

**Chapter 13: EXCLUSION**

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**§ 1. Definitions**

- A. “Internet Wagering” means the process of placing wagers through internet wagering platforms or applications operated by Fantasy Contests and Sports Wagering licensees as approved by the Executive Director and by Advance Deposit Wagering licensees as approved by the Board.
- B. “Operator” means a person who is licensed to offer “in person” casino, slot facility or sports wagering and fantasy contests, sports wagering or advance deposit wagering through the use of the internet from platforms or applications.

**§ 2.** Persons are to be excluded from licensed Operators’ offerings pursuant to the following standards and procedures. The provisions of this rule are solely regulatory in nature and neither create a minimum standard of care toward the public nor establish a private cause of action for non- compliance.

**§ 3. Request for self-exclusion**

- 1. Any person may request self-exclusion pursuant to these rules by:
  - A. Appearing in person at an office of the State of Maine Gambling Control Board, a licensed casino or slot facility, in person facility or an affiliate office of the Problem Gambling Services Provider of the Maine Center for Disease Control and Prevention;
  - B. Requesting a virtual, online self-exclusion meeting with the Problem Gambling Services Provider which can be found on the self-exclusion link of the Gambling Control Unit website; or
  - C. Request through an internet wagering operator’s platform or application.
- 2. The requestor shall:
  - A. Present or, as applicable, upload a copy of a government-issued identification containing:
    - (1) Their signature; and
    - (2) A photograph or a general physical description;
  - B. Be photographed;
  - C. Submit a completed Request for Self-Exclusion form.
- 3. The request for self-exclusion shall be made on a form prescribed by the Board.

The form must be available at all licensed casinos or slot facilities, and the affiliate offices of the Problem Gambling Services Provider of the Maine Center for Disease Control and Prevention, the Office of the Gambling Control Board, or accessible virtually via a hyperlink by a Problem Gambling Services Provider within Maine or any advance deposit wagering, fantasy contest or sports wagering operator on its internet platform or application.

A. The Request for Self-Exclusion form must include:

(1) The following identifying information concerning the person submitting the self-exclusion request:

- (a) Name, including any aliases or nicknames;
- (b) Date of birth;
- (c) Address of current residence;
- (d) Current telephone number;
- (e) Last four digits of the applicant's Social Security number, if such information is voluntarily provided by the person requesting self-exclusion;
- (f) A physical description of the person, including height, weight, gender, hair color, eye color and any other physical characteristic that may assist in the identification of the person;

(2) The length of the self-exclusion period requested by the person:

The length of a self-exclusion period must be for one of the following designated time frames: one year, three years, five years, or lifetime. Once a time frame is selected, the person requesting exclusion will serve the entire duration of the exclusion period except, in the case of lifetime exclusion, the person may petition the Board for removal from the self-exclusion list after five years.

(3) The ability to choose whether exclusion is sought from casinos, slot machine facilities, advance deposit wagering, fantasy contests, and/or sports wagering.

(4) A signed release that includes, at a minimum, the following:

- (a) Acknowledgement that the request for self-exclusion has been made voluntarily;
- (b) Certification that the information provided on the form is true and accurate; and
- (c) Agreement to release, indemnify, hold harmless and forever discharge the State, the Board, and licensed slot facilities, casinos, advance deposit wagering, fantasy contest, sports wagering operators and Problem Gambling Service Provider, or affiliate office of the Problem Gambling Services Provider of the Maine Center for Disease Control and Prevention from any claims, damages, losses, expenses or liability arising out

of, by reason of or relating to the self-excluded person or to any other party for any harm, monetary or otherwise, which may arise as a result of or by reason of any act or omission relating to the request for self-exclusion, including:

- (i) Its processing or enforcement;
  - (ii) The failure of a slot facility, casino, advance deposit wagering, fantasy contest, or sports wagering operator to withhold gaming privileges from or restore gaming privileges to a person excluded from the respective gaming activity;
  - (iii) Otherwise permitting or not permitting a self-excluded person to engage in the selected gaming activity in a licensed facility or on an internet platform or application while on the list of self-excluded persons for that selected gaming activity.
- (d) Acknowledgement that any self-excluded person violating the terms of his or her self-exclusion agreement during the self-excluded period may be subject to (1) conviction for criminal trespass, and/or (2) placement by the Board on the involuntary exclusion list as set out in Section 5 of these regulations.

- B. A request for self-exclusion may be made only by the individual to whom exclusion would apply and not by any other person.

#### **§ 4. Universal self-exclusion list**

1. The Gambling Control Board will maintain the official universal self-exclusion list and notify each casino, slot facility, advance deposit wagering, fantasy contests, or sports wagering operator of any addition to or deletion from the list by electronic mail and on a monthly basis will provide the entire list.
  - A. The notice provided to the casinos, slot facilities, advance deposit wagering, fantasy contest, or sports wagering operators by the Board will include the following information concerning a person who has been added to or deleted from the list:
    - (1) All of the identifying information required by Section 3(2)(A)(1) to be included on the Request for Self-Exclusion form, including the relevant gaming activity;
    - (2) The length of the self-exclusion period including expiration date; and
    - (3) A copy of the photograph taken pursuant to Section 3(2)(B).
  - B. A casino, slot facility, advance deposit wagering, fantasy contest or sports wagering operator must maintain its own copy of the universal self-exclusion list and establish procedures to ensure that its copy of the universal self-exclusion list is updated and that all appropriate employees and agents of the casino, slot facility, advance deposit wagering, fantasy contest or sports wagering operator are notified of any addition to or deletion from the list within two (2) business days after the day the notice is received by the casino, slot facility,

advance deposit wagering, fantasy contest, or sports wagering operator.

2. Information furnished to or obtained by the Board pursuant to this chapter will be deemed confidential and will not be disclosed except in accordance with this chapter or as required by statute.
3. Casinos, slot facilities, advance deposit wagering, fantasy contest, or sports wagering operators and their employees or agents thereof, may not disclose the self-exclusion list or any information about a person who has requested self-exclusion except as necessary to comply with this chapter or as otherwise required by law. Notwithstanding the foregoing, such information may be disclosed to employees and agents of the casino, slot facility, advance deposit wagering, fantasy contest, or sports wagering operator whose duties and functions require access to the information, to law enforcement, and to affiliated gaming establishments in other jurisdictions.
4. Casinos, slot facilities, advance deposit wagering, fantasy contest, or sports wagering operators with affiliated gaming establishments in other jurisdictions may choose to share the universal self-exclusion list with and invoke it in those establishments, in accordance with applicable laws and regulations in those jurisdictions, and without violation of the confidentiality requirements of these regulations.
5. Casino or slot facilities with its own self-exclusion list that predates the Board's Universal self-exclusion list shall be added to the universal self-exclusion list pursuant to 8 M.R.S.A., §1003, sub-3, (I).

**§ 5. Exception to the prohibition on being on the gaming floor for individuals on the self-exclusion list for on-site gaming activities**

The prohibition against allowing self-excluded persons to be on the premises of a slot facility or casino does not apply to a slot facility or casino employee who is on the self-exclusion list for slot machine and casino gaming activities if all of the following apply:

1. The individual is carrying out the duties of slot facility or casino employment;
2. The human resources department of the casino or slot facility has requested and received written permission from the Board on behalf of the employee;
3. Access to the gaming floor is limited to the time necessary to complete the individual's assigned duties; and
4. The individual does not otherwise engage in any gaming activities.

**§ 6. Involuntary Exclusion**

1. The Gambling Control Board will maintain the official universal involuntary exclusion list and notify each casino, slot facility, advance deposit wagering, fantasy contest, or sports wagering operators of any addition to or deletion from the universal involuntary exclusion list by electronic mail and on a monthly basis will provide the entire list.
  - A. The notice provided to the casinos, slot facilities, advance deposit wagering, fantasy contest, or sports wagering operators by the Board will include the following information concerning a person who has been added to or deleted from the list:
    - (1) All of the identifying information required by subsection 3 of this Section.

2. The Board shall maintain a Universal involuntary exclusion list as follows:
  - A. The Board's Universal Involuntary Exclusion List shall exclude the following persons from casinos, slot facilities, advance deposit wagering, fantasy contest, or sports wagering:
    - (1) Career or professional offenders whose participation in gaming activities would be inimical to the interest of the State, including persons whose gambling licenses have been revoked or are currently under suspension as a result of disciplinary action in this State or another gambling jurisdiction; and persons convicted of gambling-related offenses, including violations of Title 8 M.R.S.A. Chapter 31; Title 17, Chapters 13-A or 62; Title 17-A, Chapter 39; other gambling-related offenses in violation of Maine law; and substantially similar offenses in other jurisdictions;
    - (2) Persons subject to an order of a court regarding a gambling-related incident or an order of a regulatory agency excluding such persons from gambling;
    - (3) Persons who have been convicted of a crime involving dishonesty or false statement;
    - (4) Persons who pose a threat to the safety of the patrons or employees of the gaming facility; and
    - (5) Persons whose conduct or documented history of conduct involves the undue disruption of the gaming operations of the facility, i.e. criminal mischief, disorderly conduct, harassment, cheating, etc.
  - B. Persons shall be entered on the Board's universal involuntary exclusion list pursuant to the following procedures:
    - (1) Upon receipt of information that a person meets criteria for exclusion identified at Section 6(2)(A) of this Chapter, the Board, or as delegated, the Director, shall notify the person in writing of placement of the person's name on the Board's universal involuntary exclusion list and the reasons for that decision;
    - (2) The person may, within 30 days of receipt of this notice, appeal that determination to the Board pursuant to 8 M.R.S.A. §1051(4);
    - (3) The request for appeal must be made in writing and outline the factual and legal basis for the appeal;
    - (4) If no request for appeal is received, the decision is final, and the Board or Director shall notify licensed operators of the person's placement on the list.
  - C. The Board or Director may limit the duration of the exclusion.
3. The Universal involuntary exclusion lists shall contain the following information:
  - A. The excluded person's full name, and known aliases or nicknames;
  - B. Date of birth;

- C. A physical description of the person including height, weight, gender, hair color, eye color and any other physical characteristic that may assist in the identification of the person;
- D. The effective date the person's name was placed on the universal exclusion list and the duration of exclusion, if established;
- E. The gaming activity from which the person is excluded;
- F. The basis for the exclusion; and
- G. A photograph of the person, if available.

## **§ 7. Duties of licensed facilities**

1. Each casino, slot facility, advance deposit wagering operator, fantasy contest operator, or sports wagering operator must:
  - A. Have and make available to all patrons and users the Request for Self-Exclusion form and information regarding how to access virtual Self-Exclusion options as approved by the Board;
  - B. Operators, shall designate a person or persons to be the contact person for the Board for purposes of self-exclusion procedures, including receipt and maintenance of the Universal self-exclusion list, submission of the operator's procedures, and all other communications between the Board and operators for self-exclusion purposes. The operators must provide the name and contact information of the designated person or persons to the Executive Director and promptly notify the Executive Director of any changes;
  - C. For facility operators, post or provide at each entrance and exit to the gaming premises, and in conspicuous places in or near gaming, wagering, cage areas, kiosks and cash dispensing machines located on the gaming premises, written materials concerning the nature and symptoms of problem gambling and concerning the procedure for self-exclusion, including where to obtain the Request for Self-Exclusion forms, virtual Self-Exclusion resources, and the toll free number of the Problem Gambling Helpline or a similar entity approved by the Board that provides information and referral services for problem gamblers; and
  - D. Comply with the provisions of section 3 of this chapter.
2. Each operator shall implement training procedures for all new employees, and annual re-training for all employees who directly interact with gaming or wagering patrons in gaming areas or on an operator's platform or application regarding problem gambling. That training shall, at a minimum, consist of information concerning the nature of problem gambling, the procedures for requesting self-exclusion, and the ways to assist patrons in obtaining information about problem gambling programs. This section shall not be construed to impose a duty upon employees of operators to identify problem gamblers nor to impose any liability for failure to do so. Each operator shall designate personnel responsible for maintaining the training program.
3. Each operator shall submit their training programs to the Maine Gambling Control Board for approval every two years.

4. Each operator facility shall establish and follow procedures and systems that are designed, to the greatest extent practicable, to:
  - A. Permit appropriate employees to identify an excluded person when present in a in-person facility or when attempting to wager through a digital platform or application and upon identification immediately notify the following persons:
    - (1) Those employees of the operator designated to monitor the presence of excluded persons; and
    - (2) Designated representatives of the Board via electronic mail;
  - B. Refuse access to the gaming floor, wagering area, or digital platform or application for any excluded person identified on the Universal exclusion list for the respective gaming activity;
  - C. Utilize the player tracking systems and other electronic means, including checking all taxable patron winnings against the exclusion lists, to assist in determining whether the excluded person is participating in any gaming activities;
  - D. Deactivate any player club card or similar item or on-line account (?) issued to an excluded person for the purpose of gambling;
  - E. Deny check cashing privileges, player club membership, complimentary goods and services, junket participation and other similar privileges and benefits to any excluded person; and
  - F. Ensure that excluded persons do not receive, emails, solicitations, telemarketing promotions, player club materials or other promotional materials relating to the relevant gaming activity(s).
5. If an operator detects, or is notified of, the presence of a patron suspected of being on an exclusion list on the premises, the operator shall verify using reasonable measures, that the patron is on an exclusion list and the basis for the exclusion.
6. Upon verification by an operator that any excluded person has obtained access to the gaming floor, digital platform or application, the operator shall:
  - A. Promptly take steps to remove such person from the facility while protecting the safety and welfare of the public and the facility's employees, and to notify the Board or its designee of the breach;
  - B. Require the security and surveillance departments to immediately determine:
    - (1) How the person was able to gain access to the premises without being detected; and
    - (2) How the operator plans to prevent such breaches in the future.
7. Each Operator shall submit to the Board for written approval a copy of its procedures established under this Section within 90 days of the rule's adoption. Any amendment to the operator's procedures shall be submitted to the Board for approval at least thirty (30) days prior to its implementation.

8. Any Operator violating any requirements of this Chapter may be subject to disciplinary action by the Gambling Control Board.

## **§ 8. Removal from universal exclusion lists**

### **1. Self-exclusion**

- A. Except for those persons choosing a lifetime self-exclusion, self-exclusion will automatically terminate upon expiration of the period of self-exclusion specified under Section 2(3)(A)(2) above. The expiration will occur on the last day of the month of the original self-exclusion.
- B. A person who requested lifetime exclusion may, after five years from the date of exclusion, submit a written request to the Board for removal from the list. The request shall include and be based upon:
  - (1) A detailed explanation for the request;
  - (2) History of any violations of exclusion prior to the request; and
  - (3) Verification that the requester received a reinstatement session with a problem gambling services agency approved by the Board.
- C. Upon the expiration of the self-exclusion period or a successful petition for removal, the Board shall delete the name of the person from the self-exclusion list and notify Operators of such deletion from the list in the manner set out in Section 3(1) above.

### **2. Involuntary exclusion**

- A. Persons on the Board's involuntary exclusion list may petition to have their names removed from the list one year after placement on the list by filing a request in writing with the Board. The request must state with specificity the reasons for the request and include documentation of material changes in the circumstances underlying the basis for exclusion.
- B. If the Board grants the request, the person's name shall be removed from the involuntary exclusion list. Upon the expiration of the self-exclusion period or a successful petition for removal, the Board shall delete the name of the person from the self-exclusion list and notify operator of such deletion from the list in the manner set out in Section 6(2)(B) above.



## **§ 9. Forfeiture of winnings**

1. Determine whether there are any winnings due the excluded person that would require the casino, slot facility or sports wagering operator to file a Form W-2G or substantially equivalent form with the United States Internal Revenue Service. Any such funds shall be intercepted by the casino, slot facility or sports wagering operator and, after withholding appropriate taxes and complying with the requirements of 8 M.R.S.A. §1066, be remitted to the Board or its designee for deposit in accordance with 8 M.R.S.A. §1003(3)(I)(2).
2. The casinos slot facilities and sports wagering operator's shall prepare a report which shall include:
  - A. The total value and a detailed description of winnings or things of value that were won, lost or seized;
  - B. The date of the incident;
  - C. The name of the excluded person and basis for determining the person is excluded; and
  - D. The information obtained pursuant to Section 9(2) of this Chapter.
3. In the event that the winnings of an excluded person are intercepted by an Operator as described in Section 9(1), the Department shall notify the excluded person in writing of the opportunity to request a hearing to contest the forfeiture of winnings. The person must request a hearing within 30 days of the receipt of the written notice. If no timely response is filed, the winnings or things of value shall be forfeited pursuant to 8 M.R.S.A. §1003(3)(I)(2).

STATUTORY AUTHORITY: 8 M.R.S.A. §§ 1003(2)(U)(9) & (3)(I); 1006(8); 1203(2)(K), and 1213(5).

### **REPEAL AND REPLACE:**

January 20, 2014 – filing 2014-006

### **CORRECTIONS:**

February 17, 2014

### **§1003. EFFECTIVE DATE:**

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