

**§317-A. Investigations; actions on licenses and registrations****1. Gambling Control Unit.** The Gambling Control Unit may:

A. Investigate all aspects of this chapter including the direct and indirect ownership or control of any licenses, registrations or commercial beano hall permits; [PL 2017, c. 284, Pt. JJJJJ, §20 (AMD).]

B. Suspend, revoke or refuse to issue a license or registration, after notice of the opportunity for a hearing, if the applicant, applicant's agent or employee, licensee, registrant or the licensee's or registrant's agent or employee violates a provision of this chapter or Title 17-A, chapter 39 or fails to meet the statutory requirements for licensure or registration pursuant to this chapter; [PL 2017, c. 284, Pt. JJJJJ, §20 (AMD).]

C. Immediately suspend or revoke a license or registration if there is probable cause to believe that the licensee or the licensee's agent or employee or the registrant or the registrant's agent or employee violated a provision of Title 17-A, chapter 39; [PL 2017, c. 284, Pt. JJJJJ, §20 (AMD).]

D. Suspend or revoke a commercial beano hall permit, after notice of the opportunity for hearing, if a permittee or permittee's employee commits murder or a Class A, B or C crime or violates a provision of this chapter or Title 17-A, chapter 15, 29, 37 or 39; [PL 2001, c. 342, §2 (AMD).]

E. Immediately suspend or revoke a commercial beano hall permit if there is probable cause to believe that the permittee or the permittee's employee committed murder or a Class A, B or C crime or violated a provision of Title 17-A, chapter 15, 29, 37 or 39; [PL 2023, c. 578, §1 (AMD).]

F. Issue a subpoena in the name of the Gambling Control Unit in accordance with Title 5, section 9060, except that this authority applies to any stage of an investigation under this chapter and is not limited to an adjudicatory hearing. This authority may not be used in the absence of reasonable cause to believe a violation has occurred. If a witness refuses to obey a subpoena or to give any evidence relevant to proper inquiry by the unit, the Attorney General may petition the Superior Court in the county where the refusal occurred to find the witness in contempt. The Attorney General shall cause to be served on that witness an order requiring the witness to appear before the Superior Court to show cause why the witness should not be adjudged in contempt. The court shall, in a summary manner, hear the evidence and, if it is such as to warrant the court in doing so, punish that witness in the same manner and to the same extent as for contempt committed before the Superior Court or with reference to the process of the Superior Court; [PL 2023, c. 578, §2 (AMD).]

G. In addition to a fine imposed pursuant to section 325, impose a fine of not more than \$100 per violation, after notice of the opportunity for a hearing under subsection 4, on a licensee or registrant or a licensee's or registrant's agent or employee that has violated a provision of this chapter or a rule of the Gambling Control Unit prescribed by authority of this chapter; and [PL 2023, c. 578, §3 (NEW).]

H. Execute a consent agreement that resolves the issue of a fine imposed pursuant to paragraph G on a licensee or registrant or a licensee's or registrant's agent or employee without further proceedings. A consent agreement may be entered into only with the consent of the licensee or registrant or the licensee's or registrant's agent or employee, the Gambling Control Unit and the Department of the Attorney General. A consent agreement does not absolve a person from potential liability for criminal violations. [PL 2023, c. 578, §4 (NEW).]

[PL 2023, c. 578, §§1-4 (AMD).]

**2. Action after notice and opportunity for hearing.** The Gambling Control Unit shall notify the applicant, licensee, registrant or permittee in writing, before a license, registration or permit is denied,

suspended or revoked pursuant to subsection 1, paragraph B or D, of the intended denial or commencement date of the suspension or revocation, which may not be made any sooner than 96 hours after the licensee's, registrant's or permittee's receipt of the notice, of the duration of the suspension or revocation and of the right to a hearing pursuant to this subsection. The applicant, licensee, registrant or permittee has the right to request a hearing before the Commissioner of Public Safety or the commissioner's designee. Upon the applicant's, licensee's, registrant's or permittee's request for a hearing, the Commissioner of Public Safety shall provide a hearing. The hearing must comply with the Maine Administrative Procedure Act. The purpose of the hearing is to determine whether a preponderance of the evidence establishes that the applicant, applicant's agent or employee, licensee or licensee's agent or employee or registrant or registrant's agent or employee violated a provision of this chapter or Title 17-A, chapter 39 or the permittee or the permittee's employee committed murder or a Class A, B or C crime or violated a provision of this chapter or Title 17-A, chapter 15, 29, 37 or 39. A request for a hearing may not be made any later than 10 days after the applicant, licensee, registrant or permittee is notified of the proposed denial, suspension or revocation. The suspension or revocation action must be stayed pending the hearing; the hearing may not be held any later than 30 days after the date the director receives the request unless otherwise agreed by the parties or continued upon request of a party for cause shown.

[PL 2017, c. 284, Pt. JJJJJ, §20 (AMD).]

**3. Immediate suspension or revocation.** A licensee whose license or permittee whose permit is immediately suspended or revoked by the Gambling Control Unit pursuant to subsection 1, paragraph C or E must be notified in writing of the duration of the suspension or revocation and the licensee's or the permittee's right to request a hearing before the Commissioner of Public Safety or the commissioner's designee. Upon the licensee's or permittee's request for a hearing, the Commissioner of Public Safety shall provide a hearing. The hearing must comply with the Maine Administrative Procedure Act. The purpose of the hearing is to determine whether a preponderance of the evidence establishes that the licensee or the licensee's agent or employee or registrant or registrant's agent or employee violated a provision of Title 17-A, chapter 39 or the permittee or the permittee's employee committed murder or a Class A, B or C crime or violated a provision of Title 17-A, chapter 15, 29, 37 or 39. A request for a hearing may not be made any later than 48 hours after the licensee or permittee is notified of the suspension or revocation. A hearing may not be held any later than 10 days after the date the commissioner receives the request.

[PL 2017, c. 284, Pt. JJJJJ, §20 (AMD).]

**4. Imposition of fine and opportunity for hearing.** The Gambling Control Unit shall notify the licensee or registrant in writing that a fine is imposed pursuant to subsection 1, paragraph G and of the right to a hearing pursuant to this subsection. The licensee or registrant has the right to request a hearing before the Commissioner of Public Safety or the commissioner's designee. Upon the licensee's or registrant's request for a hearing, the Commissioner of Public Safety shall provide a hearing. The hearing must comply with the Maine Administrative Procedure Act. The purpose of the hearing is to determine whether a preponderance of the evidence establishes that the licensee or registrant or the licensee's or registrant's agent or employee violated a provision of this chapter or a rule of the Gambling Control Unit prescribed by authority of this chapter. A request for a hearing must be made no later than 10 days after the licensee or registrant is notified of the fine. The imposition of the fine must be stayed pending the hearing; the hearing must be held no later than 30 days after the date the Commissioner of Public Safety receives the request unless otherwise agreed to by the parties or continued upon request of a party for cause shown.

[PL 2023, c. 578, §5 (NEW).]

#### SECTION HISTORY

PL 1997, c. 684, §3 (NEW). PL 1999, c. 74, §3 (AMD). PL 2001, c. 342, §2 (AMD). PL 2017, c. 284, Pt. JJJJJ, §20 (AMD). PL 2023, c. 578, §§1-5 (AMD).

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