

16 DEPARTMENT OF PUBLIC SAFETY

16- 633 GAMBLING CONTROL BOARD

Chapter 13: EXCLUSION

§ 1. Persons are to be excluded from the slot machine facility pursuant to the following standards and procedures. The provisions of this regulation 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.

§ 2. Request for self-exclusion.

1. Any person may request self-exclusion pursuant to these regulations by appearing in person at an office of the State of Maine Gambling Control Board, a licensed casino or slot facility, or the Office of Substance Abuse and Mental Health Services designated site where he or she shall:

- A. Present government-issued identification containing:

- (1) His or her signature; and

- (2) A photograph or a general physical description;

- B. Be photographed;

- C. Submit a completed Request for Self-Exclusion form.

2. 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, the Office of Substance Abuse and Mental Health Services designated site, and the Office of the Gambling Control Board.

- 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) 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) 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;
 - (c) Acknowledgement that the individual requesting self-exclusion is a problem gambler; and
 - (d) Agreement to release, indemnity, hold harmless and forever discharge the State, the Board, slot facilities and casinos 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 or casino to withhold gaming privileges from or restore gaming privileges to a self-excluded person;
 - (iii) Otherwise permitting or not permitting a self-excluded person to engage in gaming activity in a

licensed facility while on the list of self-excluded persons.

(e) 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. The request for self-exclusion may be made only by the individual to whom exclusion would apply and not by any other person.

§ 3. Self-exclusion list.

I. The Gambling Control Board will maintain the official self-exclusion list and notify each casino or slot facility 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 or slot facilities 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 2 (2) (A) (I) to be included on the Request for Self-Exclusion form,

(2) The length of the self-exclusion period including expiration date, and

(3) A copy of the photograph taken by the Board pursuant to Section 2)I(B).

B. A casino or slot facility must maintain its own copy of the self-exclusion list and establish procedures to ensure that its copy of the self-exclusion list is updated and that all appropriate employees and agents of the casino or slot facility 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 or slot facility.

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 or slot facilities, and the 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 or slot facility whose duties and functions require access to the information, to law enforcement, and to affiliated gaming establishments in other jurisdictions.

4. Casinos or slot facilities with affiliated gaming establishments in other jurisdictions may choose to share the 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.

§ 4. Exception to the prohibition on being on the gaming floor for individuals on the self-exclusion list

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 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.

§ 5. Involuntary Exclusion

1. The Board shall maintain an involuntary exclusion list as follows:
 - A. The Board's Involuntary Exclusion List shall 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.

C. The Board or Director may limit the duration of the exclusion.

2. 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 exclusion list and the duration of exclusion, if established
- E. The basis for the exclusion; and
- F. A photograph of the person, if available.

§ 6. Duties of licensed slot facilities and casinos

1. Each casino or slot facility must:
 - A. Have and make available to all patrons the Request for Self-Exclusion form approved by the Board;
 - B. 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 self-exclusion list, submission of the casino or slot facility's procedures, and all other communications between the Board and the casino or slot facility for self-exclusion purposes. The casino 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. Post or provide at each entrance and exit to the gaming premises, and in conspicuous places in or near gaming and cage areas 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 form and the toll free number of the Compulsive Gambling Hotline 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 2 of this chapter.
2. Each casino or slot facility shall implement training procedures for all new employees, and annual re-training for all employees who directly interact with gaming patrons in gaming areas, 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 casinos or slot facilities to identify problem gamblers nor to impose any liability for failure to do so. Each casino or slot facility shall designate personnel responsible for maintaining the training program. Training programs conducted or certified by the Maine Gambling Control Board are presumed to provide adequate training under this section.

3. Each casino or slot 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 casino or slot facility and upon identification immediately notify the following persons:
 - (1) Those employees of the casino or slot facility designated to monitor the presence of excluded persons; and
 - (2) Designated representatives of the Board via electronic mail;
 - B. Refuse access to the premises for any excluded person;
 - 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. Refuse wagers from and deny gaming privileges to any self-excluded person;
 - E. Deactivate any player club card or similar item issued to an excluded person for the purpose of gambling;
 - F. Deny check cashing privileges, player club membership, complimentary goods and services, junket participation and other similar privileges and benefits to any excluded person; and
 - G. Ensure that excluded persons do not receive, either from the casino or slot facility or any agent thereof, mailings, solicitations, telemarketing promotions, player club materials or other promotional materials relating to gaming activities at its licensed casino or slot facility,
4. Each casino or slot facility 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 casino or slot facility's procedures shall be submitted to the Board for approval at least thirty (30) days prior to its implementation.
5. Any casino or slot facility violating any requirements of this Chapter may be subject to disciplinary action by the Gambling Control Board.

§ 7. Removal from 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(2)(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 request to the Board for removal from the list. The request must be in writing and state with specificity the reason for the request. If the Board grants the request, the person's name shall be removed from the self-exclusion list.
- 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 each casino or slot facility 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 each casino or slot facility of such deletion from the list in the manner set out in Section 3(1) above.

§ 8. Forfeiture of winnings

- I. If a casino or slot facility detects, or is notified of, the presence of a patron suspected of being on an exclusion list on the premises, the licensee shall verify, using reasonable measures that the patron is on an exclusion list and the basis for the exclusion.
- 2. Upon verification by a casino or slot facility that any excluded person has obtained access to the premises, the casino or slot facility shall:

- A. Promptly take steps to remove such person from the gaming floor 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 casino or slot facility plans to prevent such breaches in the future.
 - C. Determine whether there are any winnings due the excluded person that would require the casino or slot facility 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 or slot facility 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).
3. The casino or slot facility shall prepare a report which shall include
- A. The total value and a detailed description of winnings or things of value that were 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 8(2) (B) of this Chapter.
4. In the event that the winnings of an excluded person are intercepted by a casino or slot facility as described in Section 8(2) (C), 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(1) (B) (3) (I).

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