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).

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