

## RESOLUTION 7

### DIRECTOR AUTHORITY TO DEVELOP FORMS

**Effective Date:** November 15, 2023

**Expiration Date:** November 17, 2026 (unless rescinded earlier)

**Preamble:**

Under its enabling statute the Board is authorized to delegate its powers to the director. The relevant provisions pertaining to the proposed delegation are as follows (emphasis added):

8 M.R.S. §1003. POWERS AND DUTIES OF BOARD

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

B. Adopt those rules the board determines necessary to administer and enforce this chapter;

3. **Required rules.** The board shall, without limitation on the powers conferred and duties imposed in subsections 1 and 2, adopt rules governing:

- A. Methods and forms of application that an applicant must follow and complete prior to consideration of the applicant's application by the board;
- B. Methods, procedures and forms for delivery of information concerning an applicant's immediate family, character, associates, criminal record, business activities and financial affairs;
- C. Procedures for the fingerprinting of an applicant, or other methods of identification the board determines necessary to accomplish effective licensing and enforcement of restrictions;
- D. The method of collection of payments of taxes, fees and penalties;
- E. The location and hours of operation of slot machines and table games, types of slot machines and table games permitted, methods of operation of slot machines and table games and distribution and servicing of slot machines and table games and associated equipment;

F. Procedures, forms and methods of management controls of licensees, including the structure of the organization and minimum security standards, including organizational structure of security personnel and alarm and other electrical or visual security measures;

G. Minimum procedures for the exercise of effective control over the internal fiscal affairs of slot machine operators, casino operators, slot machine distributors, table game distributors, gambling services vendors and nongambling services vendors, including provisions for the safeguarding of assets and revenues, the recording of cash and evidence of indebtedness and the maintenance of reliable records, accounts and reports of transactions, operations and events, including reports to the board;

G-1. The handling of money, chips, tokens or other items of value used to place bets on table games. The rules must prohibit the use of cash to place bets and ensure that the exchange of cash for chips, tokens or other items of value used to place bets on table games is conducted in a manner that permits thorough auditing;

H. Procedures for the annual audit of the books and records of slot machine operators, casino operators, slot machine distributors, table game distributors and gambling services vendors;

I. Establishment of a list of persons who are to be excluded or removed from any slot machine facility or casino, including those persons who voluntarily request that their names be included on the list of excluded persons. These rules must:

(1) Define the standards for exclusion and removal and include standards regarding persons who are career or professional offenders, as defined by rules of the board, whose presence in a slot machine facility or casino would, in the opinion of the board, be inimical to the interest of the State; and

(2) Provide that, before making a payout of winnings in an amount equal to or greater than the amount for which the licensee is required to file a Form W-2G or substantially equivalent form with the United States Internal Revenue Service, the licensee, after any interception of winnings required by law to pay child support debt or other obligations, shall intercept money or anything of value that an excluded person is seeking to redeem as a result of wagers made by the person after that person has been excluded. The rules must offer the excluded person the right to an administrative hearing with reasonable notice to contest the interception of winnings. Winnings intercepted must be remitted by the licensee to the board or its designee for deposit in an Other Special Revenue Funds account within the office of substance abuse within the Department of Health and Human Services to address gambling addiction;

J. Gambling-related advertising and marketing programs, including the use of a promotional credit; and

K. Distribution and consumption of alcoholic beverages and tobacco products on the premises of gambling facilities.

**4. Rules governing the regulation of table games.**

**Resolve:**

The executive director may, without prior approval of the Board, develop and distribute forms pertaining to the following activities:

- 1) The collection of payments of taxes, fees and penalties;
- 2) The minimum security standards, including organizational structure of security personnel and alarm and other electrical or visual security measures;
- 3) The recording of cash and evidence of indebtedness;
- 4) The reporting of transactions, operations and events;
- 5) The handling of money, chips, tokens or other items of value used to place bets on table games;
- 6) The annual audit of the books and records of slot machine operators, casino operators, slot machine distributors, table game distributors and gambling services vendors;
- 7) The interception of money or anything of value that an excluded person is seeking to redeem;
- 8) The interception of money or anything of value required by law to pay child support debt or other obligations;
- 9) Gambling-related advertising and marketing programs;
- 10) The distribution and servicing of slot machines and table games and associated equipment;
- 11) The methods of identification necessary to accomplish licensing; and
- 12) The collection of information concerning an applicant's immediate family, character, associates, criminal record, business activities and financial affairs.

In addition, the executive director may, without prior approval of the Board, make changes to any form of application to the extent that the modified form contains all necessary information, attestations, disclosures, waivers, acknowledgements, and consents specified by rule or statute.

**Adoption of Resolution 7:**

Adopted by the Board on November 15, 2023, by a vote of 3 in favor, 0 opposed, 0 abstained, 1 absent.

Dated: 11/15/23

  
Steven J. Silver, Board Chair