

§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; 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 2021, c. 681, Pt. J, §6 (NEW).]

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 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 2021, c. 681, Pt. J, §6 (NEW).]

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 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 2021, c. 681, Pt. J, §6 (NEW).]

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 2023, c. 635, §9 (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).

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