated good cause. Absent such a provisional grant by the director, an operator may continue to offer sports wagering on sports events that are the subject of that request during the pendency of the director's consideration of the request.

[PL 2021, c. 681, Pt. J, §6 (NEW).]

SECTION HISTORY

PL 2021, c. 681, Pt. J, §6 (NEW).

§1214-A. Credit cards prohibited

An operator and a management services licensee under section 1209 conducting sports wagering on behalf of an operator may not accept a wager on a sports event from a person using a credit card.

[PL 2025, c. 628, §4 (NEW).]

SECTION HISTORY

PL 2025, c. 628, §4 (NEW).

§1215. Abnormal wagering activity

1. Duty to report. An operator shall, as soon as practicable, report to the director any information relating to abnormal wagering activity or patterns that may indicate a concern with the integrity of a sports event or any other conduct that corrupts a wagering outcome of a sports event for purposes of financial gain, including match fixing. An operator shall concurrently report that information to the relevant sports governing body.

[PL 2021, c. 681, Pt. J, §6 (NEW).]

2. Cooperation efforts. An operator shall use commercially reasonable efforts to cooperate with investigations conducted by sports governing bodies or law enforcement agencies, including but not limited to using commercially reasonable efforts to provide or facilitate the provision of wagering information.

[PL 2021, c. 681, Pt. J, §6 (NEW).]

3. Information confidentiality. The director and operators shall maintain the confidentiality of information provided by a sports governing body for purposes of investigating or preventing the conduct described in this section, unless disclosure is otherwise required by the director or by law or unless the sports governing body consents to disclosure.

[PL 2021, c. 681, Pt. J, §6 (NEW).]

4. Information use and disclosure. With respect to any information provided by an operator to a sports governing body relating to conduct described in this section, a sports governing body:

A. May use such information only for integrity-monitoring purposes and may not use the information for any commercial or other purpose; and [PL 2021, c. 681, Pt. J, §6 (NEW).]

B. Shall maintain the confidentiality of the information, unless disclosure is otherwise required by the director or by law or unless the operator consents to disclosure, except that the sports governing

body may make disclosures necessary to conduct and resolve integrity-related investigations and may publicly disclose such information if required by the sports governing body's integrity policies or if determined by the sports governing body in its reasonable judgment to be necessary to maintain the actual or perceived integrity of its sports events. Prior to any public disclosure that would identify the operator by name, the sports governing body shall provide that operator with notice of the disclosure and an opportunity to object to the disclosure. [PL 2021, c. 681, Pt. J, §6 (NEW).]

[PL 2021, c. 681, Pt. J, §6 (NEW).]

SECTION HISTORY

PL 2021, c. 681, Pt. J, §6 (NEW).

§1216. Security, maintenance and sharing of wagering records

1. Records maintenance. An operator shall maintain for 3 years after a sports event occurs at least the following records of all wagers placed with respect to that sports event:

A. Personally identifiable information of each person placing a wager; [PL 2021, c. 681, Pt. J, §6 (NEW).]

B. The amount and type of each wager; [PL 2021, c. 681, Pt. J, §6 (NEW).]

C. The time each wager was placed; [PL 2021, c. 681, Pt. J, §6 (NEW).]

D. The location of each wager, including the Internet protocol address if applicable; [PL 2021, c. 681, Pt. J, §6 (NEW).]

E. The outcome of each wager; and [PL 2021, c. 681, Pt. J, §6 (NEW).]

F. Instances of abnormal wagering activity. [PL 2021, c. 681, Pt. J, §6 (NEW).]

In addition, an operator shall maintain video recordings in the case of in-person wagers for at least one year after the sports event occurs. An operator shall make the records required to be maintained under this subsection available for inspection upon request of the director or as required by court order.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

2. Anonymized information. An operator shall use commercially reasonable efforts to maintain, in real time and at the account level, anonymized information regarding a person who places a wager and the amount and type of the wager, the time the wager was placed, the location of the wager, including the Internet protocol address if applicable, the outcome of the wager and records of abnormal wagering activity. The director may request that information in the form and manner required by rule. Nothing in this subsection requires an operator to provide any information that is prohibited by federal or state law, including without limitation laws and rules relating to privacy and personally identifiable information.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

3. Records monitoring. If a sports governing body has notified the director that access to the information described in subsection 2 for wagers placed on sports events of that sports governing body is necessary to monitor the integrity of that sports governing body's sports events, and the sports governing body represents to the director that it specifically uses that data for the purpose of monitoring the integrity of sports events of that sports governing body, then an operator shall share, in a commercially reasonable frequency, form and manner, with the sports governing body or its designee the same information the operator is required to maintain under subsection 2 with respect to sports wagers on sports events of that sports governing body. A sports governing body and its designee may use information received under this subsection only for integrity-monitoring purposes and may not use information received under this subsection for any commercial or other purpose. Nothing in this subsection requires an operator to provide any information if prohibited by federal or state law, including without limitation laws and rules relating to privacy and personally identifiable information.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

4. Security. An operator shall use commercially reasonable methods to maintain the security of wagering data, customer data and other confidential information from unauthorized access and dissemination. Nothing in this chapter precludes the use of Internet-based or so-called cloud-based hosting of that data and information or disclosure as required by law.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

SECTION HISTORY

PL 2021, c. 681, Pt. J, §6 (NEW).

§1217. Interception of sports wagering winnings to pay child support debt

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

A. "Child support debt" means child support debt that has been liquidated by judicial or administrative action. [PL 2021, c. 681, Pt. J, §6 (NEW).]

B. "Department" means the Department of Health and Human Services. [PL 2021, c. 681, Pt. J, §6 (NEW).]

C. "Licensee" means a facility operator, a mobile operator or a management services licensee under section 1209. [PL 2021, c. 681, Pt. J, §6 (NEW).]

D. "Registry operator" means the department or an entity with which the department enters into a contract to maintain the registry pursuant to subsection 3. [PL 2021, c. 681, Pt. J, §6 (NEW).]

E. "Winner" means a sports wagering patron to whom cash is returned as winnings for placement of a sports wager. [PL 2021, c. 681, Pt. J, §6 (NEW).]
[PL 2021, c. 681, Pt. J, §6 (NEW).]

2. Interception. A licensee shall intercept sports wagering winnings to pay child support debt in accordance with this section.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

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

A. The name and social security number of each individual with outstanding child support debt; [PL 2021, c. 681, Pt. J, §6 (NEW).]

B. The account number or identifier assigned by the department to the outstanding child support debt; [PL 2021, c. 681, Pt. J, §6 (NEW).]

C. The amount of the outstanding child support debt; and [PL 2021, c. 681, Pt. J, §6 (NEW).]

D. Any other information necessary to effectuate the purposes of this section. [PL 2021, c. 681, Pt. J, §6 (NEW).]
[PL 2021, c. 681, Pt. J, §6 (NEW).]

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

A. Before making a payout of winnings of an amount equal to or greater than the amount for which the licensee is required to file a Form W-2G or substantially equivalent form with the United States Internal Revenue Service, the licensee shall obtain the name, address, date of birth and social security number of the winner and shall electronically submit this information to the registry operator. [PL 2021, c. 681, Pt. J, §6 (NEW).]

B. Upon receipt of information pursuant to paragraph A, the registry operator shall electronically inform the licensee whether the winner is listed in the registry. If the winner is listed in the registry, the registry operator shall inform the licensee of the amount of the winner's outstanding child support debt and the account number or identifier assigned to the outstanding child support debt and shall provide the licensee with a notice of withholding that informs the winner of the right to an administrative hearing. [PL 2021, c. 681, Pt. J, §6 (NEW).]

C. If the registry operator informs the licensee that the winner is not listed in the registry or if the licensee is unable to obtain information from the registry operator on a real-time basis after attempting in good faith to do so, the licensee may make payment to the winner. [PL 2021, c. 681, Pt. J, §6 (NEW).]

D. If the registry operator informs the licensee that the winner is listed in the registry, the licensee may not make payment to the winner unless the amount of the payout exceeds the amount of outstanding child support debt, in which case the licensee may make payment to the winner of the amount of winnings that is in excess of the amount of the winner's outstanding child support debt. [PL 2021, c. 681, Pt. J, §6 (NEW).]

[PL 2021, c. 681, Pt. J, §6 (NEW).]

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

[PL 2021, c. 681, Pt. J, §6 (NEW).]

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

[PL 2021, c. 681, Pt. J, §6 (NEW).]

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

[PL 2021, c. 681, Pt. J, §6 (NEW).]

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

[PL 2021, c. 681, Pt. J, §6 (NEW).]

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

[PL 2021, c. 681, Pt. J, §6 (NEW).]

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

[PL 2021, c. 681, Pt. J, §6 (NEW).]

11. Effect of compliance; noncompliance. A licensee, the department and the registry operator are not liable for any action taken in good faith to comply with this section. A licensee who fails to make a good faith effort to obtain information from the registry operator or who fails to withhold and transmit the amount of the lien created under subsection 5 is liable to the department for the greater of $500 and the amount the person was required to withhold and transmit to the department under this section, together with costs, interest and reasonable attorney's fees.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

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

A. The number of names of winners submitted by licensees to the registry operator pursuant to this section in each of the preceding 2 calendar years; [PL 2021, c. 681, Pt. J, §6 (NEW).]

B. The number of winners who were found to be listed in the registry in each of the preceding 2 calendar years; [PL 2021, c. 681, Pt. J, §6 (NEW).]

C. The amount of winnings withheld by licensees pursuant to this section in each of the preceding 2 calendar years; and [PL 2021, c. 681, Pt. J, §6 (NEW).]

D. The amount of withheld winnings refunded to winners as the result of administrative hearings requested pursuant to this section in each of the preceding 2 calendar years. [PL 2021, c. 681, Pt. J, §6 (NEW).]
[PL 2021, c. 681, Pt. J, §6 (NEW).]

SECTION HISTORY

PL 2021, c. 681, Pt. J, §6 (NEW).

§1218. Allocation of funds

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

A. One percent of the adjusted gross sports wagering receipts must be deposited in the General Fund for the administrative expenses of the Gambling Control Unit within the department; [PL 2021, c. 681, Pt. J, §6 (NEW).]

B. One percent of the adjusted gross sports wagering receipts must be deposited in the Gambling Addiction Prevention and Treatment Fund established by Title 5, section 20006-B; [PL 2021, c. 681, Pt. J, §6 (NEW).]

C. Fifty-five hundredths of 1% of the adjusted gross sports wagering receipts must be paid to the State Harness Racing Commission for distribution as described in section 290, subsection 2; [PL 2021, c. 681, Pt. J, §6 (NEW).]

D. Fifty-five hundredths of 1% of the adjusted gross sports wagering receipts must be deposited in the Sire Stakes Fund established in section 281; [PL 2021, c. 681, Pt. J, §6 (NEW).]

E. Four-tenths of 1% of the adjusted gross sports wagering receipts must be deposited in the Agricultural Fair Promotion Fund established pursuant to Title 7, section 103; and [PL 2021, c. 681, Pt. J, §6 (NEW).]

F. Six and one-half percent of the adjusted gross sports wagering receipts must be deposited in the General Fund. [PL 2021, c. 681, Pt. J, §6 (NEW).]
[PL 2021, c. 681, Pt. J, §6 (NEW).]

2. Due dates; late payments. The director may adopt rules establishing the dates on which payments required by this section are due. All payments not remitted when due must be paid together with interest on the unpaid balance at a rate of 1.5% per month.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

SECTION HISTORY

PL 2021, c. 681, Pt. J, §6 (NEW).

§1219. Applicability of other laws

1. Authorized conduct. The provisions of Title 17, chapter 62 and Title 17-A, chapter 39 do not apply to sports wagering conducted in accordance with this chapter and the rules adopted under this chapter.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

2. Unlicensed conduct. A person who engages in an activity for which a license is required under this chapter and who does not possess the required license to engage in that activity is subject to any criminal or civil penalties that may be imposed pursuant to Title 17-A, chapter 39.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

3. Unauthorized conduct by licensees. In addition to any penalties that may be imposed pursuant to section 1205, a licensee who conducts sports wagering in violation of this chapter or the rules adopted under this chapter is subject to any criminal or civil penalties that may be imposed pursuant to Title 17-A, chapter 39.
[PL 2021, c. 681, Pt. J, §6 (NEW).]

SECTION HISTORY

PL 2021, c. 681, Pt. J, §6 (NEW).

CHAPTER 37

SALE AND RESALE OF TICKETS

§1301. Sale and resale of tickets

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

A. "Entertainment event" means an event for which a ticket has been purchased, including, but not limited to, a performance, concert, exhibit, game or contest. [PL 2025, c. 354, §1 (AMD).]

A-1. "Bot" means any program, device or software designed to circumvent security measures or access controls on a ticket sales platform to obtain tickets. [PL 2025, c. 354, §1 (NEW).]

B. [PL 2025, c. 354, §1 (RP).]

B-1. "Mandatory fee" means a fee or charge required as part of the advertised price of a ticket, including, but not limited to, a service fee or convenience fee. [PL 2025, c. 354, §1 (NEW).]

B-2. "Service fee" means an additional fee added to the total price of a ticket to pay for administrative costs, including, but not limited to, ticket software, credit card processing and venue fees. [PL 2025, c. 354, §1 (NEW).]

B-3. "Speculative ticket" means a ticket not in the actual or constructive possession of the ticket reseller at the time the ticket is listed for resale. [PL 2025, c. 354, §1 (NEW).]

C. "Ticket" means documentation of a right to attend an entertainment event. [PL 2023, c. 335, §1 (NEW).]

C-1. "Ticket issuer" means a person or entity that issues tickets for original sale, including, but not limited to, musicians or their agents, venues, promoters, theater companies and marketplaces for initial purchases. "Ticket issuer" does not include a nonprofit corporation as defined in Title 13-B, section 102, subsection 9. [PL 2025, c. 354, §1 (NEW).]

D. "Ticket reseller" means a business entity whose primary business is the sale or resale of tickets. "Ticket reseller" does not include a nonprofit corporation as defined in Title 13-B, section 102, subsection 9. [PL 2025, c. 354, §1 (AMD).]

E. "Total price" means the maximum total of all fees or charges a consumer must pay for a ticket, except that shipping charges and government charges may be excluded. [PL 2025, c. 354, §1 (NEW).]

F. "Venue" means a place of entertainment used to host an entertainment event, including, but not limited to, a theater, stadium, arena, racetrack, museum or amusement park. [PL 2025, c. 354, §1 (NEW).]

[PL 2025, c. 354, §1 (AMD).]

1-A. Required ticket disclosures. A ticket reseller or ticket issuer advertising, offering for sale, selling or reselling a ticket shall:

A. Clearly and conspicuously disclose the total price of the ticket, including all mandatory fees, whenever the price is advertised or displayed; [PL 2025, c. 354, §1 (NEW).]

B. Display the total price of the ticket more prominently than other pricing information in all advertisements, offers or displays; [PL 2025, c. 354, §1 (NEW).]

C. Provide a complete itemization of the total price of the ticket that includes the nature, purpose and amount of any mandatory fee in a font size smaller than that of the total price; and [PL 2025, c. 354, §1 (NEW).]

D. Clearly and conspicuously disclose to the consumer at the time of purchase the seat number or section at the venue associated with the ticket. [PL 2025, c. 354, §1 (NEW).]

[PL 2025, c. 354, §1 (NEW).]

2. Refunds required. A ticket reseller that engages in the resale of a ticket in the State to a venue shall, upon the request of the consumer, refund the amount paid by the consumer for the ticket in any of the following circumstances:

A. The entertainment event is cancelled; [PL 2023, c. 335, §1 (NEW).]

B. The ticket is not accepted by the venue holding the entertainment event because it is counterfeit or does not conform with the requirements established by the venue holding the entertainment event or was never inventoried by the ticket issuer or recognized at the venue as valid; [PL 2025, c. 354, §1 (AMD).]

C. The ticket is cancelled by the venue holding the entertainment event for any reason; [PL 2025, c. 354, §1 (AMD).]

D. The consumer does not receive the ticket in time to attend the entertainment event; or [PL 2025, c. 354, §1 (AMD).]

E. The ticket reseller made a material misrepresentation relating to the sale of the ticket. [PL 2025, c. 354, §1 (NEW).]

A person operating a venue shall provide a person holding a counterfeit, duplicate or otherwise invalid ticket purchased from a ticket reseller the contact information for the Office of the Attorney General.

This subsection does not prevent a ticket issuer from setting limits on maximum ticket purchases or enforcing terms and conditions. For the purposes of this subsection, a ticket to an entertainment event is deemed a license.
[PL 2025, c. 354, §1 (AMD).]

2-A. Prohibited practices. A ticket reseller or ticket issuer may not:

A. Misrepresent any fee or charge associated with a ticket in any advertisement, offer or display; [PL 2025, c. 354, §1 (NEW).]

B. Exclude a mandatory fee from the advertised price of a ticket without clearly and conspicuously disclosing the nature, purpose and amount of the mandatory fee prior to a consumer's consenting to pay for the ticket; [PL 2025, c. 354, §1 (NEW).]

C. Sell or offer to sell or resell more than one copy of the same ticket to an entertainment event; [PL 2025, c. 354, §1 (NEW).]

D. Sell speculative tickets; [PL 2025, c. 354, §1 (NEW).]

E. Use deceptive website addresses or imply endorsement or ownership of any intellectual property of the venue or artist without explicit written authorization of the venue or artist; [PL 2025, c. 354, §1 (NEW).]

F. Circumvent Internet sales limitations using bots or similar tools; or [PL 2025, c. 354, §1 (NEW).]

G. Charge more than 10% of the total price of the original ticket, including taxes and fees, for the service of providing a marketplace for the resale of a ticket. [PL 2025, c. 354, §1 (NEW).]
[PL 2025, c. 354, §1 (NEW).]

2-B. Enforcement. The Attorney General shall enforce this section.
[PL 2025, c. 354, §1 (NEW).]

3. Penalty. Violation of this section is an unfair trade practice as prohibited by Title 5, section 207.
[PL 2023, c. 335, §1 (NEW).]

SECTION HISTORY

PL 2023, c. 335, §1 (NEW). PL 2025, c. 354, §1 (AMD).

CHAPTER 38

ONLINE SWEEPSTAKES GAMES PROHIBITED

§1351. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2025, c. 645, §2 (NEW).]

1. Board. "Board" means the Gambling Control Board established under section 1002.
[PL 2025, c. 645, §2 (NEW).]

2. Direct consideration. "Direct consideration" means a coin, token or other representation of value that may be purchased by a person or received through a bonus or promotion and that is used for playing or participating in an online sweepstakes game.
[PL 2025, c. 645, §2 (NEW).]

3. Dual-currency system of payment. "Dual-currency system of payment" means a system of payment that allows a person to play or participate with direct consideration or indirect consideration or that is otherwise designed in a manner that:

A. Prevents a person from directly purchasing coins, tokens or other representations of value that are redeemable for any cash prize, cash award or cash equivalents or the chance to win any cash prize, cash award or cash equivalents; and [PL 2025, c. 645, §2 (NEW).]

B. Encourages a person to purchase services, products, coins, tokens or other representations of value that are not exchangeable for a prize, an award, cash or cash equivalents or a chance to win a prize, an award, cash or cash equivalents in order for that person to obtain the coins, tokens or other representations of value that are exchangeable for prizes, awards, cash or cash equivalents or a chance to win a prize, an award, cash or cash equivalents. [RR 2025, c. 2, Pt. A, §26 (COR).]

The unit may adopt rules to further define what constitutes a dual-currency system of payment. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.
[RR 2025, c. 2, Pt. A, §26 (COR).]

4. Indirect consideration. "Indirect consideration" means a coin, token or other representation of value that:

A. Is provided for free through a promotion or bonus or with the purchase of a related product, service or activity; and [PL 2025, c. 645, §2 (NEW).]

B. May be exchanged for a prize, an award, cash or cash equivalents or a chance to win a prize, an award, cash or cash equivalents. [RR 2025, c. 2, Pt. A, §27 (COR).]

As used in this subsection, “related product, service or activity” includes a coin, token or other representation of value that may be used for direct consideration.
[RR 2025, c. 2, Pt. A, §27 (COR).]

5. Licensee. "Licensee" means a person that holds any one of the following licenses:

A. A license issued under chapter 31; [PL 2025, c. 645, §2 (NEW).]

B. A license issued under chapter 33; [PL 2025, c. 645, §2 (NEW).]

C. A license issued under chapter 35; [PL 2025, c. 645, §2 (NEW).]

D. A license issued under chapter 39; or [PL 2025, c. 645, §2 (NEW).]

E. A license issued under Title 17, chapter 62. [PL 2025, c. 645, §2 (NEW).]
[PL 2025, c. 645, §2 (NEW).]

6. Online sweepstakes game. "Online sweepstakes game" means any game, contest or promotion that:

A. Is available on the Internet and accessible on a mobile telephone, computer terminal or similar access device; [PL 2025, c. 645, §2 (NEW).]

B. Uses a dual-currency system of payment; and [PL 2025, c. 645, §2 (NEW).]

C. Simulates casino-style gaming, including, but not limited to, slot machines, poker and other table games, lottery games, bingo or sports wagering. [PL 2025, c. 645, §2 (NEW).]
[PL 2025, c. 645, §2 (NEW).]

7. Unit. "Unit" means the Gambling Control Unit established as a bureau within the Department of Public Safety under Title 25, section 2902, subsection 12.
[PL 2025, c. 645, §2 (NEW).]

SECTION HISTORY

PL 2025, c. 645, §2 (NEW). RR 2025, c. 2, Pt. A, §§26, 27 (COR).

§1352. Online sweepstakes games prohibited; fines; other penalties

A person that operates or promotes an online sweepstakes game or supports the operation or promotion of an online sweepstakes game commits a civil violation. [PL 2025, c. 645, §2 (NEW).]

1. Fine. A person that violates this section is subject to a fine of not less than $10,000 and not more than $100,000. All fines adjudged pursuant to this section must be collected by the unit and distributed to the Gambling Addiction Prevention and Treatment Fund established in Title 5, section 20006-B.
[PL 2025, c. 645, §2 (NEW).]

2. Revocation of license. If a licensee is convicted of unlawful gambling under Title 17-A, section 954, subsection 1-B or is otherwise found to be in violation of this section through the administrative process applicable to the license held by the licensee, the unit or board, whichever is responsible for administering the license, shall revoke the licensee's license.
[PL 2025, c. 645, §2 (NEW).]

3. Ineligible for license. A person that is found to be in violation of this section is ineligible to receive a license described in section 1351, subsection 5.
[PL 2025, c. 645, §2 (NEW).]

SECTION HISTORY

PL 2025, c. 645, §2 (NEW).

CHAPTER 39

REGULATION OF INTERNET GAMING

§1401. Authorization of Internet gaming; license required

Notwithstanding any provision of law to the contrary, the operation of Internet gaming and ancillary activities are lawful when conducted in accordance with the provisions of this chapter and the rules adopted under this chapter. [PL 2025, c. 538, §4 (NEW).]

A person or entity may not engage in any activities in this State that require a license under this chapter unless all necessary licenses have been obtained in accordance with this chapter and rules adopted under this chapter. [PL 2025, c. 538, §4 (NEW).]

SECTION HISTORY

PL 2025, c. 538, §4 (NEW).

§1402. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2025, c. 538, §4 (NEW).]

1. Adjusted gross Internet gaming receipts. "Adjusted gross Internet gaming receipts" means an operator's gross receipts from Internet gaming less the total of all winnings paid to patrons, which includes the cash equivalent of any merchandise or thing of value awarded as a prize, and less excise tax payments remitted to the Federal Government.
[PL 2025, c. 538, §4 (NEW).]

2. Commissioner. "Commissioner" means the Commissioner of Public Safety.
[PL 2025, c. 538, §4 (NEW).]

3. Department. "Department" means the Department of Public Safety.

[PL 2025, c. 538, §4 (NEW).]

4. Director. "Director" means the director of the Gambling Control Unit within the department.
[PL 2025, c. 538, §4 (NEW).]

5. Internet gaming. "Internet gaming" means a card game, dice game or other game of chance approved by the director, including but not limited to blackjack, poker, dice, craps, roulette or baccarat, offered through an approved mobile application or other digital platform that involves, at least in part, the use of the Internet. "Internet gaming" does not include a table game or slot machine under chapter 31; the sale of pari-mutuel pools authorized under chapter 11; the operation of fantasy contests as defined in section 1101, subsection 4; mobile sports wagering under chapter 35; or advance deposit wagering as defined in section 1001, subsection 1-A. Internet gaming is not a game of chance under Title 17, section 1831, subsection 5.
[PL 2025, c. 538, §4 (NEW).]

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

A. An Internet gaming license under section 1406 to permit an operator to operate Internet gaming through an approved mobile application or other digital platform that involves, at least in part, the use of the Internet; [PL 2025, c. 538, §4 (NEW).]

B. A supplier license under section 1407 to sell goods and services to be used in connection with Internet gaming, but not to directly accept wagers; [PL 2025, c. 538, §4 (NEW).]

C. A management services license under section 1408 to manage Internet gaming on behalf of an Internet gaming licensee; and [PL 2025, c. 538, §4 (NEW).]

D. An occupational license under section 1409 to be employed by an Internet gaming licensee to operate Internet gaming when the employee performs duties in furtherance of or associated with the operation of Internet gaming. [PL 2025, c. 538, §4 (NEW).]
[PL 2025, c. 538, §4 (NEW).]

7. Operator. "Operator" means a federally recognized Indian nation, tribe or band in this State that conducts Internet gaming.
[PL 2025, c. 538, §4 (NEW).]

8. Person. "Person" means an individual or an entity, including but not limited to a federally recognized Indian nation, tribe or band in this State.
[PL 2025, c. 538, §4 (NEW).]

9. Wager. "Wager" means a sum of money or thing of value risked on an uncertain occurrence.
[PL 2025, c. 538, §4 (NEW).]

SECTION HISTORY

PL 2025, c. 538, §4 (NEW).

§1403. Powers and duties of director

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

A. Has the power to regulate the conduct of Internet gaming; [PL 2025, c. 538, §4 (NEW).]

B. Shall determine the eligibility of a person to hold or continue to hold a license, shall issue all licenses and shall maintain a record of all licenses issued under this chapter; [PL 2025, c. 538, §4 (NEW).]

C. Shall levy and collect all fees, civil penalties and tax on adjusted gross Internet gaming receipts imposed by this chapter, except as otherwise provided under this chapter; [PL 2025, c. 538, §4 (NEW).]

D. May sue to enforce any provision of this chapter or any rule of the director by civil action or petition for injunctive relief; [PL 2025, c. 538, §4 (NEW).]

E. May hold hearings, administer oaths and issue subpoenas or subpoenas duces tecum in the manner provided by applicable law; and [PL 2025, c. 538, §4 (NEW).]

F. May exercise any other powers necessary to effectuate the provisions of this chapter and the rules of the director. [PL 2025, c. 538, §4 (NEW).]

[PL 2025, c. 538, §4 (NEW).]

2. Rules. The director shall adopt rules governing the conduct of Internet gaming in the State, which must, at a minimum, include the following:

A. The methods of operation of Internet gaming, including but not limited to the permitted systems and methods of wagers; the use of credit and checks by persons making wagers, which must prohibit a person from making a wager using a credit card; the types of wagering receipts that may be used; the method of issuing receipts; the protection of patrons placing wagers; and the promotion of social responsibility and responsible gaming and display of information on resources for problem gambling; [PL 2025, c. 628, §5 (AMD).]

B. Standards for the adoption of comprehensive house rules governing Internet gaming by operators and the approval of house rules by the director as required under section 1410; [PL 2025, c. 538, §4 (NEW).]

C. Minimum design and security requirements for applications and digital platforms for the acceptance of wagers by operators, including required methods for verifying the age and identity of a person who places a wager with an operator, for verifying that the person making the wager is physically located in the State and is not prohibited from making a wager under section 1412, for ensuring that a person does not use a credit card to make a wager and for requiring the refund of any wager determined to have been placed by a person prohibited from making a wager under section 1412; [PL 2025, c. 628, §6 (AMD).]

D. The types of interested parties from whom operators are prohibited from accepting wagers under section 1412, subsection 3; [PL 2025, c. 538, §4 (NEW).]

E. Minimum design, security, testing and approval requirements for Internet gaming equipment, systems or services sold by suppliers licensed under section 1407; [PL 2025, c. 538, §4 (NEW).]

F. Minimum requirements for a contract between a management services licensee under section 1408 and an operator on whose behalf the management services licensee conducts Internet gaming, including but not limited to requirements that the person providing management services be licensed prior to entering a contract; that the contract be approved by the director prior to the conduct of Internet gaming; that, if the management services licensee contracts with more than one operator, the contract include a condition requiring the management services licensee to employ a method approved by the director for separately accounting for each operator's gross receipts from Internet gaming and adjusted gross Internet gaming receipts; and that the contract not authorize the person providing management services to receive more than 30% of the operator's adjusted gross Internet gaming receipts, except that the director may approve a contract authorizing the management services licensee to receive up to 40% of the operator's adjusted gross Internet gaming receipts if the director determines that the management services licensee has demonstrated that the fee is commercially reasonable given the management services licensee's capital investments and the operator's projected adjusted gross Internet gaming receipts; [PL 2025, c. 538, §4 (NEW).]

G. Provisions allowing individuals to restrict themselves from Internet gaming upon request by placing themselves on the list pursuant to section 1003, subsection 3, paragraph I. The rules adopted under this paragraph must define the standards for involuntary placement on the list and for removal from the list; [PL 2025, c. 538, §4 (NEW).]

H. Minimum internal control standards for operators and management services licensees, including but not limited to procedures for safeguarding assets and revenues; the recording of cash and evidence of indebtedness; the maintenance of reliable records, accounts and reports of transactions, operations and events; required audits; and the content and frequency of reports of Internet gaming activities and revenues that must be made to the director; and [PL 2025, c. 538, §4 (NEW).]

I. Restrictions on the advertisement and marketing of Internet gaming, including but not limited to prohibiting misleading, deceptive or false advertisements; requiring an operator to disclose its status as a federally recognized Indian nation, tribe or band in this State or a business entity wholly owned by a federally recognized Indian nation, tribe or band in this State; and restricting, to the extent permissible, advertising that has a high probability of reaching persons under 21 years of age or that is specifically designed to appeal particularly to persons under 21 years of age. [PL 2025, c. 538, §4 (NEW).]

[PL 2025, c. 628, §§5, 6 (AMD).]

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

[PL 2025, c. 538, §4 (NEW).]

SECTION HISTORY

PL 2025, c. 538, §4 (NEW). PL 2025, c. 628, §§5, 6 (AMD).

§1404. Application; criminal history record check

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

A. The full name, current address and contact information of the applicant; [PL 2025, c. 538, §4 (NEW).]

B. Disclosure of each person that has control of the applicant as described in subsection 2; [PL 2025, c. 538, §4 (NEW).]

C. Consent to permit the director to conduct a criminal history record check in accordance with subsection 3 of the applicant and each person disclosed under paragraph B in accordance with procedures established by the director; [PL 2025, c. 538, §4 (NEW).]

D. For the applicant and each person disclosed under paragraph B, a record of previous issuances and denials of or any adverse action taken against a gambling-related license or application under this Title or in any other jurisdiction. For purposes of this paragraph, "adverse action" includes, but is not limited to, a condition resulting from an administrative, civil or criminal violation, a suspension or revocation of a license or a voluntary surrender of a license to avoid or resolve a civil, criminal or disciplinary action; and [PL 2025, c. 538, §4 (NEW).]

E. Any additional information required by the director by rule. [PL 2025, c. 538, §4 (NEW).]

[PL 2025, c. 538, §4 (NEW).]

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

A. Each corporate holding company, parent company or subsidiary company of a corporate applicant or licensee and each person that owns 10% or more of the corporate applicant or licensee and that has the ability to control the activities of the corporate applicant or licensee or elect a majority of the board of directors of that corporate applicant or licensee, except for a bank or other licensed lending institution that holds a mortgage or other lien acquired in the ordinary course of business; [PL 2025, c. 538, §4 (NEW).]

B. Each person associated with a noncorporate applicant or licensee that directly or indirectly holds a beneficial or proprietary interest in the noncorporate applicant's or licensee's business operation or that the director otherwise determines has the ability to control the noncorporate applicant or licensee; and [PL 2025, c. 538, §4 (NEW).]

C. Key personnel of an applicant or licensee, including any executive, employee or agent, having the power to exercise significant influence over decisions concerning any part of the applicant's or licensee's relevant business operation. [PL 2025, c. 538, §4 (NEW).]

[PL 2025, c. 538, §4 (NEW).]

3. Criminal history record check. The director shall request a criminal history record check in accordance with this subsection for each applicant for initial licensure and each person required to be disclosed by the applicant for initial licensure under subsection 1, paragraph B. The director may require a criminal history record check in accordance with this subsection from a licensee seeking to renew a license, from any person the licensee is required to disclose under subsection 1, paragraph B as part of the license renewal application and from any person identified by the licensee under subsection 4. A criminal history record check conducted pursuant to this subsection must include criminal history record information obtained from the Maine Criminal Justice Information System established in Title 16, section 631 and the Federal Bureau of Investigation.

A. Criminal history record information obtained from the Maine Criminal Justice Information System pursuant to this subsection must include a record of public criminal history record information as defined in Title 16, section 703, subsection 8. [PL 2025, c. 538, §4 (NEW).]

B. Criminal history record information obtained from the Federal Bureau of Investigation pursuant to this subsection must include other state and national criminal history record information. [PL 2025, c. 538, §4 (NEW).]

C. An individual required to submit to a criminal history record check under this subsection shall submit to having the individual's fingerprints taken. The State Police, upon payment by the individual of the fee required under paragraph E, shall take or cause to be taken the individual's fingerprints and shall immediately forward the fingerprints to the Department of Public Safety, Bureau of State Police, State Bureau of Identification. Any person who fails to transmit criminal fingerprint records to the State Bureau of Identification pursuant to this paragraph is subject to the provisions of Title 25, section 1550. [PL 2025, c. 538, §4 (NEW).]

D. The Department of Public Safety, Bureau of State Police, State Bureau of Identification shall conduct the state and national criminal history record checks required under this subsection. Except for the portion of a payment, if any, that constitutes the processing fee for a criminal history record check charged by the Federal Bureau of Investigation, all money received by the State Police under this subsection must be paid to the Treasurer of State, who shall apply the money to the expenses incurred by the Department of Public Safety in the administration of this subsection. [PL 2025, c. 538, §4 (NEW).]

E. The director shall by rule set the amount of the fee to be paid for each criminal history record check required to be performed under this subsection. [PL 2025, c. 538, §4 (NEW).]

F. The subject of a Federal Bureau of Investigation criminal history record check may obtain a copy of the criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state criminal history record check may inspect and review the criminal history record information pursuant to Title 16, section 709. [PL 2025, c. 538, §4 (NEW).]

G. State and national criminal history record information obtained by the director under this subsection may be used only for the purpose of screening an applicant for a license or a license renewal under this chapter. [PL 2025, c. 538, §4 (NEW).]

H. All criminal history record information obtained by the director pursuant to this subsection is confidential, is for the official use of the director only and may not be disseminated by the director or disclosed to any other person or entity except as provided in paragraph F. [PL 2025, c. 538, §4 (NEW).]

I. The director, after consultation with the Department of Public Safety, Bureau of State Police, State Bureau of Identification, shall adopt rules to implement this subsection. [PL 2025, c. 538, §4 (NEW).]

[PL 2025, c. 538, §4 (NEW).]

4. Material change to application. A person licensed under this chapter shall give the director written notice within 30 days of any material change to any information provided in the licensee's application for a license or renewal, including any change in the identity of persons considered to have control of the licensee as described in subsection 2.

[PL 2025, c. 538, §4 (NEW).]

5. Gambling Control Unit employees prohibited. An employee of the Gambling Control Unit within the department may not be an applicant for a license issued under this chapter.

[PL 2025, c. 538, §4 (NEW).]

SECTION HISTORY

PL 2025, c. 538, §4 (NEW).

§1405. Denial of license; administrative sanctions

1. Grounds for denial of license or imposition of administrative sanctions. The following are grounds for the director to deny a license or license renewal or for the imposition of administrative sanctions, in accordance with this section, on a person licensed under this chapter:

A. If the applicant or licensee has knowingly made a false statement of material fact to the director; [PL 2025, c. 538, §4 (NEW).]

B. If the applicant or licensee has not disclosed the existence or identity of other persons that have control of the applicant or licensee as required by section 1404, subsections 1 and 4; [PL 2025, c. 538, §4 (NEW).]

C. If the applicant or licensee has had a license revoked by any government authority responsible for regulation of gaming activities; [PL 2025, c. 538, §4 (NEW).]

D. If the applicant, the licensee or a person having control of the applicant or licensee under section 1404, subsection 2 is not of good moral character. In determining whether the applicant, licensee or person is of good moral character, the director shall consider qualities that include but are not limited to honesty, candor, trustworthiness, diligence, reliability, observance of fiduciary and financial responsibility and respect for the rights of others; [PL 2025, c. 538, §4 (NEW).]

E. If the applicant, the licensee or a person having control of the applicant or licensee under section 1404, subsection 2:

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

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

(3) Has engaged in conduct in this State or any other jurisdiction that would constitute a violation of this chapter; chapter 11 involving gambling; chapter 31; chapter 33; chapter 35; Title 17, chapter 13-A or 62; Title 17-A, chapter 39; or substantially similar offenses in other jurisdictions;

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

(5) Is not current in filing all applicable tax returns and in the payment of all taxes, penalties and interest owed to this State, any other state or the United States Internal Revenue Service, excluding items under formal appeal; [PL 2025, c. 538, §4 (NEW).]

F. If the applicant or licensee has not demonstrated to the satisfaction of the director sufficient financial assets to meet the requirements of the licensed business or proposed business and to meet any financial obligations imposed by this chapter; [PL 2025, c. 538, §4 (NEW).]

G. If the applicant, the licensee or a person having control of the applicant or licensee under section 1404, subsection 2 has not demonstrated financial responsibility. For the purposes of this paragraph, "financial responsibility" means a demonstration of a current and expected future condition of financial solvency sufficient to satisfy the director that the applicant, the licensee or the person can successfully engage in business without jeopardy to the public health, safety and welfare. Financial responsibility may be determined by an evaluation of the total history concerning the applicant, the licensee or the person, including past, present and expected condition and record of financial solvency, business record and accounting and managerial practices; [PL 2025, c. 538, §4 (NEW).]

H. If the applicant or licensee has not met the requirements of this chapter; or [PL 2025, c. 538, §4 (NEW).]

I. If the applicant or licensee has violated any provision of this chapter or of the rules adopted under this chapter. [PL 2025, c. 538, §4 (NEW).]

[PL 2025, c. 538, §4 (NEW).]

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

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

After hearing, if the commissioner finds grounds for denying a license or license renewal under subsection 1, the commissioner may deny the application for a license or for renewal of a license.
[PL 2025, c. 538, §4 (NEW).]

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

If the licensee fails to request a hearing within 30 days of the date that a notice was mailed under this subsection, the director may issue a final decision imposing the sanction proposed in the notice. If the licensee makes a timely request for a hearing, the commissioner shall conduct an adjudicatory hearing in accordance with Title 5, chapter 375, subchapter 4. If, after the hearing, the commissioner finds that

the factual basis of the complaint is true and is of sufficient gravity to warrant further action, the commissioner may impose an administrative sanction under subsection 4.
[PL 2025, c. 538, §4 (NEW).]

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

A. A written reprimand; [PL 2025, c. 538, §4 (NEW).]

B. Conditions of probation of a license; [PL 2025, c. 538, §4 (NEW).]

C. A license suspension; [PL 2025, c. 538, §4 (NEW).]

D. A license revocation; or [PL 2025, c. 538, §4 (NEW).]

E. A civil penalty of up to $25,000 per violation of any provision of this chapter or rule adopted pursuant to this chapter. [PL 2025, c. 538, §4 (NEW).]
[PL 2025, c. 538, §4 (NEW).]

5. Appeals. A person aggrieved by the final decision of the commissioner under subsection 2 or 3 may appeal the commissioner's decision to the Superior Court in accordance with Title 5, chapter 375, subchapter 7.
[PL 2025, c. 538, §4 (NEW).]

SECTION HISTORY

PL 2025, c. 538, §4 (NEW).

§1406. Internet gaming license

1. Issuance of license. The director shall issue an Internet gaming license upon finding that the applicant meets all requirements of this section, sections 1404 and 1405 and rules adopted under this chapter. The provisions of Title 30, Part 5 apply to the issuance of licenses under this chapter. The director shall by rule establish a process for issuance of an Internet gaming license under this chapter that is, to the extent practicable, identical to the process for a mobile sports wagering license under section 1207.
[PL 2025, c. 538, §4 (NEW).]

2. Eligibility; transfer to wholly owned entity. To be eligible to receive an Internet gaming license, an applicant must be a federally recognized Indian nation, tribe or band in this State. Each federally recognized Indian nation, tribe or band in this State may receive only one Internet gaming license under this section. An Internet gaming license may not be transferred or assigned, except that a federally recognized Indian nation, tribe or band in this State may transfer its Internet gaming license to a business entity with a principal place of business in the State that is wholly owned by that federally recognized Indian nation, tribe or band.
[PL 2025, c. 538, §4 (NEW).]

3. Authority to conduct Internet gaming; management services permitted. An Internet gaming license granted by the director pursuant to this section grants a licensee lawful authority to conduct Internet gaming in which wagers are placed by persons who are physically located in the State through any applications or digital platforms approved by the director within the terms and conditions of the license and any rules adopted under this chapter. An Internet gaming licensee may contract with no more than one management services licensee under section 1408.
[PL 2025, c. 538, §4 (NEW).]

4. Fees. The fee for an initial or renewed Internet gaming license is $50,000 and must be retained by the director for the costs of administering this chapter. In addition to the license fee, the director may charge a processing fee for an initial or renewed license in an amount equal to the projected cost of processing the application and performing any background investigations. If the actual cost exceeds

the projected cost, an additional fee may be charged to meet the actual cost. If the projected cost exceeds the actual cost, the difference may be refunded to the applicant or licensee.
[PL 2025, c. 538, §4 (NEW).]

5. Term of license. Except as provided in subsection 6, a license granted or renewed under this section is valid for one year unless sooner revoked by the director or the commissioner under section 1405.
[PL 2025, c. 538, §4 (NEW).]

6. Temporary license. An applicant for an Internet gaming license may submit with the application a request for a temporary license. A request for a temporary license must include the initial license fee under subsection 4. If the director determines that the applicant meets the requirements established by rule for a temporary license and has paid the initial license fee and the director is not aware of any reason the applicant is ineligible for a license under this section, the director may issue a temporary Internet gaming license. A temporary license issued under this subsection is valid for the length of the term of the license under subsection 5 or until a final determination on the Internet gaming license application is made, whichever is sooner. If after investigation the director determines that the applicant is eligible for an Internet gaming license under this chapter, the director shall issue the initial Internet gaming license, at which time the temporary license terminates. The initial Internet gaming license is valid for one year from the date that the temporary license was issued by the director. Internet gaming conducted under authority of a temporary license must comply with the operator's house rules adopted under section 1410.
[PL 2025, c. 538, §4 (NEW).]

7. Occupational license required. An Internet gaming licensee, including a temporary licensee under subsection 6, may conduct Internet gaming only through persons holding a valid occupational license under section 1409.
[PL 2025, c. 538, §4 (NEW).]

SECTION HISTORY

PL 2025, c. 538, §4 (NEW).

§1407. Supplier license

1. Issuance of license; eligibility. The director shall issue a supplier license upon finding that the applicant meets all requirements of this section, sections 1404 and 1405 and rules adopted under this chapter. The director shall by rule establish a process for issuance of a supplier license under this chapter that is, to the extent practicable, identical to the process for a supplier license under section 1208.
[PL 2025, c. 538, §4 (NEW).]

2. Equipment. An applicant for a supplier license shall demonstrate that the equipment, systems or services that the applicant plans to offer to an operator conform to standards established by rule by the director. The director may accept approval by another jurisdiction that is specifically determined by the director to have similar equipment standards as evidence the applicant meets the standards established by the director by rule.
[PL 2025, c. 538, §4 (NEW).]

3. Authority to supply operators. A supplier license granted by the director pursuant to this section grants a licensee lawful authority to sell or to lease Internet gaming equipment, systems or services to operators in the State within the terms and conditions of the license and any rules adopted under this chapter.
[PL 2025, c. 538, §4 (NEW).]

4. Fees. The fee for an initial or renewed supplier license is $10,000 and must be retained by the director for the costs of administering this chapter. In addition to the license fee, the director may

charge a processing fee for an initial or renewed license in an amount equal to the projected cost of processing the application and performing any background investigations. If the actual cost exceeds the projected cost, an additional fee may be charged to meet the actual cost. If the projected cost exceeds the actual cost, the difference may be refunded to the applicant or licensee.
[PL 2025, c. 538, §4 (NEW).]

5. Term of license. Except as provided in subsection 6, a license granted or renewed under this section is valid for one year unless sooner revoked by the director or the commissioner under section 1405.
[PL 2025, c. 538, §4 (NEW).]

6. Temporary license. An applicant for a supplier license may submit with the application a request for a temporary license. A request for a temporary license must include the initial license fee under subsection 4. If the director determines that the applicant is qualified under subsection 1, meets the requirements established by rule for a temporary license and has paid the initial license fee and the director is not aware of any reason the applicant is ineligible for a license under this section, the director may issue a temporary supplier license. A temporary license issued under this subsection is valid for the length of the term of the license under subsection 5 or until a final determination on the supplier license application is made, whichever is sooner. If after investigation the director determines that the applicant is eligible for a supplier license under this chapter, the director shall issue the initial supplier license, at which time the temporary license terminates. The initial supplier license is valid for one year from the date that the temporary license was issued by the director.
[PL 2025, c. 538, §4 (NEW).]

7. Inventory. A supplier licensee shall submit to the director a list of all Internet gaming equipment, systems and services sold or leased to, delivered to or offered to an operator in this State as required by the director, all of which must be tested and approved by an independent testing laboratory approved by the director. An operator may continue to use supplies acquired from a licensed supplier if the supplier's license subsequently expires or is otherwise revoked, unless the director finds a defect in the supplies.
[PL 2025, c. 538, §4 (NEW).]

SECTION HISTORY

PL 2025, c. 538, §4 (NEW).

§1408. Management services license

1. Issuance of license; eligibility. The director shall issue a management services license upon finding that the applicant meets all requirements of this section, sections 1404 and 1405 and rules adopted under this chapter and that the applicant has sufficient knowledge and experience in the business of operating Internet gaming to effectively conduct Internet gaming in accordance with this chapter and the rules adopted under this chapter. The director shall by rule establish a process for issuance of a management services license under this chapter that is, to the extent practicable, identical to the process for a management services license under section 1209.
[PL 2025, c. 538, §4 (NEW).]

2. Authority to enter contract with operator. A management services licensee may contract with an operator to manage Internet gaming operations on behalf of the operator in accordance with rules adopted under this chapter.
[PL 2025, c. 538, §4 (NEW).]

3. Contract approval; material change in written contract. A person may not contract with an operator to conduct Internet gaming on behalf of the operator unless the person is licensed under this section and the director approves the written contract. A management services licensee shall submit to the director any proposed material change to the written contract that has been approved by the director

under this subsection. A management services licensee may not transfer, assign, delegate or subcontract any portion of the management services licensee's responsibilities under the contract or any portion of the management services licensee's right to compensation under the contract to any other person who does not hold a management services license.
[PL 2025, c. 538, §4 (NEW).]

4. Fees. The fee for an initial or renewed management services license is $10,000 and must be retained by the director for the costs of administering this chapter. In addition to the license fee, the director may charge a processing fee for an initial or renewed license in an amount equal to the projected cost of processing the application and performing any background investigations. If the actual cost exceeds the projected cost, an additional fee may be charged to meet the actual cost. If the projected cost exceeds the actual cost, the difference may be refunded to the applicant or licensee.
[PL 2025, c. 538, §4 (NEW).]

5. Term of license. Except as provided in subsection 6, a license granted or renewed under this section is valid for one year unless sooner revoked by the director or the commissioner under section 1405.
[PL 2025, c. 538, §4 (NEW).]

6. Temporary license. An applicant for a management services license may submit with the application a request for a temporary license. A request for a temporary license must include the initial license fee under subsection 4. If the director determines that the applicant is qualified under subsection 1, meets the requirements established by rule for a temporary license and has paid the initial license fee and the director is not aware of any reason the applicant is ineligible for a license under this section, the director may issue a temporary management services license. A temporary license issued under this subsection is valid for the length of the term of the license under subsection 5 or until a final determination on the management services license application is made, whichever is sooner. If after investigation the director determines that the applicant is eligible for a management services license under this chapter, the director shall issue the initial management services license, at which time the temporary license terminates. The initial management services license is valid for one year from the date that the temporary license was issued by the director.
[PL 2025, c. 538, §4 (NEW).]

SECTION HISTORY

PL 2025, c. 538, §4 (NEW).

§1409. Occupational license

1. License required. A person may not be employed by an operator to be engaged directly in Internet gaming-related activities or otherwise to conduct or operate Internet gaming without a valid occupational license issued by the director under this section. The director shall issue an occupational license to a person who meets the requirements of this section, section 1404 and section 1405. The director shall by rule establish a process for issuance of occupational licenses that is, to the extent practicable, identical to the process for occupational licenses issued under section 1210 and for licensing employees of a casino under section 1015.
[PL 2025, c. 538, §4 (NEW).]

2. Authority to be employed in Internet gaming. An occupational license authorizes the licensee to be employed by an operator in the capacity designated by the director while the license is active. The director may establish, by rule, job classifications with different requirements to recognize the extent to which a particular job has the ability to affect the proper operation of Internet gaming.
[PL 2025, c. 538, §4 (NEW).]

3. Application and fee. Except as provided in subsection 5, an applicant shall submit any required application forms established by the director and pay a nonrefundable application fee of $250. The fee

may be paid on behalf of an applicant by the operator. Fees paid under this subsection must be retained by the director for the costs of administering this chapter.
[PL 2025, c. 538, §4 (NEW).]

4. Renewal fee and form. An occupational licensee must pay a fee of $25 to renew the license for a one-year term or a fee of $50 to renew the license for a 3-year term. The fee may be paid on behalf of the occupational licensee by the operator. In addition to a renewal fee, an occupational licensee must annually submit a renewal application on a form or in a format approved by the director. Fees paid under this subsection must be retained by the director for the costs of administering this chapter.
[PL 2025, c. 538, §4 (NEW).]

5. Exception. An individual who is actively licensed under section 1015 as an employee of a casino that has a facility sports wagering license or who is actively licensed under section 1210 as an employee of a facility sports wagering licensee or mobile sports wagering licensee may obtain or renew a license under this section without paying an initial license fee or a renewal license fee under this section.
[PL 2025, c. 538, §4 (NEW).]

SECTION HISTORY

PL 2025, c. 538, §4 (NEW).

§1410. Internet gaming house rules

1. Adoption of house rules. An operator shall adopt comprehensive house rules for game play governing Internet gaming transactions with its patrons. House rules must be approved by the director prior to implementation and meet the minimum standards established by the director by rule, including but not limited to requiring that the house rules specify the amounts to be paid on winning wagers, the circumstances under which the operator will void a wager and treatment of errors, late wagers and related contingencies.
[PL 2025, c. 538, §4 (NEW).]

2. Advertisement of house rules. The house rules, together with any other information the director determines to be appropriate, must be advertised as required by the director by rule and must be made readily available to patrons.
[PL 2025, c. 538, §4 (NEW).]

SECTION HISTORY

PL 2025, c. 538, §4 (NEW).

§1411. Access to premises and equipment

A licensee under this chapter shall permit the director, the department or a designee of the director unrestricted access, during regular business hours, including access to locked or secured areas, to inspect any facility and any equipment, prizes, records or other items to be used in the operation of Internet gaming. [PL 2025, c. 538, §4 (NEW).]

SECTION HISTORY

PL 2025, c. 538, §4 (NEW).

§1412. Persons prohibited from making wagers

An operator and a management services licensee conducting Internet gaming on behalf of an operator may not accept a wager from the following persons: [PL 2025, c. 538, §4 (NEW).]

1. Persons under 21 years of age. A person who has not attained 21 years of age;
[PL 2025, c. 538, §4 (NEW).]

2. Operators and employees. An operator or management services licensee; directors, officers and employees of an operator or management services licensee; or a relative living in the same household as any of these persons. This subsection does not prohibit a relative living in the same household as a director, officer or employee of an operator or management services licensee from making a wager with an unaffiliated operator or management services licensee;
[PL 2025, c. 538, §4 (NEW).]

3. Interested parties. A person with an interest in the outcome of the Internet gaming event identified by the director by rule;
[PL 2025, c. 538, §4 (NEW).]

4. Unauthorized persons. A person on a list established by rule by the director under section 1403, subsection 2, paragraph G of persons who are not authorized to make wagers;
[PL 2025, c. 538, §4 (NEW).]

5. Third parties. A person making a wager on behalf of or as the agent or custodian of another person; and
[PL 2025, c. 538, §4 (NEW).]

6. Regulatory staff. An employee of the Gambling Control Unit within the department.
[PL 2025, c. 538, §4 (NEW).]

SECTION HISTORY

PL 2025, c. 538, §4 (NEW).

§1412-A. Credit cards prohibited

An operator and a management services licensee under section 1408 conducting Internet gaming on behalf of an operator may not accept a wager from a person using a credit card. [PL 2025, c. 628, §7 (NEW).]

SECTION HISTORY

PL 2025, c. 628, §7 (NEW).

§1413. Abnormal wagering activity

1. Duty to report. An operator shall, as soon as practicable, report to the director any information relating to abnormal wagering activity or patterns that may indicate a concern with the integrity of the Internet gaming event.
[PL 2025, c. 538, §4 (NEW).]

2. Cooperation efforts. An operator shall use commercially reasonable efforts to cooperate with investigations conducted by law enforcement agencies, including but not limited to using commercially reasonable efforts to provide or facilitate the provision of wagering information.
[PL 2025, c. 538, §4 (NEW).]

3. Information confidentiality. The director and operators shall maintain the confidentiality of information provided by entities involved in the Internet gaming event for purposes of investigating or preventing the conduct described in this section, unless disclosure is otherwise required by the director or by law or unless the entity consents to disclosure.
[PL 2025, c. 538, §4 (NEW).]

4. Information use and disclosure. With respect to any information provided by an operator to an entity involved in the Internet gaming event relating to conduct described in this section, the entity:

A. May use such information only for integrity-monitoring purposes and may not use the information for any commercial or other purpose; and [PL 2025, c. 538, §4 (NEW).]

B. Shall maintain the confidentiality of the information, unless disclosure is otherwise required by the director or by law or unless the operator consents to disclosure, except that the entity may make disclosures necessary to conduct and resolve integrity-related investigations and may publicly disclose such information if necessary to maintain the actual or perceived integrity of the Internet gaming event. Prior to any public disclosure that would identify the operator by name, the entity shall provide that operator with notice of the disclosure and an opportunity to object to the disclosure. [PL 2025, c. 538, §4 (NEW).]

[PL 2025, c. 538, §4 (NEW).]

SECTION HISTORY

PL 2025, c. 538, §4 (NEW).

§1414. Security, maintenance and sharing of wagering records

1. Records maintenance. An operator shall maintain for 3 years after an Internet gaming event occurs at least the following records of all wagers placed with respect to that Internet gaming event:

A. Personally identifiable information of each person placing a wager; [PL 2025, c. 538, §4 (NEW).]

B. The amount and type of each wager; [PL 2025, c. 538, §4 (NEW).]

C. The time each wager was placed; [PL 2025, c. 538, §4 (NEW).]

D. The location of each wager, including the Internet protocol address if applicable; [PL 2025, c. 538, §4 (NEW).]

E. The outcome of each wager; and [PL 2025, c. 538, §4 (NEW).]

F. Instances of abnormal wagering activity. [PL 2025, c. 538, §4 (NEW).]

An operator shall make the records required to be maintained under this subsection available for inspection upon request of the director or as required by court order.

[PL 2025, c. 538, §4 (NEW).]

2. Anonymized information. An operator shall use commercially reasonable efforts to maintain, in real time and at the account level, anonymized information regarding a person who places a wager; the amount and type of the wager; the time the wager was placed; the location of the wager, including the Internet protocol address if applicable; the outcome of the wager; and records of abnormal wagering activity. The director may request that information in the form and manner required by rule. Nothing in this subsection requires an operator to provide any information that is prohibited by federal or state law, including without limitation laws and rules relating to privacy and personally identifiable information.

[PL 2025, c. 538, §4 (NEW).]

3. Records monitoring. If an entity involved in the Internet gaming event has notified the director that access to the information described in subsection 2 for wagers placed on Internet gaming events of that entity is necessary to monitor the integrity of that Internet gaming event, and the entity represents to the director that it specifically uses that data for the purpose of monitoring the integrity of the Internet gaming event, an operator shall share, in a commercially reasonable frequency, form and manner, with the entity or its designee the same information the operator is required to maintain under subsection 2 with respect to the Internet gaming event. An entity and its designee may use information received under this subsection only for integrity-monitoring purposes and may not use information received under this subsection for any commercial or other purpose. Nothing in this subsection requires an operator to provide any information if prohibited by federal or state law, including without limitation laws and rules relating to privacy and personally identifiable information.

[PL 2025, c. 538, §4 (NEW).]

4. Security. An operator shall use commercially reasonable methods to maintain the security of wagering data, customer data and other confidential information from unauthorized access and dissemination. Nothing in this chapter precludes the use of Internet-based or so-called cloud-based hosting of that data and information or disclosure as required by law.
[PL 2025, c. 538, §4 (NEW).]

SECTION HISTORY

PL 2025, c. 538, §4 (NEW).

§1415. Interception of Internet gaming winnings to pay child support debt

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

A. "Child support debt" means child support debt that has been liquidated by judicial or administrative action. [PL 2025, c. 538, §4 (NEW).]

B. "Department" means the Department of Health and Human Services. [PL 2025, c. 538, §4 (NEW).]

C. "Licensee" means an operator or a management services licensee under section 1408. [PL 2025, c. 538, §4 (NEW).]

D. "Registry operator" means the department or an entity with which the department enters into a contract to maintain the registry pursuant to subsection 3. [PL 2025, c. 538, §4 (NEW).]

E. "Winner" means an Internet gaming patron to whom cash is returned as winnings for placement of a wager. [PL 2025, c. 538, §4 (NEW).]
[PL 2025, c. 538, §4 (NEW).]

2. Interception. A licensee shall intercept Internet gaming winnings to pay child support debt in accordance with this section.
[PL 2025, c. 538, §4 (NEW).]

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

A. The name and social security number of each individual with outstanding child support debt; [PL 2025, c. 538, §4 (NEW).]

B. The account number or identifier assigned by the department to the outstanding child support debt; [PL 2025, c. 538, §4 (NEW).]

C. The amount of the outstanding child support debt; and [PL 2025, c. 538, §4 (NEW).]

D. Any other information necessary to effectuate the purposes of this section. [PL 2025, c. 538, §4 (NEW).]
[PL 2025, c. 538, §4 (NEW).]

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

A. Before making a payout of winnings of an amount equal to or greater than the amount for which the licensee is required to file a Form W-2G or substantially equivalent form with the United States Internal Revenue Service, the licensee shall obtain the name, address, date of birth and social security number of the winner and shall electronically submit this information to the registry operator. [PL 2025, c. 538, §4 (NEW).]

B. Upon receipt of information pursuant to paragraph A, the registry operator shall electronically inform the licensee whether the winner is listed in the registry. If the winner is listed in the registry, the registry operator shall inform the licensee of the amount of the winner's outstanding child support debt and the account number or identifier assigned to the outstanding child support debt and shall provide the licensee with a notice of withholding that informs the winner of the right to an administrative hearing. [PL 2025, c. 538, §4 (NEW).]

C. If the registry operator informs the licensee that the winner is not listed in the registry or if the licensee is unable to obtain information from the registry operator on a real-time basis after attempting in good faith to do so, the licensee may make payment to the winner. [PL 2025, c. 538, §4 (NEW).]

D. If the registry operator informs the licensee that the winner is listed in the registry, the licensee may not make payment to the winner unless the amount of the payout exceeds the amount of outstanding child support debt, in which case the licensee may make payment to the winner of the amount of winnings that is in excess of the amount of the winner's outstanding child support debt. [PL 2025, c. 538, §4 (NEW).]

[PL 2025, c. 538, §4 (NEW).]

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

[PL 2025, c. 538, §4 (NEW).]

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

[PL 2025, c. 538, §4 (NEW).]

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

[PL 2025, c. 538, §4 (NEW).]

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

[PL 2025, c. 538, §4 (NEW).]

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

[PL 2025, c. 538, §4 (NEW).]

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

[PL 2025, c. 538, §4 (NEW).]

11. Effect of compliance; noncompliance. A licensee, the department and the registry operator are not liable for any action taken in good faith to comply with this section. A licensee who fails to make a good faith effort to obtain information from the registry operator or who fails to withhold and transmit the amount of the lien created under subsection 5 is liable to the department for the greater of $500 and the amount the person was required to withhold and transmit to the department under this section, together with costs, interest and reasonable attorney's fees.
[PL 2025, c. 538, §4 (NEW).]

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

A. The number of names of winners submitted by licensees to the registry operator pursuant to this section in each of the preceding 2 calendar years; [PL 2025, c. 538, §4 (NEW).]

B. The number of winners who were found to be listed in the registry in each of the preceding 2 calendar years; [PL 2025, c. 538, §4 (NEW).]

C. The amount of winnings withheld by licensees pursuant to this section in each of the preceding 2 calendar years; and [PL 2025, c. 538, §4 (NEW).]

D. The amount of withheld winnings refunded to winners as the result of administrative hearings requested pursuant to this section in each of the preceding 2 calendar years. [PL 2025, c. 538, §4 (NEW).]

[PL 2025, c. 538, §4 (NEW).]

SECTION HISTORY

PL 2025, c. 538, §4 (NEW).

§1416. Allocation of funds

1. Tax imposed; allocation of funds. An operator shall collect and distribute 18% of the adjusted gross Internet gaming receipts to the director to be forwarded by the director to the Treasurer of State for distribution as follows:

A. Two percent of the adjusted gross Internet gaming receipts must be deposited in the Gambling Control Unit administrative expenses Other Special Revenue Funds account, which is a nonlapsing dedicated account; [PL 2025, c. 538, §4 (NEW).]

B. Two percent of the adjusted gross Internet gaming receipts must be deposited in the Gambling Addiction Prevention and Treatment Fund established under Title 5, section 20006-B; [PL 2025, c. 538, §4 (NEW).]

C. Two and one-half percent of the adjusted gross Internet gaming receipts must be deposited in the dairy stabilization tier program under Title 7, chapter 611; [PL 2025, c. 538, §4 (NEW).]

D. One and one-half percent of the adjusted gross Internet gaming receipts must be deposited in the Opioid Use Disorder Prevention and Treatment Fund established under Title 5, section 20010; [PL 2025, c. 538, §4 (NEW).]

E. Two percent of the adjusted gross Internet gaming receipts must be deposited in the Emergency Housing Relief Fund established under Title 30-A, section 4765; [PL 2025, c. 538, §4 (NEW).]

F. Five percent of the adjusted gross Internet gaming receipts must be deposited in the Maine Veterans' Homes Stabilization Fund established under Title 37-B, section 613; [PL 2025, c. 538, §4 (NEW).]

G. One percent of the adjusted gross Internet gaming receipts must be deposited in the Fund for a Healthy Maine established under Title 22, section 1511; and [PL 2025, c. 538, §4 (NEW).]

H. Two percent of the adjusted gross Internet gaming receipts must be deposited in the School Revolving Renovation Fund established under Title 30-A, section 6006-F. [PL 2025, c. 538, §4 (NEW).]

[PL 2025, c. 538, §4 (NEW).]

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

[PL 2025, c. 538, §4 (NEW).]

SECTION HISTORY

PL 2025, c. 538, §4 (NEW).

§1417. Applicability of other laws

1. Authorized conduct. The provisions of Title 17, chapter 62 and Title 17-A, chapter 39 do not apply to Internet gaming conducted in accordance with this chapter and the rules adopted under this chapter.

[PL 2025, c. 538, §4 (NEW).]

2. Unlicensed conduct. A person who engages in an activity for which a license is required under this chapter and who does not possess the required license to engage in that activity is subject to any criminal or civil penalties that may be imposed pursuant to Title 17-A, chapter 39.

[PL 2025, c. 538, §4 (NEW).]

3. Unauthorized conduct by licensees. In addition to any penalties that may be imposed pursuant to section 1405, a licensee who conducts Internet gaming in violation of this chapter or the rules adopted under this chapter is subject to any criminal or civil penalties that may be imposed pursuant to Title 17-A, chapter 39.

[PL 2025, c. 538, §4 (NEW).]

SECTION HISTORY

PL 2025, c. 538, §4 (NEW).

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