

§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).

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