

§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).

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