

**Maine Gambling Control Board  
Resolution 14  
Limited Delegation of Authority to Director  
To Issue Letters of Guidance to Licensees That Submit  
Late Renewal Applications**

**Effective Date:** September 19, 2023

**Expiration Date:** September 19, 2026 (unless rescinded earlier)

**Background**

The Maine Legislature recently revised the deadline for applicants to submit a renewal application to the Maine Gambling Control Board (“the Board”). Pursuant to 8 M.R.S. § 1071(4), applications for renewal of a Board license “must be made no less than 60 days prior to the expiration of the current license.” This amendment to Section 1071(4) took effect on June 29, 2021. The 60-day timeframe for submitting applications gives time to the Board staff to process an application and the Department of Public Safety to investigate the qualifications of an applicant.

The Board wishes to educate licensees about the importance of meeting this 60-day deadline through the issuance of letters of guidance. The purpose of this Limited Delegation of Authority is to delegate the issuance of letters of guidance regarding the 60-day deadline to the executive director of the Board (“the director”). The practical effect of this delegation of authority will be to avoid having to bring every late renewal application to the Board for approval of the issuance of a letter of guidance.

This policy expires on September 19, 2026, but may be revisited by the Board at any time.

**Applicable Law**

The Board’s laws provide that an application for renewal of a Board license “must be made no less than 60 days prior to the expiration of the current license.” 8 M.R.S. § 1017(4).

Pursuant to 8 M.R.S. § 1003, the Board may delegate certain powers and duties to the director:

1. Powers. In administering and enforcing this chapter, the board *or the director, as delegated by the board*, may: ...

G. Pursuant to subchapter 5, deny any application and limit, restrict, suspend or revoke any license, registration or approval under this chapter;

H. Impose sanctions, penalties and costs of investigation and hearing against any applicant or licensee for violation of this chapter or the rules adopted under this chapter;

I. Take any action as may be reasonable or appropriate to protect the public interest and enforce this chapter and the rules adopted under this chapter including denial, suspension or revocation without hearing of a license issued under this chapter as provided in Title 5, section 10004, subsection 4-A; ...

2. Duties. ... In addition, the board *or the director or staff, as delegated by the board*, shall: ...

A. Enforce the provisions of this chapter and any rules adopted under this chapter;

B. Hear and decide all license and registration applications under this chapter and issues affecting the granting, suspension, revocation or renewal of licenses and registrations; ...

Pursuant to 8 M.R.S. § 1053(4), the Board has the authority to issue letters of guidance to licensees and registrants:

4. Letters of guidance or concern. The board may issue letters of guidance or concern to a licensee or registrant. Letters of guidance or concern may be used to educate, reinforce knowledge regarding legal or professional obligations and express concern over action or inaction by the licensee or registrant that does not rise to the level of misconduct sufficient to merit disciplinary action. The issuance of a letter of guidance or concern is not a formal proceeding and does not constitute an adverse disciplinary action of any form. Notwithstanding any other provision of law, letters of guidance or concern are not confidential. The board may place letters of guidance or concern, together with any underlying complaint, report and investigation materials, in a licensee's or registrant's file for a specified amount of time, not to exceed 10 years. Any letters, complaints and materials placed on file may be accessed and considered by the board in any subsequent action commenced against the licensee or registrant within the specified time frame. Complaints, reports and investigation materials placed on file are confidential only to the extent otherwise provided by law.

### **Limited Delegation of Authority to Director**

The Board delegates to the director the authority to issue a letter of guidance to any applicant who fails to submit a renewal application at least 60 days prior to the expiration date of a Board license. The purpose of the letter of guidance will be to reinforce the licensee's knowledge about the requirement to submit applications on a timely basis pursuant to 8 M.R.S. § 1017(4). The letter of guidance will contain the following information:

Pursuant to 8 M.R.S. § 1017(4), application for renewal of a Board license "must be made no less than 60 days prior to the expiration of the current license." The Board urges you to be cognizant of and adhere to this renewal application deadline. Applications

received after the 60-day deadline may not receive the protection of 5 M.R.S. § 10002. This section provides that an existing license will not expire until the agency has made a final determination on the application “when a licensee has made timely and sufficient application for renewal of a license.” Practically, this means that a license will expire on the expiration date if the Board has not yet finished processing the late renewal application.

Such a letter of guidance will remain in the licensee’s file for 5 years from the date of issuance.

This Limited Delegation of Authority will expire on the Expiration Date indicated above, at which time the Board shall review the actions taken pursuant to this Limited Delegation of Authority and determine whether to renew or modify this delegation.

**Adoption of Resolution 14**

Adopted by the Board on September 19, 2023, by a vote of   4   in favor,   0   opposed,   0   abstained,   0   absent.

Dated:   9/21/23  

  
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Steven J. Silver, Board Chair