§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).

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