

RESOLUTION 6

DIRECTOR'S AUTHORITY TO PLACE INDIVIDUALS ON INVOLUNTARY EXCLUSION LIST

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Expiration Date: November 17, 2026 (unless rescinded earlier)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

- 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;

Board Rule Chapter 13: EXCLUSION

§ 5. **Invuntary Exclusion**

1. The Board shall maintain an involuntary exclusion list as follows:

- A. The Board's Involuntary Exclusion List may exclude the following persons from the casino or slot facility:

- (1) Career or professional offenders whose presence in the facility would be inimical to the interest of the State, including persons whose gambling licenses have been revoked or are currently under suspension as a result of disciplinary action in this State or another gambling jurisdiction; and persons convicted of gambling-related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 casino or gambling-related incident or an order of a regulatory agency excluding such persons from gambling facilities;

- (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 involuntary exclusion list pursuant to the following procedures:

- (1) Upon receipt of information that a person meets criteria for exclusion identified at Section 5(1)(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 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.

Resolve:

Upon receipt of information that a person meets criteria for exclusion identified in Section 5 (1) (A) of Board Rule Chapter 13, the Director shall notify the person in writing of placement of the person's name on the Board's involuntary exclusion list and the reasons for that decision. Such notice shall include notification of that person's right to request an appeal of the listing before the Board.

Adoption of Resolution 6:

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