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STATE OF MAINE
ONE HUNDRED AND THIRTIETH LEGISLATURE
COMMITTEE ON VETERANS AND LEGAL AFFAIRS

TO: Senator Anne Carney, Senate Chair
Representative Thom Harnett, House Chair
Joint Standing Committee on Judiciary

FROM: Senator Louis J. Luchini, Senate Chair LL
Representative Christopher J. Caiazzo, House Chair CC
Joint Standing Committee on Veterans and Legal Affairs

DATE: June 3, 2021

RE: Public records exception review LD 1352

The Joint Standing Committee on Veterans and Legal Affairs requests the Joint Standing Committee on Judiciary’s review, pursuant to 1 M.R.S. §434, of a public records exception included in the majority committee amendment to LD 1352, *An Act To Regulate Sports Betting*.

On April 30, 2021, the Veterans and Legal Affairs Committee held a public hearing on LD 1352 as well as several other proposals to regulate sports betting, including LD 1537, *An Act To Ensure Proper Oversight of Sports Betting in the State*. At the work session on May 26, 2021, a the majority (7 members) voted to pass LD 1352 as amended. Three members of the committee voted in favor of slightly different amendment while two members of the committee voted in favor of yet another slightly different amended to the bill. One member of the committee opposed the bill.

Although they differ in other respects, the majority and each of the minority committee amendments to LD 1352 create three new identical public records exceptions. Although we do not at this time have available a copy of the final majority report amendment to LD 1352, as this memo explains, the first two of these confidentiality provisions were included in LD 1352 and have not been substantively changed by the amendment while the third confidentiality provision was included in LD 1527 and also has not been substantively changed by the amendment.

It is worth noting that, with the exception of the third new confidentiality provision, these new public records exceptions were included in the majority committee amendment to LD 553 in the 129th Legislature and were reviewed favorably by the Judiciary Committee. Ultimately, the Governor’s veto of that sports betting legislation was sustained.

1. *Criminal history information.* The first new public records exception, set forth in 8 M.R.S.A. §1204(3)(G)¹ on page 6 of LD 1352, renders confidential all criminal history information obtained by the Director of the Gambling Control Unit from the Maine Criminal Justice Information System and the Federal Bureau of Investigation—including fingerprint-based criminal history record information—in connection with an application for a sports wagering license. Section 1204 requires criminal history record information to be obtained from a license applicant as well as the persons' who have control of the applicant, as defined in §1204(2), when an applicant requests a license to operate in-person or internet-based sports wagering (either a "facility sports wagering license" or a "mobile sports wagering license"), a license to sell or lease sports wagering equipment to licensed operators (a "supplier license"), a license to conduct sports wagering on behalf of a licensed operator (a "management services license") or a license to be engaged directly in sports wagering-related activities as an employee of a facility sports wagering licensee (an "occupational license"). The public records exception in §1204(3)(G) mirrors several public records exceptions in current Maine law for fingerprint-based criminal history information obtained in connection with other types of professional or business license applications. *See, e.g.,* 32 M.R.S.A. §2111(1)(F) (rendering confidential all criminal history information obtained by the State Board of Nursing regarding applicants for nursing licenses). P. 12
of the
packet
2. *Child support registry information.* The second new public records exception, set forth in 8 M.R.S.A. §1214(10)² on page 16 of LD 1352, renders confidential certain information used in connection with the interception of sports wagering winnings to pay liquidated child support debt. Under §1214, a licensed sports wagering operator must collect the name, address, date of birth and social security number of any person whose sports wagering winnings exceed the amount for which the operator must file a Form W-2G with the U.S. Internal Revenue Service. The operator must use this information to check a secure registry containing information regarding individuals who owe an outstanding child support debt that has been liquidated by a court or an administrative order. If the registry indicates that the winner owes such a debt, the winnings must be intercepted and sent to the Department of Health and Human Services. Under §1214(10), both the winner's personally identifying information collected by the sports wagering operator and the information in the registry is confidential and may be used only for the purposes of child support interception. A DHHS employee, registry operator employee or employee of the licensed sports wagering operator who knowingly or intentionally discloses the information commits a civil violation punishable by a fine of up to \$1,000. This public records exception mirrors the public records exceptions in current Maine law for information related to the interception of pari-mutuel winnings and slot machine and table game winnings to pay liquidated child support debt. *See* 8 M.R.S.A. §300-B(10); 8 M.R.S.A. §1066(10). P. 22
of the
packet
3. *Abnormal wagering activity information.* Although the third public records exception was not included in the original text of LD 1352, it derives from §1215 on pages 15-16 of LD 1527 and was incorporated, without change, in each of the committee amendments to LD 1352.³ Under §1215(1), a facility sports wagering licensee (facility operator) and a mobile sports wagering licensee (mobile operator) must report abnormal wagering activity, patterns of wagers that give rise to a concern about the integrity of a sports event and "any other pp 29-30
of
the
packet

¹ This confidentiality provision will be renumbered §1204(3)(H) in each amendment to LD 1352, but will otherwise be identical to §1204(3)(G) in the original bill.

² This confidentiality provision will be renumbered §1217(10) in each amendment to LD 1352, but will otherwise be identical to §1214(10) in the original bill.

³ Section 1215 of LD 1527 will likely also be numbered §1215 in each amendment to LD 1352.

conduct that corrupts a wagering outcome of the sports event for purposes of financial gain, including match fixing” both to the Director of the Gambling Control Unit and to the relevant sports governing body. The sports governing body (*i.e.*, the league) may provide information to the director—for example, information on confidential league policies as well as details regarding league operations, the league’s security protocols and any investigations by the league of its personnel related potential match fixing or other corrupt conduct—to assist the Director in investigating or preventing abnormal wagering activity. Under §1215(3), the director must maintain the confidentiality of any information provided by the sports governing body related to abnormal wagering activity investigations “unless disclosure is otherwise required by the director or by law, or unless the sports governing body consents to disclosure.”

Reviewing the statutory criteria for the three proposed exception to public records, we would comment for the majority (and minority) as follows:

A. Need to collect the information.

Criminal history information. The Director of the Gambling Control Unit must obtain access to state and federal criminal history record information regarding applicants for sports wagering licenses to make an informed decision about the applicant’s suitability for licensure. To protect the public, 8 M.R.S.A. §1205(1) authorizes the director to deny a license if the applicant or a person having control of the applicant “has been convicted of a crime of moral turpitude, a gambling-related offense or a theft or fraud offense or has otherwise demonstrated, either by a police record or other satisfactory evidence, a lack of respect for law and order.”

Child support registry information. It is necessary for the sports wagering operator to collect personally identifying information from patrons and compare that information to personally identifying information of individuals who are listed in the registry of child support obligors who have outstanding child support debt, to ensure that winnings are intercepted only from persons who owe outstanding child support debt.

Abnormal wagering activity information. The amendment does not require a sports governing body to provide any information to the Director of the Gambling Control Unit. Nevertheless, if provided, this information may be critical to a determination whether particular abnormal wagering activity involves a collaboration between persons placing sports wagers and employees of the sports governing body or others who may be involved in match fixing or other corrupt practices that undermine the integrity of a sports event.

B. Value in maintaining information.

Criminal history information. Maintenance of criminal history record information is essential for the State Bureau of Identification to perform its duties.

Child support registry information. Maintenance of information about individuals with outstanding child support debt is necessary for the child support registry to function.

Abnormal wagering activity information. Maintenance of information about abnormal wagering activity is necessary for the duration of the director’s investigation of that activity and general oversight of the conduct of sports wagering by licensed operators in the State. In addition, it may be necessary for the director to maintain certain information from the sports governing

body—including details of the league’s operations or security protocols—to prevent future conduct that undermines the integrity of sports events conducted by that sports governing body.

C. Federal law.

Criminal history information. As interpreted by the Federal Bureau of Investigation, Pub. L. 92-544, 86 Stat. 1109, 1115 (1972) prohibits the FBI from sharing fingerprint-based national criminal history information “if dissemination is made outside the receiving departments or related agencies.”

Child support registry information and abnormal wagering activity information. We are unaware of a federal law that would require this information to be kept confidential.

D. Balancing the individual’s privacy rights and the public interest.

Criminal history information. The proposed exception protects the privacy interests of applicants for sports wagering licenses and the individuals who have control of those applicants by allowing criminal history background information to be used only for the purposes of determining whether the relevant sports wagering license should be issued and by keeping sensitive fingerprint information confidential. The proposed exception does not affect the public interest in access to publicly-available records of judicial proceedings related to applicants for sports wagering licenses. We believe that this is an appropriate balance of the individual’s interest and the public interest.

Child support registry information. The proposed exception protects the privacy interests of a sports wagering patron by preventing disclosure of personally identifying information—including the patron’s date of birth and social security number—which must be collected to ensure that a patrons’ winnings are not intercepted unless that specific patron owes an outstanding child support debt. The proposed exception does not affect the public interest in access to publicly-available judicial and administrative records involving child support adjudications.

Abnormal wagering activity information. The proposed exception protects a sports governing body’s privacy interest in its confidential league policies and personnel investigations as well as its proprietary interest in details regarding the League’s operations and security protocols. Preventing public disclosure of this information serves the public’s interest by not compromising the details of investigations and may further prevent persons who place sports wagers from utilizing this confidential information to engage in future corrupt practices and patterns of wagers that might undermine the fairness of the sports book. Additionally, this information may include suspected, rather than confirmed violations of the laws and rules governing sports wagering in this State and other jurisdictions. Public access to such preliminary investigative information could result in unwarranted damage to the reputation of an individual or business.

E. Balancing the effect of disclosure on business competition against the public interest.

Criminal history information & child support registry information: We are unaware of any connection between this information and competitive disadvantages of any business in this State.

Abnormal wagering activity information. It may be necessary for the director to request proprietary information from a sports governing body during the course of an investigation into

abnormal wagering activity. Disclosure of this information may theoretically place the sports governing body at a disadvantage with respect to other sports governing bodies.

F. Interfering in public negotiations.

Criminal history information, child support registry information and abnormal wagering information: We are unaware of any connection between this information and negotiations involving a public body.

G. Balancing the public interest and potential jeopardy to public safety or a member of the public.

Please see the response to item D above.

H. Narrowness of the exception.

Criminal history record information: The exception applies only to criminal history background information obtained for the purpose of determining whether an applicant may obtain a sports wagering license. Criminal history information is generally available to the public through public court records; this confidentiality provision does not affect the availability of that information to the public but does prevent public disclosure of the criminal history background information obtained by the Department of Public Safety for a sports wagering license applicant and also prevents public disclosure of the applicant's fingerprint information. We feel that this exception is sufficiently narrow.

Child support registry information: The exception applies only to personally identifying information of winning sports wagering patrons and information about outstanding child support debts—including the personally identifying information of the obligors—stored in the registry. This confidentiality provision does not alter the accessibility of judicial and administrative child support orders retained by the court system and administrative agency. We feel that this exception is sufficiently narrow.

Abnormal wagering activity information. The provision rendering information provided by the sports governing body to the director confidential is narrowly drawn, providing for public disclosure not only when the sports governing body consents to such disclosure but also if disclosure is either "required by the director or by law."

I. Any other criteria that assist the review committee in determining the value of the proposed exception as compared to the public's interest in the record protected by the proposed exception.

Thank you for reviewing this proposed public records exception. Please find copies of LD 1352 and the relevant provision from LD 1527 attached. We look forward to meeting with you.

cc: Members, Joint Standing Committee on Veterans and Legal Affairs
Peggy Reinsch, Legislative Analyst to the Joint Standing Committee on Judiciary



130th MAINE LEGISLATURE

FIRST SPECIAL SESSION-2021

Legislative Document

No. 1352

S.P. 437

In Senate, April 7, 2021

An Act To Regulate Sports Betting

Received by the Secretary of the Senate on April 5, 2021. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator LUCHINI of Hancock.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 8 MRSA §1003, sub-§5**, as repealed and replaced by PL 2017, c. 475, Pt.
3 A, §11, is amended to read:

4 **5. Additional duties of the director.** The director also serves as the director of the
5 Gambling Control Unit, established as a bureau within the Department of Public Safety
6 under Title 25, section 2902, subsection 12. As director of the unit, the director shall
7 administer and enforce the laws governing fantasy contests under chapter 33, sports
8 wagering under chapter 35 and beano and games of chance under Title 17, chapters 13-A
9 and 62, respectively.

10 **Sec. 2. 8 MRSA §1104, sub-§2**, as enacted by PL 2017, c. 303, §2, is amended to
11 read:

12 **2. Certain leagues and contests prohibited.** A fantasy contest operator may not offer
13 a fantasy contest based on the performances of participants in ~~collegiate~~ or high school
14 athletic events or other athletic events involving participants under 18 years of age.

15 **Sec. 3. 8 MRSA c. 35** is enacted to read:

16 **CHAPTER 35**

17 **REGULATION OF SPORTS WAGERING**

18 **§1201. Authorization of sports wagering; license required**

19 Notwithstanding any provision of law to the contrary, the operation of sports wagering
20 and ancillary activities are lawful when conducted in accordance with the provisions of this
21 chapter and the rules adopted under this chapter.

22 A person or entity may not engage in any activities in this State that require a license
23 under this chapter unless all necessary licenses have been obtained in accordance with this
24 chapter and rules adopted under this chapter.

25 **§1202. Definitions**

26 As used in this chapter, unless the context otherwise indicates, the following terms
27 have the following meanings.

28 **1. Adjusted gross sports wagering receipts.** "Adjusted gross sports wagering
29 receipts" means an operator's gross receipts from sports wagering less the total of all
30 winnings paid to patrons, which includes the cash equivalent of any merchandise or thing
31 of value awarded as a prize, and less excise tax payments remitted to the Federal
32 Government.

33 **2. Collegiate sports or athletic event.** "Collegiate sports or athletic event" means a
34 sports or athletic event offered or sponsored by, or played in connection with, a public or
35 private institution that offers postsecondary educational services.

36 **3. Commissioner.** "Commissioner" means the Commissioner of Public Safety.

37 **4. Department.** "Department" means the Department of Public Safety.

- 1 **5. Director.** "Director" means the director of the Gambling Control Unit within the
2 department.
- 3 **6. Facility operator.** "Facility operator" means a facility sports wagering licensee
4 under subsection 7, paragraph A.
- 5 **7. License.** "License" means any license applied for or issued by the director under
6 this chapter, including, but not limited to:
- 7 **A.** A facility sports wagering license under section 1206 to conduct sports wagering
8 in which wagers are placed within a physical location in this State;
- 9 **B.** A mobile sports wagering license under section 1207 to permit a mobile operator
10 to operate sports wagering through an approved mobile application or other digital
11 platform that involves, at least in part, the use of the Internet;
- 12 **C.** A supplier license under section 1208 to sell goods and services to be used in
13 connection with sports wagering, but not to directly accept wagers;
- 14 **D.** A management services license under section 1209 to manage sports wagering on
15 behalf of a facility sports wagering licensee or a mobile sports wagering licensee; and
- 16 **E.** An occupational license under section 1210 to be employed by a facility sports
17 wagering licensee to operate sports wagering when the employee performs duties in
18 furtherance of or associated with the operation of sports wagering.
- 19 **8. Mobile operator.** "Mobile operator" means a mobile sports wagering licensee
20 under subsection 7, paragraph B.
- 21 **9. Operator.** "Operator" includes a facility operator and a mobile operator.
- 22 **10. Professional sports or athletic event.** "Professional sports or athletic event"
23 means an event at which 2 or more persons participate in sports or athletic contests and
24 receive compensation in excess of actual expenses for their participation in the event.
- 25 **11. Prohibited sports event.** "Prohibited sports event" means a high school sports or
26 athletic event, any other event in which a majority of the participants are under 18 years of
27 age or a collegiate sports or athletic event in which any Maine collegiate sports team
28 participates, regardless of where the event takes place.
- 29 **12. Qualified gaming entity.** "Qualified gaming entity" means a gaming entity that
30 offers sports wagering through mobile applications or digital platforms in any jurisdiction
31 in the United States pursuant to a state regulatory structure.
- 32 **13. Sports event.** "Sports event" means any professional sports or athletic event,
33 collegiate sports or athletic event or amateur sports or athletic event, including but not
34 limited to an Olympic or international sports or athletic event, a motor vehicle race or an
35 electronic sports event, commonly referred to as "e-sports."
- 36 **14. Sports wagering.** "Sports wagering" means the business of accepting wagers on
37 sports events or portions of sports events, the individual performance statistics of athletes
38 in a sports event or a combination of any of the same by any system or method of wagering
39 approved by the director, including, but not limited to, in person on the property of a facility
40 operator or via a mobile operator's mobile applications and digital platforms that use
41 communications technology to accept wagers. "Sports wagering" does not include the sale



1 of pari-mutuel pools authorized under chapter 11 or the operation of fantasy contests as
2 defined in section 1101, subsection 4.

3 15. Wager. "Wager" means a sum of money or thing of value risked on an uncertain
4 occurrence.

5 **§1203. Powers and duties of director**

6 **1. Powers and duties. In administering and enforcing this chapter, the director:**

7 A. Has the power to regulate the conduct of sports wagering;

8 B. Shall determine the eligibility of a person to hold or continue to hold a license, shall
9 issue all licenses and shall maintain a record of all licenses issued under this chapter;

10 C. Shall levy and collect all fees, civil penalties and tax on adjusted gross sports
11 wagering receipts imposed by this chapter, except as otherwise provided under this
12 chapter;

13 D. May sue to enforce any provision of this chapter or any rule of the director by civil
14 action or petition for injunctive relief;

15 E. May hold hearings, administer oaths and issue subpoenas or subpoenas duces tecum
16 in the manner provided by applicable law; and

17 F. May exercise any other powers necessary to effectuate the provisions of this chapter
18 and the rules of the director.

19 **2. Rules. The director shall adopt rules governing the conduct of sports wagering in**
20 **the State, which must, at a minimum, include the following:**

21 A. Additional qualifications and procedures for obtaining a facility sports wagering
22 license, supplier license, management services license, mobile sports wagering license
23 or occupational license, including the procedure and qualifications for obtaining a
24 waiver of the occupational license requirement;

25 B. Additional qualifications and procedures for obtaining a temporary facility sports
26 wagering license, temporary supplier license, temporary management services license
27 and temporary mobile sports wagering license;

28 C. The methods of operation of sports wagering, including but not limited to the
29 permitted systems and methods of wagers; the use of credit and checks by persons
30 making wagers; the types of wagering receipts that may be used; the method of issuing
31 receipts; the prevention of sports wagering on prohibited sports events; the protection
32 of patrons placing wagers; and the promotion of social responsibility and responsible
33 gaming and display of information on resources for problem gambling at a facility
34 operator's premises or on any mobile application or digital platform used to place
35 wagers;

36 D. If the director determines that establishment of a maximum wager is necessary for
37 the protection of public safety, the maximum wager that may be accepted from any one
38 person on a single sports event;

39 E. Standards for the adoption of comprehensive house rules governing sports wagering
40 by operators and the approval of house rules by the director as required under section
41 1211;

1 F. Minimum design and security requirements for the physical premises of facility
2 operators in which sports wagering is conducted, including but not limited to minimum
3 requirements for the acceptance of wagers at a self-serve kiosk located on the premises
4 and minimum required methods for verifying the identity and age of a person who
5 places a wager with a facility operator, for verifying that the person making a wager is
6 not prohibited from making a wager under section 1213 and for requiring the refund of
7 any wager determined to have been placed by a person prohibited from making a wager
8 under section 1213;

9 G. Minimum design and security requirements for mobile applications and digital
10 platforms for the acceptance of wagers by mobile operators, including required
11 methods for verifying the age and identity of a person who places a wager with a mobile
12 operator, for verifying that the person making the wager is physically located in the
13 State and is not prohibited from making a wager under section 1213 and for requiring
14 the refund of any wager determined to have been placed by a person prohibited from
15 making a wager under section 1213;

16 H. The types of interested parties, including sports team or league employees or
17 owners, from whom operators are prohibited from accepting wagers under section
18 1213, subsection 4;

19 I. Minimum design, security, testing and approval requirements for sports wagering
20 equipment, systems or services sold by suppliers licensed under section 1208;

21 J. Minimum requirements for a contract between a management services licensee
22 under section 1209 and an operator on whose behalf the management services licensee
23 conducts sports wagering, including but not limited to requirements that the person
24 providing management services is licensed prior to entering a contract and that the
25 contract be approved by the director prior to the conduct of sports wagering;

26 K. Establishment of a list of persons who are not authorized to place a wager on a
27 sports event, including but not limited to those persons who voluntarily request that
28 their names be included on the list of unauthorized persons. The rules adopted under
29 this paragraph must define the standards for involuntary placement on the list and for
30 removal from the list;

31 L. Minimum internal control standards for operators, including but not limited to
32 procedures for safeguarding assets and revenues; the recording of cash and evidence
33 of indebtedness; the maintenance of reliable records, accounts and reports of
34 transactions, operations and events; required audits; and the content and frequency of
35 reports of sports wagering activities and revenues that must be made to the director;
36 and

37 M. Restrictions on the advertisement and marketing of sports wagering, including but
38 not limited to prohibiting misleading, deceptive or false advertisements; prohibiting
39 advertising or marketing that has a high likelihood of reaching persons under 21 years
40 of age or that is specifically designed to appeal particularly to persons under 21 years
41 of age; and prohibiting the placement of signs or other advertisements near public or
42 private schools.

43 3. Rulemaking. Rules adopted by the director pursuant to this chapter are routine
44 technical rules as defined in Title 5, chapter 375, subchapter 2-A.

1 **§1204. Application; criminal history background check**

2 **1. Application.** An application for a license or for renewal of a license required under
3 this chapter must be submitted on a form or in a format approved by the director. An
4 application submitted to the director must, at a minimum, include the following:

5 A. The full name, current address and contact information of the applicant;

6 B. Disclosure of each person that has control of the applicant as described in subsection
7 2;

8 C. Consent to permit the director to conduct a criminal history record check in
9 accordance with subsection 3 of the applicant and each person disclosed under
10 paragraph B in accordance with procedures established by the director;

11 D. For the applicant and each person disclosed under paragraph B, a record of previous
12 issuances and denials of or any adverse action taken against a gambling-related license
13 or application under this Title or in any other jurisdiction. For purposes of this
14 paragraph, "adverse action" includes, but is not limited to, a condition resulting from
15 an administrative, civil or criminal violation, a suspension or revocation of a license or
16 a voluntary surrender of a license to avoid or resolve a civil, criminal or disciplinary
17 action; and

18 E. Any additional information required by the director by rule.

19 **2. Persons that have control.** The following persons are considered to have control
20 of an applicant or a licensee:

21 A. Each corporate holding company, parent company or subsidiary company of a
22 corporate applicant or licensee and each person that owns 10% or more of the corporate
23 applicant or licensee and that has the ability to control the activities of the corporate
24 applicant or licensee or elect a majority of the board of directors of that corporate
25 applicant or licensee, except for a bank or other licensed lending institution that holds
26 a mortgage or other lien acquired in the ordinary course of business;

27 B. Each person associated with a noncorporate applicant or licensee that directly or
28 indirectly holds a beneficial or proprietary interest in the noncorporate applicant's or
29 licensee's business operation or that the director otherwise determines has the ability to
30 control the noncorporate applicant or licensee; and

31 C. Key personnel of an applicant or licensee, including any executive, employee or
32 agent, having the power to exercise significant influence over decisions concerning any
33 part of the applicant's or licensee's relevant business operation.

34 **3. Criminal history record check.** The director shall request a criminal history record
35 check in accordance with this subsection for each applicant for initial licensure and each
36 person required to be disclosed by the applicant for initial licensure under subsection 1,
37 paragraph B. The director may require a criminal history record check in accordance with
38 this subsection from a licensee seeking to renew a license, from any person the licensee is
39 required to disclose under subsection 1, paragraph B as part of the license renewal
40 application and from any person identified by the licensee under subsection 4. A criminal
41 history record check conducted pursuant to this subsection must include criminal history
42 record information obtained from the Maine Criminal Justice Information System
43 established in Title 16, section 631 and the Federal Bureau of Investigation.

1 A. Criminal history record information obtained from the Maine Criminal Justice
2 Information System pursuant to this subsection must include a record of public criminal
3 history record information as defined in Title 16, section 703, subsection 8.

4 B. Criminal history record information obtained from the Federal Bureau of
5 Investigation pursuant to this subsection must include other state and national criminal
6 history record information.

7 C. An individual required to submit to a criminal history record check under this
8 subsection shall submit to having the individual's fingerprints taken. The State Police,
9 upon payment by the individual of the fee required under paragraph D, shall take or
10 cause to be taken the individual's fingerprints and shall immediately forward the
11 fingerprints to the Department of Public Safety, Bureau of State Police, State Bureau
12 of Identification. The State Bureau of Identification shall conduct the state and national
13 criminal history record checks required under this subsection. Except for the portion
14 of a payment, if any, that constitutes the processing fee for a criminal history record
15 check charged by the Federal Bureau of Investigation, all money received by the State
16 Police under this subsection must be paid to the Treasurer of State, who shall apply the
17 money to the expenses incurred by the Department of Public Safety in the
18 administration of this subsection.

19 D. The director shall by rule set the amount of the fee to be paid for each criminal
20 history record check required to be performed under this subsection.

21 E. The subject of a Federal Bureau of Investigation criminal history record check may
22 obtain a copy of the criminal history record check by following the procedures outlined
23 in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state
24 criminal history record check may inspect and review the criminal history record
25 information pursuant to Title 16, section 709.

26 F. State and national criminal history record information obtained by the director under
27 this subsection may be used only for the purpose of screening an applicant for a license
28 or a license renewal under this chapter.

29 G. All criminal history record information obtained by the director pursuant to this
30 subsection is confidential, is for the official use of the director only and may not be
31 disseminated by the director or disclosed to any other person or entity except as
32 provided in paragraph E.

33 H. The director, after consultation with the Department of Public Safety, Bureau of
34 State Police, State Bureau of Identification, shall adopt rules to implement this
35 subsection.

36 **4. Material change to application.** A person licensed under this chapter shall give
37 the director written notice within 30 days of any material change to any information
38 provided in the licensee's application for a license or renewal, including any change in the
39 identity of persons considered to have control of the licensee as described in subsection 2.

40 **5. Gambling Control Unit employees prohibited.** An employee of the Gambling
41 Control Unit within the department may not be an applicant for a license issued under this
42 chapter.

43 **§1205. Denial of license; administrative sanctions**

1

1 **1. Grounds for denial of license or imposition of administrative sanctions.** The
2 following are grounds for the director to deny a license or license renewal or for the
3 imposition of administrative sanctions, in accordance with this section, on a person licensed
4 under this chapter:

5 A. If the applicant or licensee has knowingly made a false statement of material fact
6 to the director;

7 B. If the applicant or licensee has not disclosed the existence or identity of other
8 persons that have control of the applicant or licensee as required by section 1204,
9 subsections 1 and 4;

10 C. If the applicant or licensee has had a license revoked by any government authority
11 responsible for regulation of gaming activities;

12 D. If the applicant, the licensee or a person having control of the applicant or licensee
13 under section 1204, subsection 2 is not of good moral character. In determining
14 whether the applicant, licensee or person is of good moral character, the director shall
15 consider qualities that include but are not limited to honesty, candor, trustworthiness,
16 diligence, reliability, observance of fiduciary and financial responsibility and respect
17 for the rights of others;

18 E. If the applicant, the licensee or a person having control of the applicant or licensee
19 under section 1204, subsection 2:

20 (1) Has, in any jurisdiction, been convicted of or pled guilty or nolo contendere to
21 a crime punishable by one year or more of imprisonment;

22 (2) Has, in any jurisdiction, been adjudicated of committing a civil violation or
23 been convicted of a criminal violation involving dishonesty, deception,
24 misappropriation or fraud;

25 (3) Has engaged in conduct in this State or any other jurisdiction that would
26 constitute a violation of this chapter; chapter 11 involving gambling; chapter 31;
27 Title 17, chapter 13-A or 62; Title 17-A, chapter 39; or substantially similar
28 offenses in other jurisdictions;

29 (4) Is a fugitive from justice, a drug user, a person with substance use disorder, an
30 illegal alien or a person who was dishonorably discharged from the Armed Forces
31 of the United States; or

32 (5) Is not current in filing all applicable tax returns and in the payment of all taxes,
33 penalties and interest owed to this State, any other state or the United States
34 Internal Revenue Service, excluding items under formal appeal;

35 F. If the applicant or licensee has not demonstrated to the satisfaction of the director
36 sufficient financial assets to meet the requirements of the licensed business or proposed
37 business and to meet any financial obligations imposed by this chapter;

38 G. If the applicant, the licensee or a person having control of the applicant or licensee
39 under section 1204, subsection 2 has not demonstrated financial responsibility. For the
40 purposes of this paragraph, "financial responsibility" means a demonstration of a
41 current and expected future condition of financial solvency sufficient to satisfy the
42 director that the applicant, the licensee or the person can successfully engage in
43 business without jeopardy to the public health, safety and welfare. "Financial

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responsibility" may be determined by an evaluation of the total history concerning the applicant, the licensee or the person, including past, present and expected condition and record of financial solvency, business record and accounting and managerial practices;

H. If the applicant or licensee has not met the requirements of this chapter; or

I. If the applicant or licensee has violated any provision of this chapter or of the rules adopted under this chapter.

2. Denial of initial license or renewed license; notice; hearing. The director may deny an application for a license or for renewal of a license for the reasons set forth in subsection 1. The director shall notify the applicant or the licensee in writing of the decision and of the opportunity to request a hearing conducted by the commissioner.

If the applicant or licensee fails to request a hearing within 30 days of the date that the notice was mailed under this subsection, the director may issue a final decision denying the application for a license or for renewal of a license. If the applicant or licensee makes a timely request for a hearing, the commissioner shall conduct an adjudicatory hearing in accordance with Title 5, chapter 375, subchapter 4. The director's decision to deny the license or license renewal stands until the commissioner issues a decision to uphold, modify or overrule the director's decision.

After hearing, if the commissioner finds grounds for denying a license or license renewal under subsection 1, the commissioner may deny the application for a license or for renewal of a license.

3. Investigation of complaints; notice; hearing. The director or the director's designee shall investigate a complaint on the director's own motion or upon receipt of a written complaint regarding noncompliance with or violation of this chapter or of any rules adopted under this chapter. Following the investigation, the director may mail the licensee a notice of violation informing the licensee of the administrative sanction under subsection 4, the director proposes to impose and of the licensee's opportunity to request a hearing.

If the licensee fails to request a hearing within 30 days of the date that a notice was mailed under this subsection, the director may issue a final decision imposing the sanction proposed in the notice. If the licensee makes a timely request for a hearing, the commissioner shall conduct an adjudicatory hearing in accordance with Title 5, chapter 375, subchapter 4. If, after the hearing, the commissioner finds that the factual basis of the complaint is true and is of sufficient gravity to warrant further action, the commissioner may impose an administrative sanction under subsection 4.

4. Administrative sanctions. The director or the commissioner may, pursuant to subsection 3, impose the following administrative sanctions on a licensee:

A. A written reprimand;

B. Conditions of probation of a license;

C. A license suspension;

D. A license revocation; or

E. A civil penalty of up to \$25,000 per violation of any provision of this chapter or rule adopted pursuant to this chapter.

1 **5. Appeals.** A person aggrieved by the final decision of the commissioner under
2 subsection 2 or 3 may appeal the commissioner's decision to the Superior Court in
3 accordance with Title 5, chapter 375, subchapter 7.

4 **§1206. Facility sports wagering license**

5 **1. Issuance of license.** The director shall issue a facility sports wagering license upon
6 finding that the applicant meets all requirements of this section, sections 1204 and 1205
7 and rules adopted under this chapter.

8 **2. Eligibility.** To be eligible to receive a facility sports wagering license, an applicant
9 must be:

10 A. A commercial track licensed under section 271;

11 B. An off-track betting facility licensed prior to January 1, 2021 under section 275-D
12 or Public Law 2019, chapter 626, section 16;

13 C. A slot machine facility or casino licensed under section 1011; or

14 D. A federally recognized Indian tribe in this State.

15 Each entity or tribe identified in paragraphs A to D may receive only one facility sports
16 wagering license under this section.

17 **3. Authority to conduct sports wagering; management services permitted.** A
18 facility sports wagering license granted by the director pursuant to this section grants a
19 licensee lawful authority to conduct sports wagering in which wagers are placed within a
20 physical location controlled by the licensee in the State within the terms and conditions of
21 the license and any rules adopted under this chapter. A facility sports wagering licensee
22 may contract with a management services licensee under section 1209.

23 **4. Fees.** The fee for an initial or renewed facility sports wagering license is \$2,000
24 and must be retained by the director for the costs of administering this chapter. In addition
25 to the license fee, the director may charge a processing fee for an initial or renewed license
26 in an amount equal to the projected cost of processing the application and performing any
27 background investigations. If the actual cost exceeds the projected cost, an additional fee
28 may be charged to meet the actual cost. If the projected cost exceeds the actual cost, the
29 difference may be refunded to the applicant or licensee.

30 **5. Term of license.** Except as provided in subsection 6, a license granted or renewed
31 under this section is valid for 2 years unless sooner revoked by the director or the
32 commissioner under section 1205. The failure of an entity identified in subsection 2,
33 paragraph A, B or C to maintain the underlying license described in that paragraph voids
34 the entity's facility sports wagering license.

35 **6. Temporary license.** An applicant for a facility sports wagering license that is
36 qualified under subsection 2, paragraph A, B or C may submit with the application a request
37 for a temporary license. An applicant for a facility sports wagering license that is qualified
38 under subsection 2, paragraph D and that has a license to operate high-stakes beano under
39 Title 17, section 314-A may submit with the application a request for a temporary license.

40 A request for a temporary license must include the initial license fee of \$2,000. If the
41 director determines that the applicant is qualified under subsection 2, meets the
42 requirements established by rule for a temporary license and has paid the initial license fee

1 and the director is not aware of any reason the applicant is ineligible for a license under
2 this section, the director may issue a temporary facility sports wagering license. A
3 temporary license issued under this subsection is valid for one year or until a final
4 determination on the facility sports wagering license application is made, whichever is
5 sooner. If after investigation the director determines that the applicant is eligible for a
6 facility sports wagering license under this chapter, the director shall issue the initial facility
7 sports wagering license, at which time the temporary license terminates. The initial facility
8 sports wagering license is valid for 2 years from the date that the temporary license was
9 issued by the director. Sports wagering conducted under authority of a temporary license
10 must comply with the facility operator's house rules adopted under section 1211.

11 **7. Occupational license required.** A facility sports wagering licensee, including a
12 temporary licensee under subsection 6, may conduct sports wagering only through persons
13 holding a valid occupational license under section 1210.

14 **8. Municipal control.** Nothing in this chapter may be construed to restrict the
15 authority of municipalities under municipal home rule provisions of the Constitution of
16 Maine, including zoning and public safety authority.

17 **§1207. Mobile sports wagering license**

18 **1. Issuance of license.** The director shall issue a mobile sports wagering license upon
19 finding that the applicant meets all requirements of this section, sections 1204 and 1205
20 and rules adopted under this chapter.

21 **2. Eligibility.** To be eligible to receive a mobile sports wagering license, an applicant
22 must be:

23 A. A commercial track licensed under section 271;

24 B. An off-track betting facility licensed prior to January 1, 2021 under section 275-D
25 or Public Law 2019, chapter 626, section 16;

26 C. A slot machine facility or casino licensed under section 1011;

27 D. A federally recognized Indian tribe in this State; or

28 E. A qualified gaming entity.

29 **3. Authority to conduct sports wagering; management services permitted.** A
30 mobile sports wagering license granted by the director pursuant to this section grants a
31 licensee lawful authority to conduct sports wagering in which wagers are placed by persons
32 who are physically located in the State through any mobile applications or digital platforms
33 approved by the director within the terms and conditions of the license and any rules
34 adopted under this chapter. A mobile sports wagering licensee may contract with a
35 management services licensee under section 1209.

36 **4. Fees.** The fee for an initial or renewed mobile sports wagering license is \$20,000
37 and must be retained by the director for the costs of administering this chapter. In addition
38 to the license fee, the director may charge a processing fee for an initial or renewed license
39 in an amount equal to the projected cost of processing the application and performing any
40 background investigations. If the actual cost exceeds the projected cost, an additional fee
41 may be charged to meet the actual cost. If the projected cost exceeds the actual cost, the
42 difference may be refunded to the applicant or licensee.

1 **5. Term of license.** Except as provided in subsection 6, a license granted or renewed
2 under this section is valid for 2 years unless sooner revoked by the director or the
3 commissioner under section 1205. The failure of an entity identified in subsection 2,
4 paragraph A, B or C to maintain the underlying license described in that paragraph voids
5 the entity's mobile sports wagering license.

6 **6. Temporary license.** An applicant for a mobile sports wagering license may submit
7 with the application a request for a temporary license. A request for a temporary license
8 must include the initial license fee of \$20,000. If the director determines that the applicant
9 is qualified under subsection 2, meets the requirements established by rule for a temporary
10 license and has paid the initial license fee and the director is not aware of any reason the
11 applicant is ineligible for a license under this section, the director may issue a temporary
12 mobile sports wagering license. A temporary license issued under this subsection is valid
13 for one year or until a final determination on the mobile sports wagering license application
14 is made, whichever is sooner. If after investigation the director determines that the
15 applicant is eligible for a mobile sports wagering license under this chapter, the director
16 shall issue the initial mobile sports wagering license, at which time the temporary license
17 terminates. The initial mobile sports wagering license is valid for 2 years from the date
18 that the temporary license was issued by the director. Sports wagering conducted under
19 authority of a temporary license must comply with the mobile operator's house rules
20 adopted under section 1211.

21 **§1208. Supplier license**

22 **1. Issuance of license; eligibility.** The director shall issue a supplier license upon
23 finding that the applicant meets all requirements of this section, sections 1204 and 1205
24 and rules adopted under this chapter.

25 **2. Equipment.** An applicant for a supplier license shall demonstrate that the
26 equipment, systems or services that the applicant plans to offer to an operator conform to
27 standards established by rule by the director. The director may accept approval by another
28 jurisdiction that is specifically determined by the director to have similar equipment
29 standards as evidence the applicant meets the standards established by the director by rule.

30 **3. Authority to supply operators.** A supplier license granted by the director pursuant
31 to this section grants a licensee lawful authority to sell or to lease sports wagering
32 equipment, systems or services to operators in the State within the terms and conditions of
33 the license and any rules adopted under this chapter.

34 **4. Fees.** The fee for an initial or renewed supplier license is \$20,000 and must be
35 retained by the director for the costs of administering this chapter. In addition to the license
36 fee, the director may charge a processing fee for an initial or renewed license in an amount
37 equal to the projected cost of processing the application and performing any background
38 investigations. If the actual cost exceeds the projected cost, an additional fee may be
39 charged to meet the actual cost. If the projected cost exceeds the actual cost, the difference
40 may be refunded to the applicant or licensee.

41 **5. Term of license.** Except as provided in subsection 6, a license granted or renewed
42 under this section is valid for 2 years unless sooner revoked by the director or the
43 commissioner under section 1205.

1 **6. Temporary license.** An applicant for a supplier license may submit with the
2 application a request for a temporary license. A request for a temporary license must
3 include the initial license fee of \$20,000. If the director determines that the applicant is
4 qualified under subsection 2, meets the requirements established by rule for a temporary
5 license and has paid the initial license fee and the director is not aware of any reason the
6 applicant is ineligible for a license under this section, the director may issue a temporary
7 supplier license. A temporary license issued under this subsection is valid for one year or
8 until a final determination on the supplier license application is made, whichever is sooner.
9 If after investigation the director determines that the applicant is eligible for a supplier
10 license under this chapter, the director shall issue the initial supplier license, at which time
11 the temporary license terminates. The initial supplier license is valid for 2 years from the
12 date that the temporary license was issued by the director.

13 **7. Inventory.** A supplier licensee shall submit to the director a list of all sports
14 wagering equipment, systems and services sold or leased to, delivered to or offered to an
15 operator in this State as required by the director, all of which must be tested and approved
16 by an independent testing laboratory approved by the director. An operator may continue
17 to use supplies acquired from a licensed supplier if the supplier's license subsequently
18 expires or is otherwise revoked, unless the director finds a defect in the supplies.

19 **§1209. Management services license**

20 **1. Issuance of license; eligibility.** The director shall issue a management services
21 license upon finding that the applicant meets all requirements of this section, sections 1204
22 and 1205 and rules adopted under this chapter and that the applicant has sufficient
23 knowledge and experience in the business of operating sports wagering to effectively
24 conduct sports wagering in accordance with this chapter and the rules adopted under this
25 chapter.

26 **2. Authority to enter contract with operator.** A management services licensee may
27 contract with an operator to manage sports wagering operations on behalf of the operator
28 in accordance with rules adopted under this chapter.

29 **3. Contract approval; material change in written contract.** A person may not
30 contract with an operator to conduct sports wagering on behalf of the operator unless the
31 person is licensed under this section and the director approves the written contract. A
32 management services licensee shall submit to the director any proposed material change to
33 the written contract that has been approved by the director under this subsection. A
34 management services licensee may not transfer, assign, delegate or subcontract any portion
35 of the management services licensee's responsibilities under the contract or any portion of
36 the management services licensee's right to compensation under the contract to any other
37 person who does not hold a management services license.

38 **4. Fees.** The fee for an initial or renewed management services license is \$20,000 and
39 must be retained by the director for the costs of administering this chapter. In addition to
40 the license fee, the director may charge a processing fee for an initial or renewed license in
41 an amount equal to the projected cost of processing the application and performing any
42 background investigations. If the actual cost exceeds the projected cost, an additional fee
43 may be charged to meet the actual cost. If the projected cost exceeds the actual cost, the
44 difference may be refunded to the applicant or licensee.

1 **5. Term of license.** Except as provided in subsection 6, a license granted or renewed
2 under this section is valid for 2 years unless sooner revoked by the director or the
3 commissioner under section 1205.

4 **6. Temporary license.** An applicant for a management services license may submit
5 with the application a request for a temporary license. A request for a temporary license
6 must include the initial license fee of \$20,000. If the director determines that the applicant
7 is qualified under subsection 1, meets the requirements established by rule for a temporary
8 license and has paid the initial license fee and the director is not aware of any reason the
9 applicant is ineligible for a license under this section, the director may issue a temporary
10 management services license. A temporary license issued under this subsection is valid for
11 one year or until a final determination on the management services license application is
12 made, whichever is sooner. If after investigation the director determines that the applicant
13 is eligible for a management services license under this chapter, the director shall issue the
14 initial management services license, at which time the temporary license terminates. The
15 initial management services license is valid for 2 years from the date that the temporary
16 license was issued by the director.

17 **§1210. Occupational license**

18 **1. License required.** A person may not be employed by a facility operator to be
19 engaged directly in sports wagering-related activities or otherwise to conduct or operate
20 sports wagering without a valid occupational license issued by the director under this
21 section. The director shall issue an occupational license to a person who meets the
22 requirements of this section, section 1204 and section 1205. The director shall by rule
23 establish a process for issuance of occupational licenses that is, as far as possible, identical
24 to the process for licensing employees of a casino under section 1015.

25 **2. Authority to be employed in sports wagering.** An occupational license authorizes
26 the licensee to be employed by a facility operator in the capacity designated by the director
27 while the license is active. The director may establish, by rule, job classifications with
28 different requirements to recognize the extent to which a particular job has the ability to
29 affect the proper operation of sports wagering.

30 **3. Application and fee.** Except as provided in subsection 5, an applicant shall submit
31 any required application forms established by the director and pay a nonrefundable
32 application fee of \$250. The fee may be paid on behalf of an applicant by the facility
33 operator employer. Fees paid under this subsection must be retained by the director for the
34 costs of administering this chapter.

35 **4. Renewal fee and form.** An occupational licensee must pay to the director an annual
36 renewal fee of \$50. The fee may be paid on behalf of the occupational licensee by the
37 facility operator employer. In addition to a renewal fee, an occupational licensee must
38 annually submit a renewal application on a form or in a format approved by the director.
39 Fees paid under this subsection must be retained by the director for the costs of
40 administering this chapter.

41 **5. Exception.** An individual who is actively licensed under section 1015 as an
42 employee of a casino that has a facility sports wagering license may obtain or renew a
43 license under this section without paying an initial license fee or a renewal license fee under
44 this section.

1 **§1211. Sports wagering house rules**

2 **1. Adoption of house rules.** An operator shall adopt comprehensive house rules for
3 game play governing sports wagering transactions with its patrons. House rules must be
4 approved by the director prior to implementation and meet the minimum standards
5 established by the director by rule, including, but not limited to, requiring that the house
6 rules specify the amounts to be paid on winning wagers and the effect of sports event
7 schedule changes, the circumstances under which the operator will void a wager and
8 treatment of errors, late wagers and related contingencies.

9 **2. Advertisement of house rules.** The house rules, together with any other
10 information the director determines to be appropriate, must be advertised as required by
11 the director by rule and must be made readily available to patrons.

12 **§1212. Access to premises and equipment**

13 A licensee under this chapter shall permit the director, the department or a designee of
14 the director unrestricted access, during regular business hours, including access to locked
15 or secured areas, to inspect any facility and any equipment, prizes, records or other items
16 to be used in the operation of sports wagering.

17 **§1213. Persons prohibited from making wagers on sports events**

18 An operator and a management services licensee conducting sports wagering on behalf
19 of an operator may not accept a wager on a sports event from the following persons:

20 **1. Persons under 21 years of age.** A person who has not attained 21 years of age;

21 **2. Sports event participants.** An athlete or individual who participates or officiates
22 in the sports event that is the subject of the wager;

23 **3. Operators and employees.** An operator or management services licensee;
24 directors, officers and employees of an operator or management services licensee; or a
25 relative living in the same household as any of these persons. This subsection does not
26 prohibit a relative living in the same household as a director, officer or employee of an
27 operator or management services licensee from making a sports wager with an unaffiliated
28 operator or management services licensee;

29 **4. Interested parties.** A person with an interest in the outcome of the sports event
30 identified by the director by rule. The interested parties identified by the director by rule
31 under this subsection may include, but are not limited to, legal or beneficial owners of or
32 employees of a sports team participating in the event or another sports team in the same
33 league as a sports team participating in the event as well as directors, owners or employees
34 of the sports league conducting the event;

35 **5. Unauthorized persons.** A person on a list established by rule by the director under
36 section 1203, subsection 2, paragraph K of persons who are not authorized to make wagers
37 on sports events;

38 **6. Third parties.** A person making a wager on behalf of or as the agent or custodian
39 of another person; and

40 **7. Regulatory staff.** An employee of the Gambling Control Unit within the
41 department.

42 **§1214. Interception of sports wagering winnings to pay child support debt**

1 1. Definitions. As used in this section, unless the context otherwise indicates, the
2 following terms have the following meanings.

3 A. "Child support debt" means child support debt that has been liquidated by judicial
4 or administrative action.

5 B. "Department" means the Department of Health and Human Services.

6 C. "Licensee" means a facility operator, a mobile operator or a management services
7 licensee under section 1209.

8 D. "Registry operator" means the department or an entity with which the department
9 enters into a contract to maintain the registry pursuant to subsection 3.

10 E. "Winner" means a sports wagering patron to whom cash is returned as winnings for
11 placement of a sports wager.

12 2. Interception. A licensee shall intercept sports wagering winnings to pay child
13 support debt in accordance with this section.

14 3. Registry. The department shall create and maintain, or shall contract with a private
15 entity to create and maintain, a secure, electronically accessible registry containing
16 information regarding individuals with outstanding child support debt. The department
17 shall regularly enter into the registry information including:

18 A. The name and social security number of each individual with outstanding child
19 support debt;

20 B. The account number or identifier assigned by the department to the outstanding
21 child support debt;

22 C. The amount of the outstanding child support debt; and

23 D. Any other information necessary to effectuate the purposes of this section.

24 4. Electronic access to information; procedures. A licensee shall electronically
25 access the registry in accordance with this subsection.

26 A. Before making a payout of winnings of an amount equal to or greater than the
27 amount for which the licensee is required to file a Form W-2G or substantially
28 equivalent form with the United States Internal Revenue Service, the licensee shall
29 obtain the name, address, date of birth and social security number of the winner and
30 shall electronically submit this information to the registry operator.

31 B. Upon receipt of information pursuant to paragraph A, the registry operator shall
32 electronically inform the licensee whether the winner is listed in the registry. If the
33 winner is listed in the registry, the registry operator shall inform the licensee of the
34 amount of the winner's outstanding child support debt and the account number or
35 identifier assigned to the outstanding child support debt and shall provide the licensee
36 with a notice of withholding that informs the winner of the right to an administrative
37 hearing.

38 C. If the registry operator informs the licensee that the winner is not listed in the
39 registry or if the licensee is unable to obtain information from the registry operator on
40 a real-time basis after attempting in good faith to do so, the licensee may make payment
41 to the winner.

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D. If the registry operator informs the licensee that the winner is listed in the registry, the licensee may not make payment to the winner unless the amount of the payout exceeds the amount of outstanding child support debt, in which case the licensee may make payment to the winner of the amount of winnings that is in excess of the amount of the winner's outstanding child support debt.

5. Lien against winnings. If the registry operator informs a licensee pursuant to this section that a winner is listed in the registry, the department has a valid lien upon and claim of lien against the winnings in the amount of the winner's outstanding child support debt.

6. Withholding of winnings. The licensee shall withhold from any winnings an amount equal to the amount of the lien created under subsection 5 and shall provide a notice of withholding to the winner. Within 7 days after withholding an amount pursuant to this subsection, the licensee shall transmit the amount withheld to the department together with a report of the name, address and social security number of the winner, the account number or identifier assigned to the debt, the amount withheld, the date of withholding and the name and location of the licensee.

7. Licensee costs. Notwithstanding subsection 6, the licensee may retain \$10 from an amount withheld pursuant to this section to cover the cost of the licensee's compliance with this section.

8. Administrative hearing. A winner from whom an amount was withheld pursuant to this section has the right, within 15 days of receipt of the notice of withholding, to request from the department an administrative hearing. The hearing is limited to questions of whether the debt is liquidated and whether any postliquidation events have affected the winner's liability. The administrative hearing decision constitutes final agency action.

9. Authorization to provide information. Notwithstanding any provision of law to the contrary, the licensee may provide to the department or registry operator any information necessary to effectuate the intent of this section. The department or registry operator may provide to the licensee any information necessary to effectuate the intent of this section.

10. Confidentiality of information. The information obtained by the department or registry operator from a licensee pursuant to this section and the information obtained by the licensee from the department or registry operator pursuant to this section are confidential and may be used only for the purposes set forth in this section. An employee or prior employee of the department, the registry operator or a licensee who knowingly or intentionally discloses any such information commits a civil violation for which a fine not to exceed \$1,000 may be adjudged.

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11. Effect of compliance; noncompliance. A licensee, the department and the registry operator are not liable for any action taken in good faith to comply with this section. A licensee who fails to make a good faith effort to obtain information from the registry operator or who fails to withhold and transmit the amount of the lien created under subsection 5 is liable to the department for the greater of \$500 and the amount the person was required to withhold and transmit to the department under this section, together with costs, interest and reasonable attorney's fees.

12. Biennial review. The department shall include in its report to the Legislature under section 1066 the following information:

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- 1 A. The number of names of winners submitted by licensees to the registry operator
2 pursuant to this section in each of the preceding 2 calendar years;
3 B. The number of winners who were found to be listed in the registry in each of the
4 preceding 2 calendar years;
5 C. The amount of winnings withheld by licensees pursuant to this section in each of
6 the preceding 2 calendar years; and
7 D. The amount of withheld winnings refunded to winners as the result of
8 administrative hearings requested pursuant to this section in each of the preceding 2
9 calendar years.

10 **§1215. Allocation of funds**

11 **1. Tax imposed on facility operator; allocation of funds.** A facility operator shall
12 collect and distribute 10% of adjusted gross sports wagering receipts to the director to be
13 forwarded by the director to the Treasurer of State for distribution as follows:

14 A. One percent of the adjusted gross sports wagering receipts must be deposited in the
15 General Fund for the administrative expenses of the Gambling Control Unit within the
16 department;

17 B. One percent of the adjusted gross sports wagering receipts must be deposited in the
18 Gambling Addiction Prevention and Treatment Fund established by Title 5, section
19 20006-B; and

20 C. Eight percent of the adjusted gross sports wagering receipts must be deposited in
21 the General Fund.

22 **2. Tax imposed on mobile operator; allocation of funds.** A mobile operator shall
23 collect and distribute 16% of adjusted gross sports wagering receipts to the director to be
24 forwarded by the director to the Treasurer of State for distribution as follows:

25 A. One percent of the adjusted gross sports wagering receipts must be deposited in the
26 General Fund for the administrative expenses of the Gambling Control Unit within the
27 department;

28 B. One percent of the adjusted gross sports wagering receipts must be deposited in the
29 Gambling Addiction Prevention and Treatment Fund established by Title 5, section
30 20006-B; and

31 C. Fourteen percent of the adjusted gross sports wagering receipts must be deposited
32 in the General Fund.

33 **3. Due dates; late payments.** The director may adopt rules establishing the dates on
34 which payments required by this section are due. All payments not remitted when due must
35 be paid together with interest on the unpaid balance at a rate of 1.5% per month.

36 **§1216. Applicability of other laws**

37 **1. Authorized conduct.** The provisions of Title 17, chapter 62 and Title 17-A, chapter
38 39 do not apply to sports wagering conducted in accordance with this chapter and the rules
39 adopted under this chapter.

40 **2. Unlicensed conduct.** A person who engages in an activity for which a license is
41 required under this chapter and who does not possess the required license to engage in that

1 activity is subject to any criminal or civil penalties that may be imposed pursuant to Title
2 17-A, chapter 39.

3 **3. Unauthorized conduct by licensees.** In addition to any penalties that may be
4 imposed pursuant to section 1205, a licensee who conducts sports wagering in violation of
5 this chapter or the rules adopted under this chapter is subject to any criminal or civil
6 penalties that may be imposed pursuant to Title 17-A, chapter 39.

7 **Sec. 4. 17-A MRSA §951,** as amended by PL 2017, c. 284, Pt. KKKKK, §32, is
8 further amended to read:

9 **§951. Inapplicability of chapter**

10 Any person licensed or registered by the Gambling Control Unit as provided in Title
11 17, chapter 13-A or chapter 62, ~~or~~ authorized to operate or conduct a raffle pursuant to Title
12 17, section 1837-A, or licensed to operate sports wagering pursuant to Title 8, chapter 35
13 is exempt from the application of the provisions of this chapter insofar as that person's
14 conduct is within the scope of the license or registration.

15 **Sec. 5. 25 MRSA §1542-A, sub-§1, ¶R,** as amended by PL 2019, c. 343, Pt. G,
16 §5; c. 399, §3; c. 402, §3; and c. 416, §3, is repealed and the following enacted in its place:

17 R. Who is required to have a criminal background check under Title 22, section
18 8302-A or 8302-B.

19 **Sec. 6. 25 MRSA §1542-A, sub-§1, ¶S,** as enacted by PL 2019, c. 399, §4 and c.
20 402, §4 and reallocated by c. 343, Pt. G, §4 and c. 416, §2, is repealed and the following
21 enacted in its place:

22 S. Who is required to have a criminal history record check under Title 22, section
23 2425-A, subsection 3-A.

24 **Sec. 7. 25 MRSA §1542-A, sub-§1, ¶T,** as enacted by PL 2019, c. 399, §4; c. 402,
25 §4; and c. 416, §4, is repealed and the following enacted in its place:

26 T. Who is required to have a criminal history record check under Title 22, section
27 8110.

28 **Sec. 8. 25 MRSA §1542-A, sub-§1, ¶U,** as enacted by PL 2019, c. 616, Pt. S, §2,
29 is reallocated to 25 MRSA §1542-A, sub-§1, ¶X.

30 **Sec. 9. 25 MRSA §1542-A, sub-§1, ¶V** is enacted to read:

31 V. Who is employed or may be offered employment by the Office of the State Auditor
32 as required under Title 5, section 247.

33 **Sec. 10. 25 MRSA §1542-A, sub-§1, ¶W** is enacted to read:

34 W. Who is required to have a criminal history record check under Title 19-A, section
35 2111.

36 **Sec. 11. 25 MRSA §1542-A, sub-§1, ¶Y** is enacted to read:

37 Y. Who is required to have a criminal background check under Title 8, section 1204.

38 **Sec. 12. 25 MRSA §1542-A, sub-§3, ¶O,** as repealed by PL 2019, c. 343, Pt. G,
39 §8 and c. 416, §5 and repealed and replaced by c. 399, §5 and c. 402, §5, is repealed and
40 the following enacted in its place:

1 O. The State Police shall take or cause to be taken the fingerprints of the person named
2 in subsection 1, paragraph P at the request of that person and upon payment of the
3 expenses by that person as required by Title 32, section 2571-A.

4 **Sec. 13. 25 MRSA §1542-A, sub-§3, ¶S**, as enacted by PL 2019, c. 399, §6; c.
5 402, §6; and c. 416, §7, is repealed and the following enacted in its place:

6 S. The State Police shall take or cause to be taken the fingerprints of the person named
7 in subsection 1, paragraph T at the request of that person or the Department of Health
8 and Human Services pursuant to Title 22, section 8110.

9 **Sec. 14. 25 MRSA §1542-A, sub-§3, ¶T**, as enacted by PL 2019, c. 616, Pt. S, §3
10 and c. 644, §2, is repealed and the following enacted in its place:

11 T. The State Police shall take or cause to be taken the fingerprints of the person named
12 in subsection 1, paragraph U at the request of that person and upon payment of the
13 expenses by the Department of Labor, Bureau of Unemployment Compensation as
14 specified under Title 26, section 1085, subsection 3.

15 **Sec. 15. 25 MRSA §1542-A, sub-§3, ¶U** is enacted to read:

16 U. The State Police shall take or cause to be taken the fingerprints of the person named
17 in subsection 1, paragraph V at the request of that person or the Office of the State
18 Auditor and upon payment by the Office of the State Auditor of the fee established in
19 Title 5, section 247, subsection 3.

20 **Sec. 16. 25 MRSA §1542-A, sub-§3, ¶V** is enacted to read:

21 V. The State Police shall take or cause to be taken the fingerprints of the person named
22 in subsection 1, paragraph W at the request of that person or the Department of Health
23 and Human Services pursuant to Title 19-A, section 2111.

24 **Sec. 17. 25 MRSA §1542-A, sub-§3, ¶W** is enacted to read:

25 W. The State Police shall take or cause to be taken the fingerprints of the person named
26 in subsection 1, paragraph X, at the request of that person or the Department of
27 Administrative and Financial Services, Office of Information Technology and upon
28 payment of the fee as provided under Title 5, section 1986.

29 **Sec. 18. 25 MRSA §1542-A, sub-§3, ¶X** is enacted to read:

30 X. The State Police shall take or cause to be taken the fingerprints of the person named
31 in subsection 1, paragraph Y at the request of that person or the director of the
32 Gambling Control Unit within the Department of Public Safety and upon payment of the
33 fee established by the director of the Gambling Control Unit pursuant to Title 8,
34 section 1204, subsection 3.

35 **Sec. 19. 25 MRSA §1542-A, sub-§4**, as repealed and replaced by PL 2019, c. 343,
36 Pt. G, §10; c. 399, §7; c. 402, §7; and c. 416, §8, is repealed and the following enacted in
37 its place:

38 **4. Duty to submit to State Bureau of Identification.** It is the duty of the law
39 enforcement agency taking the fingerprints as required by subsection 3, paragraphs A, B
40 and G to transmit immediately to the State Bureau of Identification the criminal fingerprint
41 record. Fingerprints taken pursuant to subsection 1, paragraph C, D, E or F or pursuant to

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1 subsection 5 may not be submitted to the State Bureau of Identification unless an express
2 request is made by the commanding officer of the State Bureau of Identification.
3 Fingerprints taken pursuant to subsection 1, paragraph G must be transmitted immediately
4 to the State Bureau of Identification to enable the bureau to conduct state and national
5 criminal history record checks for the Department of Education. The bureau may not use
6 the fingerprints for any purpose other than that provided for under Title 20-A, section 6103.
7 The bureau shall retain the fingerprints, except as provided under Title 20-A, section 6103,
8 subsection 9. Fingerprints taken pursuant to subsection 1, paragraph I and subsection 3,
9 paragraph I must be transmitted immediately to the State Bureau of Identification to enable
10 the bureau to conduct state and national criminal history record checks for the court and
11 the Department of Public Safety, Gambling Control Board, respectively. Fingerprints
12 taken pursuant to subsection 1, paragraph J or S must be transmitted immediately to the
13 State Bureau of Identification to enable the bureau to conduct state and national criminal
14 history record checks for the Department of Administrative and Financial Services.
15 Fingerprints taken pursuant to subsection 1, paragraph P must be transmitted immediately
16 to the State Bureau of Identification to enable the bureau to conduct state and national
17 criminal history record checks for the Board of Osteopathic Licensure, established in Title
18 32, chapter 36. Fingerprints taken pursuant to subsection 1, paragraph N must be
19 transmitted immediately to the State Bureau of Identification to enable the bureau to
20 conduct state and national criminal history record checks for the Board of Licensure in
21 Medicine, established in Title 32, chapter 48. Fingerprints taken pursuant to subsection 1,
22 paragraph Q must be transmitted immediately to the State Bureau of Identification to enable
23 the bureau to conduct state and national criminal history record checks for the State Board
24 of Nursing, established in Title 32, chapter 31. Fingerprints taken pursuant to subsection
25 1, paragraph O must be transmitted immediately to the State Bureau of Identification to
26 enable the bureau to conduct state and national criminal history record checks under Title
27 28-B, section 204. Fingerprints taken pursuant to subsection 1, paragraph R, T or W must
28 be transmitted immediately to the State Bureau of Identification to enable the bureau to
29 conduct state and national criminal history record checks for the Department of Health and
30 Human Services. Fingerprints taken pursuant to subsection 1, paragraph V must be
31 transmitted immediately to the State Bureau of Identification to enable the bureau to
32 conduct state and national criminal history record checks for the Office of the State Auditor.

33 **Sec. 20. Emergency rules.** The director of the Gambling Control Unit within the
34 Department of Public Safety may adopt emergency rules under the Maine Revised Statutes,
35 Title 5, section 8054 as necessary to implement this Act without the necessity of
36 demonstrating that immediate adoption is necessary to avoid a threat to public health, safety
37 or general welfare.

38 **SUMMARY**

39 This bill authorizes the Department of Public Safety, Gambling Control Unit to
40 regulate sports wagering in the State.

41 Licensed commercial tracks, off-track betting facilities licensed prior to January 1,
42 2021, licensed slot machine facilities and casinos and federally recognized Indian tribes are
43 eligible to apply for facility sports wagering licenses to conduct in-person sports wagering
44 in the State. These entities are also eligible to apply for mobile sports wagering licenses to
45 conduct sports wagering through mobile applications or digital platforms, as are qualified

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1 gaming entities that offer sports wagering through mobile applications or digital platforms
2 in any jurisdiction in the United States pursuant to a state regulatory structure. Facility
3 sports wagering licensees and mobile sports wagering licensees, referred to in the bill as
4 operators, may purchase or lease equipment, systems or services for sports wagering from
5 entities with a supplier license, whose equipment, systems or services must meet standards
6 established by rule. Operators may also enter into written contracts, approved by the
7 director of the Gambling Control Unit within the Department of Public Safety, with
8 management services licensees that have sufficient knowledge and experience in the
9 business of operating sports wagering to effectively conduct sports wagering on behalf of
10 operators. A person employed by a facility sports wagering licensee to be engaged directly
11 in sports wagering-related activities must be licensed by the Gambling Control Unit.

12 Operators may accept wagers on professional, collegiate and amateur sports events,
13 including international events, as well as on the individual performances of athletes, on
14 motor vehicle races and on electronic sports. Sports wagers are prohibited on high school
15 events, other events where a majority of participants are under 18 years of age and events
16 involving Maine-based colleges and universities. Operators may not accept sports wagers
17 from individuals under 21 years of age; participants in the sports event, including athletes
18 and officials; persons with an interest in the outcome of the sports event identified by the
19 director by rule; the operator's own directors or employees or persons living in their
20 households; persons voluntarily or involuntarily placed on a list maintained by the
21 Gambling Control Unit within the Department of Public Safety of persons not authorized
22 to make sports wagers; persons making wagers on behalf of another person; and Gambling
23 Control Unit employees. Mobile sports wagering licensees are also prohibited from
24 accepting sports wagers from persons who are not physically located within the State. The
25 bill also directs the director of the Gambling Control Unit to adopt rules prohibiting the
26 marketing or advertising of sports wagering to persons under 21 years of age.

27 A facility sports wagering licensee must remit 10% of the licensee's adjusted gross
28 sports wagering receipts to the State, and a mobile sports wagering licensee must remit
29 16% of the licensee's adjusted gross sports wagering receipts to the State. One percent of
30 adjusted gross sports wagering receipts must be deposited in the General Fund for the
31 administrative expenses of the Gambling Control Unit within the Department of Public
32 Safety and 1% of the adjusted gross sports wagering receipts must be deposited in the
33 Gambling Addiction Prevention and Treatment Fund established by the Maine Revised
34 Statutes, Title 5, section 20006-B. The remaining adjusted gross sports wagering receipts
35 remitted to the State must be deposited in the General Fund.

36 The bill also allows a licensed fantasy contest operator to offer a fantasy contest based
37 on the performances of participants in collegiate athletic events.



130th MAINE LEGISLATURE

FIRST SPECIAL SESSION-2021

Legislative Document

No. 1527

H.P. 1131

House of Representatives, April 19, 2021

An Act To Ensure Proper Oversight of Sports Betting in the State

Received by the Clerk of the House on April 15, 2021. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative ROCHE of Wells.
Cosponsored by Representatives: COREY of Windham, CROCKETT of Portland,
DILLINGHAM of Oxford, FAULKINGHAM of Winter Harbor, O'CONNOR of Berwick,
STEARNS of Guilford, Senators: LUCHINI of Hancock, WOODSOME of York.

1 5. Unauthorized persons. A person on a list established by rule by the director under
2 section 1203, subsection 2, paragraph K of persons who are not authorized to make wagers
3 on sports events;

4 6. Third parties. A person making a wager on behalf of or as the agent or custodian
5 of another person; and

6 7. Regulatory staff. An employee of the Gambling Control Unit within the
7 department.

8 **§1214. Certain sports wagers prohibited**

9 1. Prohibited wagers. An operator may not, with respect to a sports event of a sport
10 governing body headquartered in the United States, offer or accept wagers on the
11 occurrence of injuries or penalties, the outcome of player disciplinary rulings or replay
12 reviews.

13 2. Request from sports governing body. A sports governing body may submit to the
14 director in writing a request to restrict, limit or exclude a certain type, form or category of
15 sports wagering with respect to sports events of that sports governing body if the sports
16 governing body believes that that type, form or category of sports wagering with respect to
17 sports events of that sports governing body may undermine the integrity or perceived
18 integrity of that sports governing body or sports events of that sports governing body. The
19 director shall request comment from operators on all requests under this subsection. After
20 giving due consideration to all comments received, the director shall, upon a demonstration
21 of good cause from the sports governing body that the type, form or category of sports
22 wagering is likely to undermine the integrity or perceived integrity of that sports governing
23 body or sports events of that sports governing body, grant the request. The director shall
24 respond to a request concerning a particular event before the start of the event or, if it is not
25 feasible to respond before the start of the event, no later than 7 days after the request is
26 made. If the director determines that the sports governing body is more likely than not to
27 prevail in successfully demonstrating good cause for its request, the director may
28 provisionally grant the request of the sports governing body until the director makes a final
29 determination as to whether the sports governing body has demonstrated good cause.
30 Absent such a provisional grant by the director, an operator may continue to offer sports
31 wagering on sports events that are the subject of that request during the pendency of the
32 director's consideration of the request.

33 **§1215. Abnormal wagering activity**

34 1. Duty to report. An operator shall, as soon as practicable, report to the director any
35 information relating to abnormal wagering activity or patterns that may indicate a concern
36 with the integrity of a sports event or any other conduct that corrupts a wagering outcome
37 of a sports event for purposes of financial gain, including match fixing. An operator shall
38 concurrently report that information to the relevant sports governing body.

39 2. Cooperation efforts. An operator shall use commercially reasonable efforts to
40 cooperate with investigations conducted by sports governing bodies or law enforcement
41 agencies, including but not limited to using commercially reasonable efforts to provide or
42 facilitate the provision of wagering information.

43 3. Information confidentiality. The director and operators shall maintain the
44 confidentiality of information provided by a sports governing body for purposes of

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investigating or preventing the conduct described in this section, unless disclosure is otherwise required by the director or by law, or unless the sports governing body consents to disclosure.

4. Information use and disclosure. With respect to any information provided by an operator to a sports governing body relating to conduct described in this section, a sports governing body:

A. May use such information only for integrity purposes and may not use the information for any commercial or other purpose; and

B. Shall maintain the confidentiality of the information, unless disclosure is otherwise required by the director or by law, or unless the operator consents to disclosure, except that the sports governing body may make disclosures necessary to conduct and resolve integrity-related investigations and may publicly disclose such information if required by the sports governing body's integrity policies or if determined by the sports governing body in its reasonable judgment to be necessary to maintain the actual or perceived integrity of its sports events. Prior to any public disclosure that would identify the operator by name, the sports governing body shall provide that operator with notice of the disclosure and an opportunity to object to the disclosure.

§1216. Official league data

1. Results determination. An operator is not required to use official league data for determining the results of tier 1 sports wagers on events of any organization headquartered in the United States or elsewhere or the results of tier 2 sports wagers on events of organizations that are not headquartered in the United States.

2. Use of official league data notification. A sports governing body may notify the director that it desires operators to use official league data to settle tier 2 sports wagers on sports events of that sports governing body. The notification must be made in the form and manner as the director requires. The director shall notify each operator of a sports governing body's notification within 5 days of the director's receipt of the notification. If a sports governing body does not so notify the director, an operator is not required to use official league data for determining the results of tier 2 sports wagers on sports events of that sports governing body.

3. Use of official league data required; exemptions. Within 60 days of the director's notifying each operator of a sports governing body notification to the director under subsection 2, or such longer period as may be agreed to between the sports governing body and the applicable operator, an operator must use only official league data to determine the results of tier 2 sports wagers on sports events of that sports governing body, unless:

A. The sports governing body or its designee cannot provide a feed of official league data to determine the results of a particular type of tier 2 sports wager, in which case operators are not required to use official league data for determining the results of the applicable tier 2 sports wager until such time as a data feed becomes available from the sports governing body on commercially reasonable terms and conditions;

B. The operator can demonstrate to the director that the sports governing body or its designee will not provide a feed of official league data to the operator on commercially reasonable terms and conditions; or

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LD 135210
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PUBLIC RECORDS EXCEPTION REVIEW CHECKLIST

Revised 2/13/12

A. Whether the record protected needs to be collected (Conclusion of committee of jurisdiction?)		
B. The value to the agency or official or to the public in maintaining the record (Conclusion of committee of jurisdiction?)		
C. Whether federal law requires the record to be confidential		
Does the proposed exception meet one or more of the following (D, E, F, G or I)		
D. Whether the proposed exception protects an individual's privacy interest and, if so, whether that interest substantially outweighs the public interest in disclosure		
E. Whether public disclosure puts a business at a competitive disadvantage and, if so, whether that business's interest substantially outweighs the public interest in the disclosure of records		
F. Whether public disclosure compromises the position of a public body in negotiations and, if so, whether that public body's interest substantially outweighs the public interest in the disclosure of records		
G. Whether public disclosure jeopardizes the safety of a member of the public or the public in general and, if so, whether that safety interest substantially outweighs the public interest in the disclosure of records		
I. Any other criteria that assist the review committee in determining the value of the proposed exception as compared to the public's interest in the record protected by the proposed exception		
H. Whether the proposed exception is as narrowly tailored as possible		
<i>If the proposed exception creates broad confidentiality for an entity: 2-A. Accountability review of agency or official.</i> In evaluating each proposed public records exception, the review committee shall, in addition to applying the criteria of subsection 2, determine whether there is a publicly accountable entity that has authority to review the agency or official that collects, maintains or uses the record subject to the exception in order to ensure that information collection, maintenance and use are consistent with the purpose of the exception and that public access to public records is not hindered.		
2-B. Accessibility of public records. In reviewing and evaluating whether a proposal may affect the accessibility of a public record, the review committee may consider any factors that affect the accessibility of public records, including but not limited to fees, request procedures and timeliness of responses.		

UD 1352(2)
VLA

PUBLIC RECORDS EXCEPTION REVIEW CHECKLIST

Revised 2/13/12

A. Whether the record protected needs to be collected (Conclusion of committee of jurisdiction?)		
B. The value to the agency or official or to the public in maintaining the record (Conclusion of committee of jurisdiction?)		
C. Whether federal law requires the record to be confidential		
Does the proposed exception meet one or more of the following (D, E, F, G or I)		
D. Whether the proposed exception protects an individual's privacy interest and, if so, whether that interest substantially outweighs the public interest in disclosure		
E. Whether public disclosure puts a business at a competitive disadvantage and, if so, whether that business's interest substantially outweighs the public interest in the disclosure of records		
F. Whether public disclosure compromises the position of a public body in negotiations and, if so, whether that public body's interest substantially outweighs the public interest in the disclosure of records		
G. Whether public disclosure jeopardizes the safety of a member of the public or the public in general and, if so, whether that safety interest substantially outweighs the public interest in the disclosure of records		
I. Any other criteria that assist the review committee in determining the value of the proposed exception as compared to the public's interest in the record protected by the proposed exception		
H. Whether the proposed exception is as narrowly tailored as possible		
<i>If the proposed exception creates broad confidentiality for an entity: 2-A. Accountability review of agency or official.</i> In evaluating each proposed public records exception, the review committee shall, in addition to applying the criteria of subsection 2, determine whether there is a publicly accountable entity that has authority to review the agency or official that collects, maintains or uses the record subject to the exception in order to ensure that information collection, maintenance and use are consistent with the purpose of the exception and that public access to public records is not hindered.		
2-B. Accessibility of public records. In reviewing and evaluating whether a proposal may affect the accessibility of a public record, the review committee may consider any factors that affect the accessibility of public records, including but not limited to fees, request procedures and timeliness of responses.		