

**§1842. Investigations and actions on licenses and registrations; evidence**

**1. Investigation.** The Gambling Control Unit shall investigate or cause to be investigated all complaints made to the unit and all violations of this chapter or the rules adopted pursuant to section 1843.

[PL 2017, c. 284, Pt. KKKKK, §29 (AMD).]

**2. Refusal to issue, modify or renew; modification; suspension; revocation.** Each of the following is grounds for an action to refuse to issue, modify or renew or to modify, suspend or revoke the license of a distributor licensed under this chapter:

A. The distributor or its resident manager, superintendent or official representative made or caused to be made a false statement of material fact in obtaining a license under this chapter or in connection with service rendered within the scope of the license issued; [PL 2017, c. 284, Pt. KKKKK, §29 (AMD).]

B. The distributor or its resident manager, superintendent or official representative violated any provision of this chapter or any rule adopted by the Gambling Control Unit under section 1843.

(1) Except as provided in subparagraph (2), the Gambling Control Unit shall give written notice of any violation to the distributor who then has 14 days to comply. Failure to comply within the 14-day period is grounds for an action under this section.

(2) If a distributor violates section 1840, subsection 2, the Gambling Control Unit is not required to give the notice or allow the compliance period provided in subparagraph (1); or [PL 2017, c. 284, Pt. KKKKK, §29 (AMD).]

C. The distributor or its resident manager, superintendent or official representative has been:

(1) Convicted of a crime under this chapter or Title 17-A, chapter 39; or

(2) Convicted within the prior 10 years of any crime for which imprisonment for more than one year may be imposed. [PL 2017, c. 284, Pt. KKKKK, §29 (AMD).]

[PL 2017, c. 284, Pt. KKKKK, §29 (AMD).]

**3. Gambling Control Unit.** The Gambling Control Unit may:

A. Investigate all aspects of this chapter including the direct and indirect ownership or control of any licenses or registrations; [PL 2017, c. 284, Pt. KKKKK, §29 (AMD).]

B. Suspend, revoke or refuse to issue a license or accept a registration, after notice and the opportunity for a hearing, if the applicant, applicant's agent or employee, licensee, licensee's agent or employee, or registrant, registrant's agent or employee or person registering violates a provision of this chapter or Title 17-A, chapter 39 or fails to meet the statutory requirements for licensure or registration pursuant to this chapter; [PL 2017, c. 284, Pt. KKKKK, §29 (AMD).]

C. Immediately suspend or revoke a license or registration if there is probable cause to believe that the licensee or the licensee's agent or employee or the registrant or the registrant's agent or employee violated section 1832, subsection 8, paragraph C; section 1841, subsection 2; or a provision of Title 17-A, chapter 39; [PL 2017, c. 284, Pt. KKKKK, §29 (AMD).]

D. Issue a subpoena in the name of the State Police in accordance with Title 5, section 9060, except that this authority applies to any stage of an investigation under this chapter and is not limited to an adjudicatory hearing. This authority may not be used in the absence of reasonable cause to believe a violation has occurred. If a witness refuses to obey a subpoena or to give any evidence relevant to proper inquiry by the unit, the Attorney General may petition the Superior Court in the county where the refusal occurred to find the witness in contempt. The Attorney General shall cause to be served on that witness an order requiring the witness to appear before the Superior Court to show cause why the witness should not be adjudged in contempt. The court shall, in a

summary manner, hear the evidence and, if it is such as to warrant the court in doing so, punish that witness in the same manner and to the same extent as for contempt committed before the Superior Court or with reference to the process of the Superior Court; [PL 2023, c. 578, §7 (AMD).]

E. Require such evidence as the unit determines necessary to satisfy the unit that an applicant or organization licensed or registered to conduct games under this chapter conforms to the restrictions and other provisions of this chapter. Charters, organizational papers, bylaws or other such written orders of founding that outline or otherwise explain the purpose for which an organization was founded must, upon request, be forwarded to the Gambling Control Unit. The Gambling Control Unit may require of any licensee, registrant or person registering or of any person operating, conducting or assisting in the operation of a game licensed or registered under this chapter evidence as the unit may determine necessary to satisfy the unit that the person is a duly authorized member of the licensee, registrant or person registering or a person employed by the licensee, registrant or person registering as a bartender as required by section 1835, subsection 2 and section 1835-A, subsection 2. Upon request, this evidence must be forwarded to the Gambling Control Unit. The Gambling Control Unit may require such evidence as the unit may determine necessary regarding the conduct of games authorized under this chapter to determine compliance with this chapter; [PL 2023, c. 578, §8 (AMD).]

F. In addition to a fine imposed pursuant to section 1844, impose a fine of not more than \$100 per violation, after notice of the opportunity for a hearing under subsection 5-A, on a licensee or registrant or a licensee's or registrant's agent or employee that has violated a provision of this chapter or a rule of the Gambling Control Unit prescribed by authority of this chapter; and [PL 2023, c. 578, §9 (NEW).]

G. Execute a consent agreement that resolves the issue of a fine imposed pursuant to paragraph F on a licensee or registrant or a licensee's or registrant's agent or employee without further proceedings. A consent agreement may be entered into only with the consent of the licensee or registrant or the licensee's or registrant's agent or employee, the Gambling Control Unit and the Department of the Attorney General. A consent agreement does not absolve a person from potential liability for criminal violations. [PL 2023, c. 578, §10 (NEW).]

[PL 2023, c. 578, §§7-10 (AMD).]

**4. Actions after notice and opportunity for hearing.** The Gambling Control Unit shall notify the applicant, registrant or licensee in writing, before a license or registration is denied, suspended or revoked pursuant to subsection 3, paragraph B, of the intended denial or commencement date of the suspension or revocation, which may not be made any sooner than 96 hours after the licensee's or registrant's receipt of the notice, of the duration of the suspension or revocation and of the right to a hearing pursuant to this subsection. The applicant, licensee, person registering or registrant has the right to request a hearing before the Commissioner of Public Safety or the commissioner's designee. Upon the request for a hearing, the Commissioner of Public Safety shall provide a hearing. The hearing must comply with the Maine Administrative Procedure Act. The purpose of the hearing is to determine whether a preponderance of the evidence establishes that the applicant, person registering, applicant's or registering person's agent or employee or the licensee, registrant or licensee's or registrant's agent or employee violated a provision of this chapter or Title 17-A, chapter 39. A request for a hearing may not be made any later than 10 days after the applicant, licensee, person registering or registrant is notified of the proposed denial, suspension or revocation. The suspension or revocation must be stayed pending the hearing; the hearing may not be held any later than 30 days after the date the commissioner receives the request unless otherwise agreed by the parties or continued upon request of a party for cause shown.

[PL 2017, c. 284, Pt. KKKKK, §29 (AMD).]

**5. Immediate suspension or revocation.** A licensee or registrant whose license or registration is immediately suspended or revoked by the Gambling Control Unit pursuant to subsection 3, paragraph C must be notified in writing of the duration of the suspension or revocation and the licensee's or registrant's right to request a hearing before the Commissioner of Public Safety or the commissioner's designee. Upon the licensee's or registrant's request for a hearing, the Commissioner of Public Safety shall provide a hearing. The hearing must comply with the Maine Administrative Procedure Act. The purpose of the hearing is to determine whether a preponderance of the evidence establishes that the licensee, the registrant, the licensee's agent or employee or the registrant's agent or employee violated section 1832, subsection 8, paragraph C; section 1841, subsection 2; or a provision of Title 17-A, chapter 39. A request for a hearing may not be made any later than 48 hours after the licensee or registrant is notified of the suspension or revocation. A hearing may not be held any later than 10 days after the date the commissioner receives the request.

[PL 2017, c. 284, Pt. KKKKK, §29 (AMD).]

**5-A. Imposition of fine and opportunity for hearing.** The Gambling Control Unit shall notify the licensee or registrant in writing that a fine is imposed pursuant to subsection 3, paragraph F and of the right to a hearing pursuant to this subsection. The licensee or registrant has the right to request a hearing before the Commissioner of Public Safety or the commissioner's designee. Upon the licensee's or registrant's request for a hearing, the Commissioner of Public Safety shall provide a hearing. The hearing must comply with the Maine Administrative Procedure Act. The purpose of the hearing is to determine whether a preponderance of the evidence establishes that the licensee or registrant or the licensee's or registrant's agent or employee violated a provision of this chapter or a rule of the Gambling Control Unit prescribed by authority of this chapter. A request for a hearing must be made no later than 10 days after the licensee or registrant is notified of the fine. The imposition of the fine must be stayed pending the hearing; the hearing must be held no later than 30 days after the date the Commissioner of Public Safety receives the request unless otherwise agreed to by the parties or continued upon request of a party for cause shown.

[PL 2023, c. 578, §11 (NEW).]

**6. Access to premises.** A person, firm, corporation, association or organization making application or registration to the Gambling Control Unit to conduct or operate a game under this chapter or any such person, firm, corporation, association or organization authorized under this chapter to conduct or operate a game shall permit inspection of any equipment, prizes, records or items and materials used or to be used in the conduct or operation of a game under this chapter by the Gambling Control Unit.

A firm, corporation, association or organization licensed or registered to conduct or operate a game under this chapter shall permit at any time the Department of Public Safety or the city or town fire inspectors of the municipality in which the licensed or registered game is being conducted to enter and inspect the premises where the game is being conducted.

[PL 2017, c. 284, Pt. KKKKK, §29 (AMD).]

#### SECTION HISTORY

PL 2009, c. 487, Pt. A, §2 (NEW). PL 2017, c. 284, Pt. KKKKK, §29 (AMD). PL 2023, c. 578, §§7-11 (AMD).

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