

**SENATE . . . . . No. 2530**

---

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the Year Two Thousand Ten**  
\_\_\_\_\_

An Act Text of the Senate amendments to the House Bill establishing expanded gaming in the Commonwealth (House, No. 4619).

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Section 7 of chapter 4 of the General Laws, as appearing in the 2008  
2 Official Edition, is hereby amended by striking out clause Tenth and inserting in place thereof  
3 the following clause:-

4           Tenth, “Illegal gaming,” any banking or percentage game played with cards, dice, tiles,  
5 dominoes, or any electronic, electrical or mechanical device or machine for money, property,  
6 checks, credit or any representative of value, but excluding: (i) a lottery game conducted by the  
7 state lottery commission, under sections 24, 24A and 27 of chapter 10; (ii) a game conducted  
8 under chapter 23K; (iii) pari-mutuel wagering on horse races, whether live or simulcast, under  
9 chapter 128A and chapter 128C; (iv) the game of bingo conducted under chapter 271; and (v)  
10 charitable gaming, so called, conducted under chapter 271.

11           SECTION 2. Section 48 of chapter 6 of the General Laws is hereby repealed.

12           SECTION 3. Sections 64 and 65 of chapter 10 of the General Laws are hereby repealed.

13 SECTION 4. Chapter 12 of the General Laws is hereby amended by inserting after  
14 section 11L the following section:-

15 Section 11M. (a) As used in this section the following words shall, unless the context  
16 clearly requires otherwise, have the following meanings:-

17 “Board”, the Massachusetts gaming control board established in chapter 23K.

18 “Commission”, the Massachusetts gaming commission established in chapter 23K.

19 “Division”, the division of gaming enforcement established in subsection (b).

20 “Gaming establishment”, a gaming establishment as defined in section 2 of chapter 23K.

21 (b) There shall be in the department of the attorney general a division of gaming  
22 enforcement. The attorney general shall designate an assistant attorney general as director of the  
23 division. The director may appoint and remove, subject to the approval of the attorney general,  
24 such expert, clerical or other assistants as the work of the division may require.

25 (c) The division’s powers and duties shall include the following: (1) investigate and  
26 prosecute allegations of criminal activity related to or impacting the operation of gaming  
27 establishments or games; (2) receive and take appropriate action on referrals for criminal  
28 prosecution from the commission, board or any other law enforcement body; (3) provide  
29 assistance, upon request, to the commission and board in the consideration and promulgation of  
30 rules and regulations; (4) ensure that there is no duplication of duties and responsibilities  
31 between it, the commission and the board; and (5) recommend persons to be placed on the list of  
32 excluded persons maintained by the board.

33 No employee of the division, or any person engaged by the division in the course of an  
34 investigation, other than those in the performance of their official duties, shall place a wager in  
35 any gaming establishment licensed under chapter 23K during the period of the employee's  
36 employment or assignment with the division.

37 Officers and employees of the gaming enforcement unit of the state police assigned to the  
38 division shall record their time and submit total hours to the board. The board shall reimburse  
39 the state police.

40 The attorney general shall be reimbursed by the board for the costs of operating the  
41 division and legal representation of the commission or board.

42 SECTION 5. Chapter 12B of the General Laws is hereby repealed.

43 SECTION 6. Subsection (b) of section 9 of chapter 13 of the General Laws, is hereby  
44 amended by striking out the words “, as well as the state racing commission established by  
45 section 48 of chapter 6,” inserted by section 29 of chapter 4 of the acts of 2009.

46 SECTION 7. Subsection (e) of section 9B of said chapter 13 is hereby amended by  
47 striking out the words “, as well as the state racing commission established by section 48 of  
48 chapter 6,” inserted by section 30 of said chapter 4.

49 SECTION 8. Said subsection (e) of said section 9B of said chapter 13 is hereby amended  
50 by striking out the words “or regulated by the state racing commission, as established by section  
51 48 of chapter 6” inserted by section 31 of said chapter 4.

52 SECTION 9. Section 35 of chapter 10 of the General Laws, as appearing in the 2008  
53 Official Edition, is amended by striking out, in lines 2 and 16, the words “State Lottery Fund”  
54 and inserting in place thereof the following words:- State Lottery and Gaming Fund.

55 SECTION 10. Section 39 of said chapter 10, as so appearing, is hereby amended by  
56 striking out, in lines 12 to 13 and in line 19, the words “State Lottery Fund” and inserting in  
57 place thereof the following words:- State Lottery and Gaming Fund.

58 SECTION 11. Section 38 of chapter 22C of the General Laws, as so appearing, is hereby  
59 amended by inserting after the word “involving”, in lines 36 and 37, the following word:- illegal.

60 SECTION 12. Said chapter 22C is hereby amended by adding the following section:-

61 Section 70. The colonel of state police shall establish a gaming enforcement unit whose  
62 responsibilities shall include, but not be limited to, the investigation of criminal violations of  
63 chapter 23K, chapter 271 or any other general or special law that pertains to gaming.

64 The gaming enforcement unit shall work in conjunction and cooperation with the bureau  
65 of investigations and enforcement under the Massachusetts gaming control board established in  
66 said chapter 23K and the division of gaming enforcement in the office of the attorney general  
67 established under section 11M of chapter 12 to investigate criminal activity related to gaming in  
68 the commonwealth. The colonel shall assign officers and employees of the unit to the bureau of  
69 investigations and enforcement, who shall report to the director of the bureau as well as the  
70 colonel of the department of state police; the colonel shall also assign officers of the unit to the  
71 division of gaming enforcement, who shall report to the chief of the division as well as the  
72 colonel of the department of state police. No officer of the unit, other than in the performance of  
73 official duties, shall place a wager in any gaming establishment licensed under chapter 23K. The

74 colonel shall establish a program to rotate officers in and out of this unit. The state police shall  
75 be reimbursed by the board for the costs of operating the unit.

76 SECTION 12A: Chapter 23A of the General Laws is hereby amended by striking out  
77 sections 13A and 13B, as so appearing, and inserting in place thereof the following 2 sections:-

78 Section 13A. For the purposes of sections 13A to 13Q, inclusive, the following words  
79 shall, unless the context clearly requires otherwise, have the following meanings:

80 “Foreign offices”, foreign offices for international trade within the international trade  
81 office.

82 “Partnership”, the Massachusetts marketing partnership created in this section.

83 “Tourism”, the office of travel and tourism.

84 In order to promote common, coordinated and concerted efforts on behalf of the  
85 commonwealth, there shall be within the executive office of housing and economic development,  
86 but not subject to the supervision or control of the executive office, the Massachusetts marketing  
87 partnership which shall coordinate marketing efforts on behalf of the commonwealth and shall  
88 oversee the activities of the agencies placed within it.

89 (a) The partnership shall consist of 11 partners who shall be: the secretary of housing and  
90 economic development, who shall chair the partnership; the director of the Massachusetts office  
91 of business development or the director’s designee; the executive director of the Massachusetts  
92 Convention Center Authority or the executive director’s designee; the executive director of the  
93 Massachusetts Port Authority or the executive director’s designee; the executive director of the  
94 Massachusetts Alliance for Economic Development, or its successor organization; and 6

95 individuals appointed by the governor for terms of 5 years, as follows: 2 persons employed by a  
96 business that has a principal place of business in the commonwealth and that exports goods to  
97 other countries, 1 of whom shall be selected from a list of 3 names submitted by the Associated  
98 Industries of Massachusetts; 1 person who has significant experience with a public relations or  
99 advertising firm doing business in the commonwealth; 1 person who shall be on the faculty of a  
100 public or private business school in the commonwealth who is experienced in international  
101 business; and 2 persons who shall represent a regional tourism council in the commonwealth  
102 outside of Suffolk County, Middlesex County and Norfolk County. Of the initial partners  
103 appointed by the governor, 3 shall serve a term of 2 years and 3 shall serve a term of 5 years.

104           At least 3 of the governor's 6 appointments shall reside outside of Suffolk County,  
105 Middlesex County and Norfolk County. Not more than 6 of the partners shall be members of the  
106 same political party. Each partner shall serve without compensation but may be reimbursed for  
107 actual and necessary expenses reasonably incurred in the performance of the partner's duties,  
108 including reimbursement for reasonable travel; provided, however that that such reimbursement  
109 shall not exceed \$500 annually. A person appointed to fill a vacancy in the office of a partner  
110 shall be appointed in a like manner and shall serve for only the unexpired term of the former  
111 partner. A partner shall be eligible for reappointment and may be removed by the governor for  
112 cause. The partnership shall annually elect 1 partner to serve as vice-chairperson.

113           (b) Eight partners shall constitute a quorum and the affirmative vote of a majority of  
114 partners present at a duly called meeting, if a quorum is present, shall be necessary for an action  
115 to be taken by the partnership. An action required or permitted to be taken at a meeting of the  
116 partnership may be taken without a meeting if all of the partners consent, in writing, to the action  
117 and that written consent is filed with the records of the minutes of the meetings of the

118 partnership. Such consent shall be treated for all purposes as a vote at a meeting. Each partner  
119 shall make full disclosure, under subsection (c), of the partner's financial interest, if any, in  
120 matters before the partnership by notifying the state ethics commission, in writing, and the  
121 partner shall abstain from voting on a matter before the board in which the partner has a financial  
122 interest, unless otherwise permitted under chapter 268A.

123 (c) Chapters 268A and 268B shall apply to all ex officio partners or the partners'  
124 designees and employees of the agencies within the partnership. Chapters 268A and 268B shall  
125 apply to all other partners, except that the agencies within the partnership may purchase from,  
126 sell to, borrow from, loan to, contract with or otherwise deal with a person, corporation or other  
127 business entity in which any partner is in any way interested or involved; provided, however, that  
128 such interest or involvement is disclosed in advance to the partners of the partnership and  
129 recorded in its minutes; and provided, further, that no partner having such an interest or  
130 involvement may participate in a decision of the partnership relating to such person, corporation  
131 or other business entity. Employment by the commonwealth or service in an agency or political  
132 subdivision of the commonwealth shall not be deemed to be such an interest or involvement.

133 (d) The partnership shall bi-annually elect 1 of its partners as treasurer and 1 of its  
134 partners as secretary. The secretary of the partnership shall keep a record of its proceedings and  
135 shall be custodian of all books, documents and papers filed by the partnership and of its minute  
136 book and seal. The secretary of the partnership shall cause copies to be made of all minutes and  
137 other records and documents of the partnership and shall certify that such copies are true copies  
138 and all persons dealing with the partnership may rely upon such certification.

139 (e) Partners and employees of the agencies within the partnership having access to its  
140 cash or negotiable securities shall give bond to the partnership at its expense in such amounts and  
141 with such surety as the partnership may prescribe. The persons required to give bond may be  
142 included in 1 or more blanket or scheduled bonds.

143 (f) Partners and officers who are not compensated employees of the partnership shall not  
144 be liable to the commonwealth, the executive office of housing and economic development or  
145 any other person as a result of their activities, whether ministerial or discretionary, as such  
146 partners or officers except for willful dishonesty or intentional violations of law. Neither  
147 members of the partnership nor a person executing bonds or policies of insurance shall be  
148 personally liable on those bonds or policies or be subject to any personal liability or  
149 accountability by reason of the issuance of those bonds or policies. The partnership may  
150 purchase liability insurance for partners, officers and employees and may indemnify the partners  
151 against claims of others.

152 (g) Upon the termination of the existence of the partnership, all right, title and interest in  
153 and to all of its assets and all of its obligations, duties, covenants, agreements and obligations  
154 shall vest in and be possessed, performed and assumed by the commonwealth.

155 (h) An action of the partnership may take effect immediately and need not be published  
156 or posted unless otherwise provided by law. Meetings of the partnership shall be subject to  
157 section 11A 1/2 of chapter 30A, except that said section 11A 1/2 shall not apply to any meeting  
158 of partners in the partnership serving ex officio in the exercise of their duties as officers of the  
159 commonwealth so long as no matter relating to the official business of the partnership is  
160 discussed and decided at the meeting. The partnership shall be subject to all other sections of



161 said chapter 30A, and records pertaining to the administration of the partnership shall be subject  
162 to section 42 of chapter 30 and section 10 of chapter 66. All moneys of the partnership shall be  
163 considered to be public funds for purposes of chapter 12A.

164 (i) .The partnership shall be subject to section 16G of chapter 6A and section 56 of  
165 chapter 23A.

166 Section 13B. There shall be within the partnership the following offices: the office of  
167 travel and tourism, the Massachusetts international trade office and the commonwealth  
168 marketing office.

169 SECTION 12B. Section 13C of said chapter 23A, as so appearing, is hereby amended by  
170 striking out in line 21, the figure “31” and inserting in place thereof the following figure:- 32.

171 SECTION 12C. Said section 13C of said chapter 23A, as so appearing, is hereby  
172 amended by inserting after the word “Commerce”, in line 38, the following words:- , the  
173 MetroWest Tourism and Visitor’s Bureau.

174 SECTION 12D. Section 14 of said chapter 23A, as so appearing, is hereby amended by  
175 inserting after the word “Bureau”, in line 11, the words:- , the MetroWest Tourism and Visitor’s  
176 Bureau.

177 SECTION 13: The General Laws are hereby amended by inserting after chapter 23J the  
178 following chapter:-

179 Chapter 23K. The Massachusetts Gaming Commission and Massachusetts Gaming  
180 Control Board

181 Section 1. As used in this chapter the following words shall, unless the context clearly  
182 requires otherwise, have the following meanings:-

183 “Affiliate”, a person who, directly or indirectly, controls or is controlled by, or is under  
184 common control with, a specified person.

185 “Applicant”, any person who has applied for a license or registration to engage in activity  
186 regulated under this chapter.

187 “Application”, a written request for a finding of suitability to receive a license or engage  
188 in an activity which is regulated under this chapter.

189 “Board”, the Massachusetts gaming control board created in section 3.

190 “Bureau”, the investigations and enforcement bureau within the board.

191 “Business”, a corporation, sole proprietorship, partnership, limited liability company or  
192 any other organization formed for the purpose of carrying on commercial enterprise.

193 “Capital expenditure”, money spent by a licensee to upgrade or maintain depreciable and  
194 tangible long-term physical assets that are capitalized on the licensee’ books under generally  
195 accepted accounting principles and excluding expenditures or charges for the usual and  
196 customary maintenance and repair of any fixed asset.

197 “Cashless wagering system”, a method of wagering and accounting in which the validity  
198 and value of a wagering account, promotional account, wagering instrument or wagering credits,  
199 not including slot machine printed vouchers, are determined, monitored and retained for an  
200 individual by an electronic system operated and maintained by a licensee which maintains a  
201 record of each transaction involving the wagering account, promotional account, wagering

202 instrument or wagering credits, exclusive of the game or gaming device on which wagers are  
203 being made, including electronic systems which facilitate electronic transfers of money directly  
204 to or from a game or gaming device.

205 “Cheat”, alter the selection of criteria which determines the results of a game or the  
206 amount or frequency of payment in a game.

207 “Cheating and swindling device” or “cheating and swindling game”, shall include:

208 (i) a coin, token or slug other than a lawful coin or legal tender of the United States or a  
209 coin not of the same denomination as the coin intended to be used while playing or using any slot  
210 machine in a gaming establishment, except that in the playing of a slot machine or similar  
211 gaming device, it shall be lawful for a person to use tokens or similar objects which are approved  
212 by the commission;

213 (ii) a bogus or counterfeit chip, coin or die; marked card; a computerized, electronic,  
214 electrical, mechanical or magnetic device; tool, drill, wire, key or other device designed,  
215 constructed or programmed specifically for:

216 (A) use in obtaining an advantage in any game;

217 (B) opening, entering or affecting the operation of any gaming device;

218 (C) removing from slot machine, other gaming device or drop box any money or other  
219 contents from such machine, device or box;

220 (iii) tools, drills, wires, coins or tokens attached to strings or wires, or electronic or  
221 magnetic devices to facilitate the alignment of a winning combination;

222 (iv) a gaming device that has been manufactured, serviced, marked, plugged or tampered  
223 with, or placed in a condition or operated in a manner, to:

224 (A) deceive, or attempt to deceive, the public; or

225 (B) alter, or attempt to alter, the normal random selection of characteristics, the normal  
226 chance of the game or the result of the game at a gaming establishment.

227 “Close associate”, a person who holds any relevant financial interest in, or is entitled to  
228 exercise any power in, the business of an applicant or licensee and, by virtue of that interest or  
229 power is able to exercise a significant influence over the management or operation of a gaming  
230 establishment or business licensed under this chapter.

231 “Commission”, the Massachusetts gaming commission created in section 2.

232 “Commissioner”, a member of the commission.

233 "Complimentary service or item", a service or item provided at no cost or at a reduced  
234 price.

235 “Conservator”, a person appointed by the commission under section 22 to temporarily  
236 manage the operation of a gaming establishment.

237 “Credit card”, a card, code or other device with which a person may defer payment of  
238 debt, incur debt and defer the payment of the debt, or purchase property or services and defer  
239 payment for the property or services, but not a card, code or other device used to activate a  
240 preexisting agreement between a person and a financial institution to extend credit when the  
241 person’s account at the financial institution is overdrawn or to maintain a specified minimum  
242 balance in the person’s account at the financial institution.

243           “Credit instrument”, a writing which evidences a gaming debt owed to a person who  
244 holds a gaming license at the time the debt is created, and includes any writing taken in  
245 consolidation, redemption or payment of a previous credit instrument.

246           “Division”, the division of gaming enforcement under the office of the attorney general.

247           “Foreign business”, any business that was organized outside of the United States or under  
248 the laws of a foreign country.

249           “Gambling”, the playing of a game by a patron of a gaming establishment.

250           “Game”, a banking or percentage game played with cards, dice, tiles, dominoes or an  
251 electronic, electrical or mechanical device or machine played for money, property, checks, credit  
252 or any representative of value which has been approved by the commission under this chapter.

253           “Gaming”, the dealing, operating, carrying on, conducting, maintaining or exposing for  
254 pay of a game.

255           “Gaming area”, the premises of a gaming establishment in which or on which gaming is  
256 done.

257           “Gaming control employee” commissioners, board members and board officers, agents,  
258 employees, consultants and advisors.

259           “Gaming device” or “Gaming equipment”, an electronic, electrical, or mechanical  
260 contrivance or machine used in connection with gaming or a game.

261           “Gaming employee”, an employee of a gaming establishment who is: (i) directly  
262 connected to the operation or maintenance of a gaming device, slot machine or game taking

263 place in a gaming establishment; (ii) provides security in a gaming establishment; (iii) has access  
264 to a restricted area of the gaming establishment;(iv) is connected with the operation of a gaming  
265 establishment; or (v) is so designated by the commission.

266 “Gaming establishment”, the premises approved under a gaming license which includes a  
267 gaming area and other nongaming structures related to the gaming area, including, but not  
268 limited to, hotels, restaurants or other amenities.

269 “Gaming license”, a license issued by the commission that permits the licensee to operate  
270 a gaming establishment with table games and slot machines.

271 “Gaming licensee”, a licensee who holds a gaming license.

272 “Gaming position”, a designated seat or standing position where a patron of a gaming  
273 establishment can play a game.

274 “Gaming service employee”, an employee of a gaming establishment who is not  
275 classified as a gaming employee or a key gaming employee, but is required to register with the  
276 board.

277 “Gaming vendor”, a person who holds a gaming vendor license and offers goods or  
278 services to a gaming licensee on a regular or continuing basis which directly relates to gaming,  
279 including, but not limited to, gaming equipment, suppliers and repairers.

280 “Gaming vendor license”, a license issued by the commission that permits the licensee to  
281 act as a vendor to a gaming establishment.

282 “Gross gaming revenue”, the total of all sums actually received by a gaming licensee  
283 from gaming operations less the total of all sums paid out as winnings to patrons; provided,

284 however, that the total of all sums paid out as winnings to patrons shall not include the cash  
285 equivalent value of any merchandise or thing of value included in a jackpot or payout; provided,  
286 further, that “gross gaming revenue” shall not include any amount received by a gaming licensee  
287 from credit extended or collected by the licensee for purposes other than gaming.

288 “Holding company”, a corporation, association, firm, partnership, trust or other form of  
289 business organization other than a natural person which, directly or indirectly, owns, has the  
290 power or right to control or has the power to vote any significant part of the outstanding voting  
291 securities of a corporation or other form of business organization which holds or applies for a  
292 gaming license; provided, however, that “holding company”, in addition to other reasonable  
293 meaning of the words used, a holding company shall indirectly have, hold or own any such  
294 power, right or security if it does so through an interest in a subsidiary or successive subsidiaries,  
295 regardless of the number of subsidiaries that may intervene between the holding company and  
296 the gaming licensee or applicant.

297 “Host community”, a municipality in which a gaming establishment is located or in  
298 which an applicant has proposed locating a gaming establishment.

299 “Institutional investor”, any of the following entities having a 5 per cent or greater  
300 ownership interest in a gaming establishment, gaming vendor or gaming licensee, or its holding  
301 or management company: a corporation, bank, insurance company, pension fund or pension fund  
302 trust, retirement fund, including funds administered by a public agency, employees’ profit-  
303 sharing fund or employees’ profit-sharing trust, an association engaged, as a substantial part of  
304 its business or operation, in purchasing or holding securities or a trust in respect of which a bank  
305 is a trustee or co-trustee, investment company registered under the federal Investment Company

306 Act of 1940, collective investment trust organized by banks under part 9 of the Rules of the  
307 Comptroller of Currency, closed end investment trust, chartered or licensed life insurance  
308 company or property and casualty insurance company, investment advisor registered pursuant to  
309 the federal Investment Advisors Act of 1940, banking and other chartered or licensed lending  
310 institution, and such other persons as the commission may reasonably determine to qualify as an  
311 institutional investor for reasons consistent with this chapter.

312 “Intermediary company”, a corporation, association, firm, partnership, trust or any other  
313 form of business organization other than a natural person which is a holding company with  
314 respect to a corporation or other form of business organization which holds or applies for a  
315 gaming license, and is a subsidiary with respect to a holding company.

316 “Junket”, an arrangement intended to induce any person to come to a gaming  
317 establishment to gamble, where the person is selected or approved for participation on the basis  
318 of the person’s ability to satisfy a financial qualification obligation related to the person’s ability  
319 or willingness to gamble or on any other basis related to the person’s propensity to gamble, and  
320 pursuant to which, and as consideration for which, any or all of the cost of transportation, food,  
321 lodging, and entertainment for the person is directly or indirectly paid by a gaming licensee or  
322 affiliate of the gaming licensee.

323 “Junket enterprise”, a person, other than an applicant for a gaming license or gaming  
324 licensee, who employs or otherwise engages the services of a junket representative in connection  
325 with a junket to a licensed gaming establishment, regardless of whether or not those activities  
326 occur within the commonwealth.



327 “Junket representative”, an individual who negotiates the terms of, or engages in the  
328 referral, procurement or selection of persons who may participate in, any junket to a gaming  
329 establishment, regardless of whether or not those activities occur within the commonwealth.

330 “Key gaming employee”, an employee of a gaming establishment: (i) in a supervisory  
331 capacity; (ii) empowered to make discretionary decisions which regulate gaming establishment  
332 operations; or (iii) so designated by the commission.

333 “License”, any license required under this chapter.

334 “List of excluded persons”, the list of excluded persons maintained by the commission  
335 under section 35.

336 “Lottery”, the state lottery established under section 24 of chapter 10.

337 “Non-gaming vendor”, a supplier or vendor, including, but not limited to, construction  
338 companies, vending machine providers, linen suppliers, garbage handlers, maintenance  
339 companies, limousine services, food purveyors or suppliers of alcoholic beverages, which  
340 provide goods or services not directly related to games to a gaming establishment or gaming  
341 licensee.

342 “Person”, an individual, corporation, association, operation, firm, partnership, trust or  
343 other form of business association.

344 “Promotional gaming credit”, a slot machine or table game credit or other item issued by  
345 a gaming licensee to a patron to enable the placement of a wager at a slot machine or table game.

346 “Qualification” or “qualified”, the process of licensure set forth by the commission to  
347 determine that all gaming licensees, gaming vendors, or the business of a gaming licensee or

348 gaming vendor, meet the same standards of suitability to operate or conduct business with a  
349 gaming establishment in the commonwealth.

350 “Slot machine”, a mechanical, electrical or other device, contrivance or machine which,  
351 upon insertion of a coin, token or similar object in the device, contrivance or machine, or upon  
352 payment of any consideration, is available to play or operate, the play or operation of which,  
353 whether by reason of the skill of the operator or application of the element of chance, or both,  
354 may deliver or entitle the individual playing or operating the machine to receive cash or tokens to  
355 be exchanged for cash, or to receive merchandise or anything of value whatsoever, whether the  
356 payoff is made automatically from the machine or in any other manner whatsoever.

357 “State police”, the state police established in chapter 22C.

358 “Subsidiary”, a corporation, any significant part of whose outstanding equity securities  
359 are owned, subject to a power or right of control, or held with power to vote, by a holding  
360 company or an intermediary company; or a significant interest in a firm, association, partnership,  
361 trust or other form of business organization, other than a natural person, which is owned, subject  
362 to a power or right of control, or held with power to vote, by a holding company or an  
363 intermediary company.

364 “Surrounding communities” municipalities in proximity to a host community which the  
365 board determines experience or are likely to experience impacts from the development or  
366 operation of a gaming establishment, including municipalities from which the transportation  
367 infrastructure provides ready access to an existing or proposed gaming establishment.

368 “Table game”, a game, other than a slot machine, which is authorized by the commission  
369 to be played in a gaming establishment.

370           “Transfer”, the sale and every other method, direct or indirect, of disposing of or parting  
371 with property or with an interest in property, or with the possession of property, or of fixing a  
372 lien upon property or upon an interest in property, absolutely or conditionally, voluntarily or  
373 involuntarily, by or without judicial proceedings, as a conveyance, sale, payment, pledge,  
374 mortgage, lien, encumbrance, gift, security or otherwise; provided, that, the retention of a  
375 security interest in property delivered to a corporation shall be deemed a transfer conducted by  
376 such corporation.

377           “Wager”, a sum of money or representative of value that is risked on an occurrence for  
378 which the outcome is uncertain.

379           Section 2. (a) There shall be a Massachusetts gaming commission to be composed of 5  
380 commissioners.

381           (b) The governor shall appoint 3 of the commissioners, 1 of whom the governor shall  
382 designate as chair. The attorney general and state treasurer shall each appoint 1 commissioner.  
383 The appointment of each commissioner shall require the approval of at least 2 of the 3 appointing  
384 authorities.

385                   (1) Commissioners shall serve for a term of 5 years.

386                   (2) No commissioner may serve more than 2 full terms.

387                   (3) Not more than 3 commissioners shall be of the same political party.

388                   (4) Not more than 2 commissioners shall be of the same professional background  
389 or field.

390 (5) Each commissioner shall be a United States citizen and a resident of the  
391 commonwealth.

392 (c) The commission shall meet as frequently as necessary but at least once each month.

393 (d) The gaming control board shall provide the commission with administrative and  
394 clerical services and other assistance necessary for the commission to perform its functions.

395 (e) The chair of the commission may receive an annual salary of \$60,000.  
396 Commissioners may receive a stipend of \$50,000.

397 (f) Three commissioners shall constitute a quorum and 3 affirmative votes shall be  
398 required for an action or recommendation of the commission. The chairman or 3 members of the  
399 commission may call a meeting; provided, however, that notice of all meetings shall be given to  
400 each commissioner and to other persons who request such notice. The commission shall adopt  
401 regulations establishing procedures, which may include electronic communications, by which a  
402 request to receive notice shall be made and the method by which timely notice may be given.

403 (g) The governor may remove a commissioner if the commissioner: (i) is guilty of  
404 malfeasance in office; (ii) substantially neglects the duties of a commissioner; (iii) is unable to  
405 discharge the powers and duties of the commissioner's office; (iv) commits gross misconduct; or  
406 (v) is convicted of a felony.

407 (h) No commissioner shall hold, or be a candidate for, elective office in the  
408 commonwealth or be an officer or official of a political party.

409 (i) No commissioner shall be actively engaged or have a pecuniary interest in an  
410 applicant for a license under this chapter or any gaming licensee.

411 (j) The governor shall conduct a background investigation on a candidate for appointment  
412 to the commission regarding the financial stability, integrity and responsibility of the candidate  
413 as well as the candidate's reputation for good character, honesty and integrity prior to appointing  
414 the candidate as a commissioner.

415 (k) No commissioner, other than in the performance of the commissioner's official duties,  
416 shall place a wager in a gaming establishment.

417 (l) The commission shall be a commission for the purposes of section 3 of chapter 12.

418 (m) The commission shall be a state authority under the definition in section 1 of chapter  
419 29.

420 Section 3. (a) There shall be a Massachusetts gaming control board, which shall be  
421 comprised of 3 members who shall be appointed by the governor; 1 of whom shall be a certified  
422 public accountant or have experience in corporate finance; and 1 of whom shall have experience  
423 in law enforcement, investigation or law.

424 (b) The governor shall appoint 1 member to serve as the chair, coordinate the activities of  
425 the board and shall have at least 5 years managerial experience in public or business  
426 administration. Each member shall:

427 (1) be a United States citizen;

428 (2) be a resident of the commonwealth or shall become a resident within 90 days of  
429 appointment; and

430 (3) serve for a term of 4 years.

431 (c) Members shall devote their full time and attention to the duties of the board and may  
432 receive an annual salary not greater than the salary of the secretary of administration and finance;  
433 provided, however, that the chair shall receive a stipend, in addition to the base salary, in an  
434 amount equal to 7 per cent of the base salary. No member shall be compensated for any other  
435 position.

436 (d) The governor may remove a board member if the member: (i) is guilty of malfeasance  
437 in office; (ii) substantially neglects the duties of a board member; (iii) is unable to discharge the  
438 powers and duties of the board member's office; (iv) commits gross misconduct; or (v) is  
439 convicted of a felony.

440 (e) No board members shall hold, or be a candidate for, elective office in the  
441 commonwealth, or be an officer or official of a political party.

442 (f) No board members shall be actively engaged or have a pecuniary interest in an  
443 applicant for a license under this chapter or a gaming establishment licensed under this chapter.

444 (g) The governor shall conduct a background investigation on a candidate for  
445 appointment to the board regarding the financial stability, integrity and responsibility of the  
446 candidate as well as the candidate's reputation for good character, honesty and integrity prior to  
447 appointing the candidate as a board member.

448 (h) The chair of the board shall serve as the board's executive director. The chair shall  
449 be:

450 (i) the executive and administrative head of the board; and

451 (ii) responsible for administering and enforcing the laws, regulations and civil and  
452 administrative penalties established under this chapter.

453 (i) The chair shall appoint and employ a chief financial and accounting officer and may  
454 employ other employees, consultants, agents and advisors, including legal counsel and shall  
455 attend the meetings of the commission. The chief financial and accounting officer of the board  
456 shall be in charge of its funds, books of account and accounting records. No funds shall be  
457 transferred by the board without the approval and the signatures of the chief financial and  
458 accounting officer and the treasurer.

459 (j) In the case of the absence or vacancy of the chair, or in the case of disability as  
460 determined by the board or commission, the governor may designate an acting chair until the  
461 vacancy is filled or the absence or disability ceases. The acting chair shall have all the powers  
462 and duties of the chair and shall have similar qualifications as the chair.

463 (k) The chair may establish within the board such administrative units as may be  
464 necessary for the efficient and economical administration of the board and when necessary for  
465 such purpose, may abolish any such administrative unit or may merge any 2 or more units. The  
466 chair shall prepare and keep current a plan of the organization of the board, of the assignment of  
467 its functions to its various administrative units, offices and employees and of the places at which  
468 and the methods by which the public may receive information or make requests. A current copy  
469 of the plan of organization shall be kept on file with the state secretary and in the office of the  
470 secretary of administration and finance.

471 (l) The chair may appoint such persons as the chair considers necessary to perform the  
472 functions of the board; provided that chapter 31 and section 9A of chapter 30 shall not apply to

473 any board employee. If an employee serving in a position which is classified under said chapter  
474 31 or in which an employee has tenure by reason of said section 9A of chapter 30 shall be  
475 appointed to a position within the board which is not subject to said chapter 31, the employee  
476 shall, upon termination of the employee's service in such position, be restored to the position  
477 which the employee held immediately prior to such appointment; provided, however, that the  
478 employee's service in such position shall be determined by the civil service commission under  
479 the standards applied by the civil service commission in administering said chapter 31. Such  
480 restoration shall be made without impairment of the employee's civil service status or tenure  
481 under said section 9A of chapter 30 and without loss of seniority, retirement or other rights to  
482 which uninterrupted service in such prior position would have entitled the employee. During the  
483 period of such appointment, each person so appointed from a position in the classified civil  
484 service shall be eligible to take any competitive promotional examination for which the person  
485 would otherwise have been eligible.

486 (m) The board may require a prospective employee to: (i) submit an application and a  
487 personal disclosure on a form prescribed by the board which shall include a complete criminal  
488 history, including convictions and current charges for all felonies and misdemeanors; (ii)  
489 undergo testing which detects the presence of illegal substances in the body; and (iii) provide  
490 fingerprints and a photograph consistent with standards adopted by the state police. The board  
491 shall verify the identification, employment and education of each prospective employee,  
492 including: (i) legal name, including any alias; (ii) all secondary and post secondary educational  
493 institutions that the prospective employee attended regardless of graduation status; (iii) place of  
494 residence; and (iv) employment history.



495 (n) (1) The board shall not hire a prospective employee if the prospective employee has:  
496 (A) been convicted of a felony; (B) been convicted of a misdemeanor that, in the discretion of  
497 the board, bears a close relationship to the duties and responsibilities of the position for which  
498 employment is sought; or (C) intentionally made a false statement concerning a material fact in  
499 connection with the prospective employee's application to the board.

500 (2) If an employee of the board is charged with a felony or misdemeanor while employed  
501 by the board, the board may suspend the employee, with or without pay, and if the employee is  
502 convicted the board may terminate the employee's employment with the board. If an employee  
503 of the board is charged with a felony or misdemeanor related to gaming while employed by the  
504 board, the board shall suspend the employee, with or without pay, and if the employee is  
505 convicted the board shall terminate the employee's employment with the board.

506 (o) Immediately upon assuming office, each board member and employee of the board,  
507 except for secretarial and clerical personnel, shall swear or affirm, under the penalty of perjury,  
508 that the board member or employee possesses no financial interest in any gaming licensee or  
509 gaming vendor.

510 (p) A board employee who, as part of the employee's duties, is required to be present in a  
511 gaming establishment shall be considered an essential state employee.

512 (q) No board member, or employee of the board, other than in the performance of such  
513 member's or employee's official duties, shall place a wager in a gaming establishment.

514 (r) No employee of the board shall pursue any other business or occupation or other  
515 gainful employment outside of the board without the prior written approval of the commission

516 that such employment shall not interfere or be in conflict with the employee's duties to the  
517 board.

518 (s) The board shall be a state authority under the definition in section 1 of chapter 29.

519 Section 4. (a) All gaming control employees shall:

520 (i) be sworn to the faithful performance of their official duties

521 (ii) conduct themselves in a manner so as to render decisions that are fair and impartial  
522 and in the public interest;

523 (iii) avoid impropriety and the appearance of impropriety in all matters under their  
524 jurisdiction;

525 (iv) avoid all prohibited communications;

526 (v) require staff and personnel subject to their direction and control to observe the same  
527 standards of fidelity and diligence;

528 (vi) disqualify themselves from proceedings in which their impartiality might reasonably  
529 be questioned;

530 (vii) refrain from financial or business dealings which would tend to reflect adversely on  
531 impartiality;

532 (viii) not own, or be in the employ of, or own any stock in, any business which holds a  
533 license under this chapter; nor shall a gaming control employee have in any way directly or  
534 indirectly a pecuniary interest in, or be connected with, any such business or in the employ or  
535 connected with any person financing any such business; provided, that immediate family

536 members of gaming control employees shall not own, or be in the employ of, or own stock in,  
537 any business which holds a license under this chapter.

538 (b) No gaming control employee shall personally, or through any partner or agent, other  
539 than in the normal course of the employee's duties, render any professional service or make or  
540 perform any business contract with or for any gaming licensee or gaming vendor, except  
541 contracts made with the board for furnishing of services, nor shall the employee directly or  
542 indirectly receive any commission, bonus, discount, gift or reward from any gaming licensee.

543 (c) Neither the board nor any of its officers, agents, employees, consultants or advisors  
544 shall be subject to sections 9A, 45, 46 and 52 of chapter 30, or to chapter 31 or to chapter 200 of  
545 the acts of 1976.

546 (d) No individual shall be employed by the board if, during the period commencing 3  
547 years prior to employment, that individual held any direct or indirect interest in, or was  
548 employed by, a gaming licensee or gaming vendor.

549 (e) No commissioner or board member shall hold a direct or indirect interest in, or be  
550 employed by, an applicant or by a gaming licensee or gaming vendor for at least 3 years  
551 following the termination of the commissioner or board member's service as such a  
552 commissioner or board member.

553 (f) No employee of the board holding a major policy making position shall acquire  
554 interest in, or accept employment with, an applicant or licensee under this chapter for a period of  
555 2 years after the termination of employment with the board.

556 (g) No employee of the board in a non-major policy making position shall acquire interest  
557 in, or accept employment with, any applicant or licensee under this chapter for a period of 1 year  
558 after termination of employment with the commission.

559 (h) Gaming control employees shall be considered state employees under chapters 268A  
560 and 268B.

561 Section 5. The commission shall adopt regulations for the implementation, administration  
562 and enforcement of this chapter. The adoption of such regulations shall only be made after the  
563 board submits proposed regulations to the commission for the commission's review and  
564 approval. The board, subject to chapter 30A, shall prepare its recommendations and submit such  
565 recommendations to the commission. The regulations shall include, but not be limited to,  
566 regulations that:

567 (1) prescribe the method and form of application which an applicant for a license or  
568 registration shall follow and complete before consideration of an application by the commission  
569 and board;

570 (2) prescribe the information to be furnished by an applicant or licensee concerning the  
571 licensee's or applicant's antecedents, habits, character, associates, criminal record, business  
572 activities and financial affairs, past or present;

573 (3) prescribe the criteria for evaluation of the application for a gaming license including  
574 with regard to the proposed gaming establishment an evaluation of architectural design and  
575 concept excellence, integration of the establishment into its surroundings, tourism appeal, level  
576 of capital investment committed, financial strength of the applicant and the robustness of the  
577 applicant's financial plan;

578 (4) prescribe the information to be furnished by a gaming licensee relating to the  
579 licensee's gaming employees;

580 (5) require fingerprinting or other methods of identification of an applicant for a license  
581 or registration under this chapter;

582 (6) prescribe the manner and method of collection and payment of fees and issuance of  
583 licenses;

584 (7) prescribe grounds and procedures for the revocation or suspension of a license or  
585 registration;

586 (8) require quarterly financial reports and an annual audit prepared by a certified public  
587 accountant attesting to the financial condition of a gaming licensee and disclosing whether the  
588 accounts, records and control procedures examined are maintained by the gaming licensee as  
589 required by this chapter and the regulations promulgated under this chapter;

590 (9) prescribe the minimum procedures for effective control over the internal fiscal affairs  
591 of a gaming licensee, including the safeguarding of assets and revenues, the recording of cash  
592 and evidence of indebtedness and the maintenance of reliable records, accounts and reports of  
593 transactions, operations and events, including reports by the commission and board;

594 (10) provide for a minimum uniform standard of accounting engineering and procedures  
595 and a process for the approval of accounting and engineering firms;

596 (11) establish licensure and registration procedures for employees working at the gaming  
597 establishment and minimum training requirements; provided, further, that the commission and

598 board may establish certification procedures for any training schools in the commonwealth as  
599 well as the minimum requirements for reciprocal licensing for out-of-state gaming employees;

600 (12) require that all gaming employees be properly trained in their respective positions;

601 (13) require a sticker or label to be affixed to the front of all slots machines in a gaming  
602 establishment with the odds and holding percentage of the slot machines played in said gaming  
603 establishment and the compulsive gambling hotline number;

604 (14) provide for the interim authorization of a gaming establishment under of section 17;

605 (15) concern the conduct of junkets and conditions of junket agreements between gaming  
606 licensees and junket representatives;

607 (16) develop standards for granting a waiver under section 45;

608 (17) require gaming establishments to develop security measures, including checking the  
609 parking areas of the gaming establishment for unattended minors and animals every 2 hours;

610 (18) prescribe the procedure for holding public hearings and seeking public input on the  
611 process for siting gaming establishments and the review of all applications for a gaming license  
612 before a gaming license is awarded or renewed; and

613 (19) establish procedures and ensure compliance with the timelines for making the capital  
614 investments required in clause (2) of subsection (a) of section 12 to ensure that minimum capital  
615 investments are made as quickly as possible after the beginning of operations.

616           The commission may, under section 2 of chapter 30A, promulgate, amend, or repeal any  
617 regulation promulgated under this chapter as an emergency regulation if such regulation is  
618 necessary to protect the interests of the commonwealth in regulating a gaming establishment.

619           Section 6. The commission shall have all powers necessary or convenient to carry out and  
620 effectuate its purposes, including, but not limited to, the following:

621           (1)     to adopt an official seal;

622           (2)     to execute all instruments necessary or convenient to accomplish the purposes of  
623 this chapter;

624           (3)     to enter into agreements or other transactions with any person, including, but not  
625 limited to, any public entity or other governmental instrumentality or authority in connection  
626 with its powers and duties under this chapter;

627           (4)     to appear on its own behalf before boards, commissions, departments or other  
628 agencies of municipal, state or federal government;

629           (5)     to apply for and accept subventions, grants, loans, advances and contributions  
630 from any source of money, property, labor or other things of value, to be held, used and applied  
631 for its purposes;

632           (6)     to assure that licenses and registrations shall not be issued to nor held by, nor shall  
633 there be any material involvement, directly or indirectly, with a gaming establishment or a  
634 gaming licensee, by unqualified, disqualified, or unsuitable persons or persons whose operations  
635 are conducted in a manner not conforming with this chapter;

636 (7) to require an applicant for a position, which requires a license under this chapter, to  
637 apply for a license and approve or disapprove any such application or other transactions, events  
638 and processes as provided in this chapter;

639 (8) to require a person who has any kind of business association with a gaming licensee  
640 or applicant to be qualified for licensure or registration under this chapter;

641 (9) to develop criteria, in addition to those outlined in this chapter, to assess which  
642 application for a gaming licenses will provide the highest and best value to the commonwealth  
643 and the region in which a gaming establishment is to be located;

644 (10) to determine which applicants shall be awarded a gaming license, a gaming vendor  
645 license and other licenses under this chapter;

646 (11) to deny any application or limit, condition, restrict, revoke or suspend a license,  
647 registration, finding of suitability or approval or fine a person licensed, registered, found suitable  
648 or approved for any cause the commission deems reasonable;

649 (12) to issue subpoenas and compel the attendance of witnesses at any place within the  
650 commonwealth, administer oaths and require testimony under oath before the commission in the  
651 course of a hearing conducted under this chapter;

652 (13) to conduct adjudicatory proceedings under chapter 30A;

653 (14) to hear appeals of the board's suspension or revocation of a license;

654 (15) to monitor any federal activity regarding internet gaming; and



655 (16) to adopt, amend, or repeal regulations for the administration and enforcement of this  
656 chapter.

657 Section 7. The board shall have all powers necessary or convenient to carry out and  
658 effectuate its purposes, including, but not limited to, the following:

659 to appoint officers and hire employees;

660 to adopt an official seal;

661 to establish, and amend as necessary, such a plan of organization as it may consider  
662 expedient under subsection (k) of section 3;

663 to execute all instruments necessary or convenient to accomplish the purposes of this  
664 chapter;

665 to enter into agreements or other transactions with any person, including, but not limited  
666 to, a public entity or other governmental instrumentality or authority in connection with the  
667 board's powers and duties under this chapter;

668 to appear on its own behalf before boards, commissions, departments or other agencies  
669 of municipal, state or federal government;

670 to apply for and accept subventions, grants, loans, advances and contributions from any  
671 source of money, property, labor or other things of value, to be held, used and applied for its  
672 purposes;

673 to provide and pay for advisory services and technical assistance as may be necessary in  
674 its judgment to carry out the purpose of this chapter and fix the compensation of persons  
675 providing such services or assistance;

676 to prepare, publish and distribute, with or without charge, as the commission or board  
677 may determine, such studies, reports and bulletins and other material as the commission and  
678 board considers appropriate;

679 to monitor the conduct of all licensees and other persons having a material involvement,  
680 directly or indirectly with a licensee for the purpose of ensuring that licenses are not issued to or  
681 held by, and there is no direct or indirect material involvement with a licensee by unqualified, or  
682 unsuitable persons or persons whose operations are conducted in an unsuitable manner or in  
683 unsuitable or prohibited places as provided in this chapter;

684 to recommend:

685 the denial or approval of an application, license or registration or qualification for  
686 licensure;

687 conditions, limitations or restrictions of any license, registration, qualification for  
688 licensure or approval;

689 the suspension or revocation of a license, registration, qualification for licensure or  
690 approval or the imposition of a fine upon a person licensed, registered or qualified for licensure  
691 or approved for any cause considered reasonable by the board;

692 to conduct investigations into the qualifications of all applicants for employment by the  
693 board and all applicants for registration or licensure under this chapter;

694 to ensure that there is no duplication of duties and responsibilities between the board,  
695 commission and division; provided, however, that the commission may not place any restriction  
696 upon the board or the division's ability to investigate or prosecute violations of this chapter or  
697 the regulations adopted under this chapter;

698 to request and receive from the state police, the criminal history systems board, or other  
699 criminal justice agencies, including, but not limited to, the Federal Bureau of Investigation and  
700 the federal Internal Revenue Service, such criminal offender record information relating to  
701 criminal and background investigations as necessary for the purpose of evaluating employees of,  
702 and applicants for, employment by the board and any gaming licensee or gaming vendor, and  
703 evaluating licensees and applicants for licensure;

704 to be present through its inspectors and agents at all times in gaming establishments to:  
705 (i) certify the revenue of the establishment; (ii) receive complaints from the public relating to the  
706 conduct of gaming and wagering operations; (iii) examine records of revenues and procedures,  
707 inspect and audit all books, documents and records of any gaming licensee or gaming vendor;  
708 (iv) conduct periodic reviews of operations and facilities; and (v) otherwise exercise its oversight  
709 responsibilities with respect to gaming;

710 to inspect and have access to all equipment and supplies in a licensed gaming  
711 establishment or in any gaming area or other premises where gaming equipment is manufactured,  
712 sold or distributed;

713 to seize and remove from the gaming area or other premises of a gaming licensee and  
714 impound any equipment, supplies, documents or records for the purpose of examination and  
715 inspection;

716 to demand access to and inspect, examine, photocopy and audit all papers, books and  
717 records of any affiliate of a gaming licensee or gaming vendor whom the commission or board  
718 suspects is involved in the financing, operation or management of the gaming licensee or gaming  
719 vendor; provided, however, that the inspection, examination, photocopying and audit may take  
720 place on the affiliate's premises or elsewhere as practicable, and in the presence of the affiliate or  
721 the affiliate's agent;

722 to require that the books and financial or other records or statements of a gaming  
723 licensee or gaming vendor be kept in a manner that the board considers proper;

724 to assist the commission in conducting adjudicatory proceedings and developing  
725 regulations in accordance with chapter 30A;

726 to refer cases for criminal prosecution to the appropriate federal, state or local  
727 authorities;

728 to issue subpoenas and compel the attendance of witnesses at any place within the  
729 commonwealth, administer oaths and require testimony under oath before the commission and  
730 board in the course of any investigation or hearing conducted under this chapter;

731 to maintain an official internet website for the commission and board;

732 to establish parameters for elections under clause 7 of subsection (a) of section 12;

733 to determine which municipalities are the surrounding communities of a proposed  
734 gaming establishment; provided, however, that in making such determination the board shall  
735 consider factors including, but not limited to, population, infrastructure, distance from the  
736 gaming establishment and political boundaries;

737 to provide technical and financial assistance to cities and towns that are conducting  
738 referendum votes or negotiating community mitigation impact agreements for the purposes of  
739 this chapter and to facilitate the negotiation of fair and reasonable agreements between an  
740 applicant and host or surrounding communities;

741 to levy and collect assessments, fees and fines and impose penalties and sanctions for  
742 violations of this chapter and regulations under section 5;

743 to levy and collect assessments for the operation of the board, bureau, commission, state  
744 police unit and division;

745 to levy and collect taxes established in section 63; and

746 (30) to ensure that all environmental laws and regulations are followed and the mitigation  
747 of any impact on natural resources in the host and surrounding communities as a result of a  
748 gaming establishment.

749 Section 8. The board shall administer and enforce chapter 128A and 128C and any other  
750 general or special law related to pari-mutuel wagering. The board shall serve as a host racing  
751 commission and an off-track betting commission for purposes of 15 U.S.C.A.3001, et seq.

752 Section 9. (a) The board may require anyone with an interest in the business of an  
753 applicant for a gaming license or a close associate of an applicant for a gaming license, to be  
754 qualified for licensure by meeting the criteria set forth in sections 11 and 14 and to provide any  
755 other information that the board requires.

756 (1) For every business which applies for a gaming license, the board shall determine  
757 whether: each officer and director of a corporation, other than a publicly traded corporation;

758 general partner and limited partner of a limited partnership; and member or transferee of a  
759 member's interest in a limited-liability company; and director and manager of a limited-liability  
760 company which applies for a gaming license meets the standards for qualification of licensure  
761 under sections 11 and 14. The board may also require that any of an applicant's business'  
762 individual stockholders, lenders, holders of evidence of indebtedness, underwriters, close  
763 associates, key gaming employees, key executives, agents or employees shall also be required to  
764 meet the standards for qualification of licensure.

765 (2) Any person owning more than 5 per cent of the common stock of the applicant  
766 company directly or indirectly or a holding, intermediary or subsidiary of an applicant company  
767 may be required to meet the qualifications for licensure under sections 11 and 14. The board may  
768 waive these requirements for institutional investors holding up to 15 per cent of the stock of the  
769 applicant company or holding, intermediary or subsidiary company of the applicant company  
770 upon a showing by the person seeking the waiver that the applicant purchased the securities for  
771 investment purposes only and does not have an intention to influence or affect the affairs or  
772 operations of the applicant company or a holding, intermediary or subsidiary of the applicant  
773 company. An institutional investor granted a waiver which subsequently determines to influence  
774 or affect the affairs or operations of the applicant company or a holding, intermediary or  
775 subsidiary of the applicant company shall provide not less than 30 days notice to the board of  
776 such intent and the board shall ensure that the institutional investor meets the qualifications for  
777 licensure under sections 11 and 14 before the institutional investor may take an action that may  
778 influence or affect the affairs of the applicant company or a holding, intermediary or subsidiary  
779 of the applicant company.

780 (3) The board may require a person who is required to be qualified for licensure by this  
781 section to meet the standards for qualification of licensure under sections 11 and 14 and any  
782 other standards the board determines before providing a recommendation to the commission on a  
783 gaming license application under section 14.

784 (b) The board shall require any person involved in the financing of an applicant's  
785 proposed gaming establishment to be qualified for licensure under sections 11 and 14 and may  
786 grant a waiver under clause (2) of subsection (a).

787 (c) If a corporation or other form of business organization applying for a gaming license  
788 is to become a subsidiary, each holding company, intermediary company and other entity having  
789 an interest in the applicant shall be required to be qualified for licensure under sections 11 and  
790 14.

791 (d) The board may require that a company or individual that may exercise control or  
792 provide direction to an applicant company or a holding, intermediary or subsidiary of an  
793 applicant company be qualified for licensure under section 11 and 14 and may allow such person  
794 to seek a waiver under clause (2) of subsection (a).

795 Section 10. (a) After a gaming license is awarded to an applicant, the board may require  
796 that anyone with an interest in the gaming establishment be licensed by the commission or  
797 registered by the board.

798 (1) When a business is awarded a gaming license, all close associates, key gaming  
799 employees, institutional investors, junket representatives, junket enterprises, each officer and  
800 director if it is a corporation other than a publicly traded corporation, each general partner and  
801 limited partner if it is a limited partnership, and if it is a limited-liability company each member,

802 transferee of a member's interest in the limited-liability company, director and manager of the  
803 limited-liability company, shall be licensed by the commission prior to the business beginning  
804 operations at the gaming establishment.

805 (2) Any person owning more than 5 per cent of the common stock of the gaming licensee  
806 or a holding, intermediary or subsidiary of a gaming licensee shall be licensed. The board may  
807 waive the licensing requirements for institutional investors holding up to 15 per cent of the stock  
808 of the gaming licensee or holding, intermediary or a subsidiary company of the gaming licensee  
809 upon a showing by the person seeking the waiver that the applicant purchased the securities for  
810 investment purposes only and does not have an intention to influence or affect the affairs or  
811 operations of the gaming licensee or a holding, intermediary or a subsidiary of the gaming  
812 licensee. An institutional investor granted a waiver which subsequently determines to influence  
813 or affect the affairs or operations of the gaming licensee or a holding, intermediary or a  
814 subsidiary of the gaming licensee shall provide not less than 30 days notice to the board of such  
815 intent and shall file an application and be subject to the licensing requirements of this chapter  
816 before taking an action that may influence or affect the affairs of the gaming licensee or a  
817 holding, intermediary or a subsidiary of the gaming licensee.

818 (3) All other gaming employees, gaming service employees, or any other person or  
819 business with an interest in the gaming establishment as determined by the board, shall be  
820 required to register with the board and provide such information as the board may require.

821 (b) Any person required to be licensed shall file an application with the board and shall  
822 provide any additional information as the board requires. The application shall be on a form  
823 prescribed by the board and shall include, but shall not be limited to, the following:



824 (1) the name of the applicant;

825 (2) the mailing address and if a corporation, the name of the state under the laws of which  
826 the corporation is incorporated, the location of the corporation's principal place of business and  
827 the names and addresses of the corporation's directors and stockholders;

828 (3) any criminal or arrest record;

829 (4) any civil judgments obtained against the applicant pertaining to antitrust or security  
830 regulation;

831 (5) if the applicant is a business, the identity of every person or entity having a direct or  
832 indirect interest in the business and the nature of such interest; provided, that, if the entity is a  
833 trust, the application shall disclose the names and addresses of all beneficiaries; provided,  
834 further, that if the entity is a partnership, the names and addresses of all partners, both general  
835 and limited; and provided, further, that if the disclosed entity is a limited liability company, the  
836 names and addresses of all members;

837 (6) an independent audit report of all financial activities and interests including, but not  
838 limited to, the disclosure of all contributions, donations, loans or any other financial transactions  
839 to or from any gaming licensee or operator of any gaming establishment in any jurisdiction  
840 within the past 5 years; and

841 (7) clear and convincing evidence of financial stability including, but not limited to, bank  
842 accounts, records, references, business and personal income and disbursement schedules, tax  
843 returns and other reports filed with government agencies and business and personal accounting  
844 check records and ledgers. The board may require such other information and documentation as

845 it deems appropriate including, without limitation, information related to the financial integrity  
846 of the applicant.

847 (c) The board, by a majority vote of all members, may (i) make a recommendation to the  
848 commission that the commission deny the application for a license; (ii) extend the period for  
849 issuing a recommendation in order to obtain additional information necessary for a complete  
850 evaluation of the application for a license; or (iii) recommend to the commission that the  
851 commission grant the applicant a license.

852 (d) The commission may deny an application for a license and the board may deny an  
853 application for a registration if the board or commission finds that a license applicant or  
854 registrant is disqualified under section 11 or is unsuitable under section 14.

855 (e) A person who is required to be licensed under this section as a general or limited  
856 partner shall not serve as such a partner for a licensee until the person obtains the required  
857 license or waiver from the commission.

858 (f) The board shall require any person involved in the financing of a gaming  
859 establishment to be licensed under this section but may grant a waiver under clause (2) of  
860 subsection (a).

861 (g) A person serving in a position that is required to be licensed or registered shall apply  
862 to be licensed by the commission or registered by the board not later than 30 days after taking a  
863 position with the business. A person who is required to be licensed or registered under a decision  
864 of the board shall apply for a license or registration not later than 30 days after the decision.

865 (h) If a corporation or other form of business organization holding a gaming license is to  
866 become a subsidiary, the board shall require each holding company, intermediary company and  
867 other entity to be licensed.

868 (i) The commission and board may require the licensing of a company or individual that  
869 may exercise control or provide direction to a gaming licensee or a holding, intermediary or  
870 subsidiary of a gaming licensee.

871 (j) The commission or board may condition, suspend or revoke a license or registration  
872 under this section if the commission or board finds that a licensee or registrant has:

873 (1) been arrested or convicted of a crime; or

874 (2) failed to comply with this chapter pertaining to licensees or registrants.

875 Section 11. The commission shall deny an application for a gaming license or a license or  
876 registration issued under this chapter, if the applicant:

877 has been convicted of a felony or other convictions involving embezzlement, theft, fraud  
878 or perjury; provided, however, that for convictions which occurred before the 10-year period  
879 immediately preceding application for licensure, an applicant may demonstrate and the  
880 commission shall consider, the applicant's rehabilitation and whether such conviction should not  
881 result in a denial of the application under this section;

882 submitted an application for a license under this chapter that contains false or misleading  
883 information;

884 committed prior acts which have not been prosecuted or convicted but form a pattern of  
885 misconduct that make the applicant unsuitable for a license under this chapter; or

886 has affiliates or close associates who would not qualify for a license or whose  
887 relationship with the applicant could pose an injurious threat to the interests of the  
888 commonwealth in awarding a gaming license to the applicant.

889 Section 12. (a) No applicant shall be eligible to bid on a gaming license unless the  
890 applicant meets the following initial criteria and clearly states as part of an application that the  
891 applicant shall:

892 (1) agree to be a state lottery reseller for the purpose of lottery and keno games and  
893 demonstrates that state lottery and keno games would be readily accessible to guests of the  
894 gaming establishment;

895 (2) in accordance with the design plans required under clause (13) of subsection (a) of  
896 section 13 and in consultation with the secretary of transportation and the secretary of housing  
897 and economic development, invest not less than \$600,000,000 into a gaming establishment  
898 proposed to be located in region 1, not less than \$600,000,000 into a gaming establishment  
899 proposed to be located in region 2 and not less than \$600,000,000 into a gaming establishment  
900 proposed to be located in region 3, which shall not include the purchase of the land where the  
901 gaming establishment would be located;

902 (3) meet the licensee bonding requirement as set by the board;

903 (4) have a debt to equity ratio of not more than 4 to 1 when the application is submitted;

904 (5) own or acquire within 60 days after a license has been awarded, the land where the  
905 gaming establishment is proposed to be constructed;

906 (6) demonstrate the ability to pay and commit to paying the licensing fee of at least  
907 \$75,000,000 if the gaming establishment is to be located in region 1, at least \$75,000,000 if the  
908 gaming establishment is to be located in region 2 and at least \$75,000,000 if the gaming  
909 establishment is to be located in region 3 and the operating licensing payment of 25 per cent of  
910 all gross gaming revenues; and demonstrate the ability to raise and commit to invest the funds  
911 required in subsection (2);

912 (7) have received a certified and binding vote on a ballot question at an election in the  
913 host community, in favor of such license; provided, that, the vote must take place after the  
914 effective date of this chapter; provided, further, that a binding vote shall be conducted not less  
915 than 60 days after the execution of a signed agreement between the host community and the  
916 applicant as provided in subsection (10); provided, further, that the city, town or district that  
917 holds an election shall be reimbursed for its expenses related to the election by the applicant;  
918 provided further that, for purposes of this paragraph only, if the gaming establishment is  
919 proposed to be located in a city of 125,000 or more residents according to the most recent  
920 enumerated federal census, “host community” shall mean only the ward in which the gaming  
921 establishment is to be located for the purpose of receiving a certified and binding vote on a ballot  
922 question at an election; provided, further, that, upon the signing of an agreement between the  
923 host community and the applicant as provided in subsection (10), and on the request of the  
924 applicant, the city or town clerk shall set a date certain for an election on said ballot question in  
925 the host community; provided, further that, at such election, the question submitted to the voters  
926 shall be worded as follows:-- “Shall the (city/town) of \_\_\_\_\_ permit the Massachusetts  
927 Gaming Commission to authorize a gaming facility to be located at \_\_\_\_ [description of  
928 site] \_\_\_\_\_? YES \_\_\_\_\_ NO \_\_\_\_\_”; provided, further, that, if a majority of the votes cast in a

929 host community in answer to the ballot question is in the affirmative, such host community shall  
930 be taken to have voted in favor of the applicant's license.

931 (8) provide a community impact fee to the host community;

932 (9) pay for infrastructure costs of the host and surrounding communities incurred in direct  
933 relation to the construction and operation of a gaming establishment;

934 (10) provide to the commission a signed agreement between the host community and the  
935 applicant to have a gaming establishment located within the host community; provided, that the  
936 agreement shall include the community impact fee for the host community and all stipulations of  
937 responsibilities between the host community and the applicant, including stipulations of known  
938 impacts from the development and operation of a gaming establishment;

939 (11) comply with state and local building codes and local ordinances and bylaws;

940 (12) formulate for board approval and abide by an affirmative-action program of equal  
941 opportunity by which the applicant guarantees to provide equal employment opportunities to all  
942 employees qualified for licensure in all employment categories, including a person with a  
943 disability, under the laws of the commonwealth; and

944 (13) pay to the board a non-refundable application fee in the amount of \$400,000,  
945 \$50,000 of which shall be utilized to reimburse the host and surrounding municipalities for the  
946 cost of determining the impact of a proposed gaming establishment and for negotiating  
947 community mitigation impact agreements.

948 (b) Notwithstanding any general or special law to the contrary, the construction of a new  
949 gaming facility or the reuse of an existing structure or facility for the purposes of establishment

950 of a gaming facility shall require a review under sections 61 to 62H, inclusive, of chapter 30: the  
951 Massachusetts Environmental Policy Act; and 301 CMR 11.00.

952 Section 13. (a) The board shall prescribe the form of the application for a gaming license  
953 which shall require, but not be limited to, the following:

954 the name of the applicant;

955 the mailing address and, if a corporation, the name of the state under the laws of which it  
956 is incorporated, the location of its principal place of business and the names and addresses of its  
957 directors and stockholders;

958 the identity of every person or entity having a direct or indirect interest in the business  
959 and the nature of such interest; provided, that, if the entity is a trust, the application shall disclose  
960 the names and addresses of all beneficiaries; provided, further, that if a partnership, the names  
961 and addresses of all partners, both general and limited; and provided, further, that if a limited  
962 liability company, the names and addresses of all members;

963 whether the applicant is a federally recognized Native American tribe located in the  
964 commonwealth or is partnering with a federally recognized Native American tribe located in the  
965 commonwealth; provided, that if the applicant is a federally recognized Native American tribe  
966 located in the commonwealth, such an applicant shall indicate whether the applicant has entered  
967 into a contractual agreement with the commonwealth and whether the tribe has entered into an  
968 agreement with the commonwealth to waive its rights under the Indian Regulatory Gaming act,  
969 25 U.S.C. sections 2701, et seq. and be subject to the civil and criminal laws, statutes, ordinances  
970 and jurisdiction of the commonwealth with respect to activities relating to the development and  
971 operation of a gaming establishment;

972 information and documentation to demonstrate that the applicant has sufficient business  
973 ability and experience to establish the likelihood of creation and maintenance of a successful  
974 gaming establishment;

975 if an applicant has ever applied for or has been granted a license to conduct gaming in  
976 another jurisdiction, or has had a license issued by any other jurisdiction that has been denied,  
977 restricted, suspended, revoked or not renewed the applicant shall include a statement describing  
978 the facts and circumstances concerning the application, denial, restriction, suspension, revocation  
979 or nonrenewal, including the identity of the licensing authority, the date each action was taken  
980 and the reason for each action;

981 an independent audit report of all financial activities and interests including, but not  
982 limited to, the disclosure of all contributions, donations, loans or any other financial transactions  
983 to or from any gaming establishment or operator of a gaming establishment in the past 5 years;

984 clear and convincing evidence of financial stability including, but not limited to, bank  
985 references, business and personal income and disbursement schedules, tax returns and other  
986 reports filed by government agencies and business and personal accounting check records and  
987 ledgers;

988 evidence of ability and commitment to pay the gaming license fee;

989 a capital investment plan and the total amount of investment proposed by the applicant in  
990 the proposed gaming establishment, including all facilities, amenities and infrastructure;

991 evidence of sufficient capital to finance the proposed capital investment plan, including  
992 investment in all facilities, amenities, infrastructure improvements as specified in the design plan



993 and continued operation of the proposed gaming establishment; provided, that, a gaming licensee  
994 shall engage a third-party engineering and accounting firms to certify expenses of its capital  
995 investment plan and provide documentation of such accounting to the board; provided, further,  
996 that, the third-party engineering and accounting firms shall be approved by the board and shall  
997 certify expenses under rules and regulations adopted by the commission under section 5;  
998 provided, further, that, the design plan shall describe timelines and milestones for design and  
999 construction of such infrastructure improvements and the applicant shall make quarterly reports  
1000 on the progress of such infrastructure improvements to the board, the respective host  
1001 communities and the house and senate committees on ways and means;

1002 the location for the proposed gaming establishment, which shall include the address,  
1003 maps, book and page numbers from the appropriate registry of deeds, assessed value of the land  
1004 at the time of application and ownership interests over the past 20 years including all interests,  
1005 options, agreements in property and demographic, geographic and environmental information  
1006 and any other information requested by the commission related to the proposed location;

1007 the design plans for the proposed gaming establishment, including, but not limited to:

1008 detailed design plans detailing all phases of construction;

1009 the names and addresses of the architects, engineers and designers;

1010 a detailed timeline for construction that includes all phases of construction for the gaming  
1011 establishment and non-gaming structures;

1012 the number of construction hours estimated to complete the work and whether the  
1013 developer has contracts with labor organizations or a provision assuring labor harmony during all

1014 phases of such construction, renovation or reconstruction of the development, and capital and  
1015 routine maintenance; and

1016 a responsible contractor policy and the specific qualifications required for all contractors  
1017 and subcontractors on the project;

1018 a detailed description of types of games to be conducted at the gaming establishment;  
1019 number and type of each games and the specific gaming area;

1020 a detailed description of the other amenities at the gaming establishment, including but  
1021 not limited to:

1022 the number of hotels and rooms per hotel and other amenities to be located at the  
1023 proposed gaming establishment;

1024 the number of restaurants and other dining establishments to be located at the proposed  
1025 gaming establishment; and

1026 a description of ancillary entertainment services and amenities to be offered at the  
1027 proposed gaming establishment;

1028 a detailed description of the proposed internal controls and security systems at the  
1029 proposed gaming establishment;

1030 whether the applicant purchased or intends to purchase publicly owned land for the  
1031 proposed gaming establishment;

1032 the number of permanent employees to be employed at the gaming establishment,  
1033 including detailed information on pay rate and benefits;

1034 a detailed description of the proposed gaming establishment's hiring and training  
1035 practices, how it will promote the development of a skilled and diverse workforce, how it will  
1036 provide opportunities for promotion;

1037 whether the applicant would agree to hire any qualified persons permanently employed as  
1038 of June 1, 2010 at a facility authorized to conduct simulcasting under chapter 128C that is in  
1039 operation on June 1, 2010 within the region for which the gaming license was granted if said  
1040 facility terminates operation within 1 year of the commission awarding the gaming license, and  
1041 whether the applicant would agree to hire any qualified greyhound kennel owners, greyhound  
1042 kennel workers, or other former greyhound track employees who lost their jobs as a result of the  
1043 passage of chapter 388 of the acts of 2008; provided, however, that all employees within the  
1044 gaming establishment shall be subject to all other requirements and conditions of employment  
1045 under this chapter;

1046 whether the applicant has a contract with organized labor and has the support of  
1047 organized labor for its application; and whether the applicant has included detailed plans for  
1048 assuring labor harmony during all phases of the construction, re-construction, renovation,  
1049 development and operation of the gaming establishment;

1050 an agreement and detailed description of how the applicant will mitigate potential  
1051 negative public health consequences associated with gambling and the operation of a gambling  
1052 establishment;

1053 completed studies and reports as required by the board, which shall include, but shall not  
1054 be limited to, an examination of the proposed gaming establishment's: (a) economic benefits to  
1055 the region and the commonwealth; (b) local and regional social, environmental, traffic and

1056 infrastructure impacts; (c) impact on the local and regional economy, including on cultural  
1057 institutions and on small businesses in the host and surrounding communities; (d) cost to the host  
1058 community and surrounding communities and the commonwealth for the proposed gaming  
1059 establishment to be located at the proposed location; and (e) the estimated municipal and state  
1060 tax revenue to be generated by the gaming establishment;

1061 (24) a statement as to whether the applicant's proposed gaming establishment is part of or  
1062 in accord with a regional or local economic development plan;

1063 (25) a plan to identify, evaluate and mitigate social, economic, cultural and public safety  
1064 impacts in surrounding communities; provided, that, the plan shall include proposed surrounding  
1065 community impact fees and participation by the surrounding communities in identifying impacts  
1066 and mitigation agreements with the surrounding communities;

1067 (26) the names of proposed vendors of gaming equipment;

1068 (27) responses to any additional questions that the board may ask; and

1069 (28) a plan to identify, evaluate and mitigate transportation infrastructure impacts in  
1070 surrounding communities.

1071 (b) Applications for licenses shall be public records for the purposes of section 10 of  
1072 chapter 66; provided further that trade secrets, competitively-sensitive or other proprietary  
1073 information provided in the course of an application for a gaming license under this chapter, the  
1074 disclosure of which would place the applicant at a competitive disadvantage, may be withheld  
1075 from disclosure under chapter 66.

1076 Section 14. (a) Upon receipt of an application for a license or registration under this  
1077 chapter, the board shall investigate the suitability of the applicant. In evaluating the suitability of  
1078 an applicant, the board shall consider the overall reputation of the applicant including, but not  
1079 limited to:

1080 (1) the integrity, honesty, character and reputation of the applicant;

1081 (2) the financial stability and background of the applicant;

1082 (3) the business practices and the business ability of the applicant;

1083 (4) whether the applicant has a history of compliance with gaming licensing  
1084 requirements in other jurisdictions;

1085 (5) whether the applicant, at the time of application, is a defendant in litigation  
1086 involving its business practices;

1087 (6) the suitability of all parties in interest to the gaming license, including affiliates,  
1088 close associates and the financial resources of the applicant; and

1089 (7) whether the applicant is disqualified from receiving a license under section 11;  
1090 provided, however, that in considering the rehabilitation of an applicant for a gaming license, the  
1091 commission shall not automatically disqualify an applicant if the applicant affirmatively  
1092 demonstrates, by clear and convincing evidence, that the applicant has financial responsibility,  
1093 character, reputation, integrity and general fitness as such to warrant belief by the commission or  
1094 board that the applicant will act honestly, fairly, soundly and efficiently as a licensee or  
1095 registrant.

1096 (b) If the board determines during its suitability investigation under subsection (a) that an  
1097 applicant for a gaming license has failed to: (i) establish the applicant's integrity or the integrity  
1098 of an affiliate, close associate, financial source or person required to be qualified by the board;  
1099 (ii) demonstrate responsible business practices in any jurisdiction; (iii) overcome any other  
1100 reason, as determined by the board, as to why it would be injurious to the interests of the  
1101 commonwealth in awarding the applicant a gaming license, the board shall cease any further  
1102 review and recommend to the commission that the application be denied.

1103 Section 15. (a) If the board has determined an applicant for a gaming license is suitable to  
1104 receive a gaming license, the board shall commence a review of the applicant's entire  
1105 application.

1106 (b) The board shall identify which communities shall be designated as the surrounding  
1107 communities of a proposed gaming establishment. In making that determination the board shall  
1108 consider the plan submitted by the applicant under clause (24) of subsection (a) of section 13,  
1109 information received from the public and factors which include, but shall not be limited to,  
1110 population, infrastructure, distance from the gaming establishment and political boundaries. Prior  
1111 to the public hearing, the applicant shall provide to the board a signed agreement with each of the  
1112 surrounding communities; provided that each agreement shall include a surrounding community  
1113 impact fee and all stipulations of responsibility between the community and the applicant,  
1114 including stipulations of known impacts from the development and operation of the gaming  
1115 establishment. When necessary the board may facilitate the negotiation of fair and reasonable  
1116 agreements between the applicant and surrounding communities.

1117 (c) After a review of the entire application and any independent evaluations, the board  
1118 shall conduct a public hearing on the application under section 11½ of chapter 30A. An applicant  
1119 for a gaming license and a municipality designated as a host or surrounding community shall be  
1120 given at least 30 days notice of the public hearing. The board shall hold the public hearing within  
1121 the host community; provided, however, that the host community may request that the board  
1122 hold the hearing in another city or town upon request by a majority of members of the town  
1123 council, or in a city having a Plan D or Plan E charter, the city manager and the city council and  
1124 in any other city the mayor and city council and in towns a majority vote of those present and  
1125 voting at a town meeting and approval by the board of selectmen.

1126 (d) The public hearing shall provide the board the opportunity to address questions and  
1127 concerns relative to the proposal of an applicant for a gaming license including the breadth and  
1128 quality of the gaming area and amenities, the integration of the establishment into the  
1129 surrounding community, the extent of required mitigation plans, as well as receive input from  
1130 members of the public from the impacted community or communities. During the hearing, along  
1131 with allowing members of the public to give verbal testimony, the board may read into the record  
1132 letters of support, opposition or concern from members of the public.

1133 (e) Not later than 90 days after the conclusion of the public hearing the board shall take  
1134 action on the application. The board, by a majority vote of all members, may: (i) make a  
1135 recommendation to the commission that the commission deny the application; (ii) extend the  
1136 period for issuing a recommendation in order to obtain additional information necessary for a  
1137 complete evaluation of the application; or (iii) recommend to the commission that the  
1138 commission grant the applicant a gaming license.

1139 (f) Upon making a decision to recommend denial of an application, the board shall  
1140 prepare and file the board's decision with the commission and, if requested by the applicant,  
1141 shall further prepare and file a statement of the reasons for the recommendation of denial,  
1142 including specific findings of fact.

1143 (g) The applicant shall be entitled to a hearing before the commission after the filing of  
1144 the board's recommendation. The applicant shall have the right to contest the board's findings.  
1145 A representative of the board shall also appear at the hearing and the commission may put such  
1146 questions to that representative as it deems appropriate.

1147 (h) Not later than 60 days after the receipt of the recommendation of the board, the  
1148 commission shall take action on the application. The commission, by majority vote of all  
1149 commissioners, may: (i) deny the application; (ii) extend the period for issuing a decision in  
1150 order to obtain any additional information necessary for a complete evaluation of the application;  
1151 or (iii) grant the application for a gaming license.

1152 (i) Upon denial of an application, the commission shall prepare and publish its order and,  
1153 if requested by the applicant, shall further prepare and file a statement of the reasons for the  
1154 denial, including specific findings of fact.

1155 (j) The commission shall have full discretion as to whether to issue a license. Applicants  
1156 shall have no legal right or privilege to a gaming license and shall not be entitled to any further  
1157 review if denied.

1158 Section 16. (a) In determining whether an applicant should receive a gaming license, the  
1159 commission shall evaluate:



1160 whether the proposed gaming establishment offers the highest and best value creating a  
1161 secure and robust gaming market in the region and the commonwealth;

1162 the revenues received by the commonwealth;

1163 the number and quality of the jobs provided by the proposed gaming establishment;

1164 the degree to which the proposed gaming establishment meets the criteria identified in  
1165 regulations adopted under section 5;

1166 the degree to which potential impacts on host and surrounding communities which might  
1167 result from the development or operation of the gaming establishment are mitigated;

1168 the degree to which potential adverse effects which might result from the project  
1169 including but not limited to, the cost of meeting the increase in demand for public health care,  
1170 child care, public transportation, affordable housing and social services, are mitigated;

1171 the distance between the proposed gaming establishment and any other gaming  
1172 establishment;

1173 how well the proposal protects the lottery from adverse impacts due to expanded gaming,  
1174 including, but not limited to, developing cross-marketing strategies with the lottery and  
1175 increasing ticket sales to out-of-state residents;

1176 how well the proposal promotes local businesses in host and surrounding communities,  
1177 including developing cross-marketing strategies with local restaurants, hotels, retail outlets and  
1178 performing arts organizations;

1179           how well the proposal implements a workforce development plan to utilize the existing  
1180 labor force in the commonwealth and region, including the estimated number of construction  
1181 jobs to be generated by a proposed gaming establishment, the development of workforce training  
1182 programs and methods for accessing employment at the gaming establishment;

1183           whether the proposal would build a gaming establishment with a variety of amenities and  
1184 operate in partnership with local hotels, dining, retail and entertainment facilities so that patrons  
1185 experience the diversified regional tourism industry;

1186           whether the proposal takes additional measures to address problem gambling, including,  
1187 but not limited to, training gaming employees in prevention programs targeted toward vulnerable  
1188 populations and to identify patrons exhibiting problems with gambling;

1189           the market analysis detailing the benefits of the site location of the gaming establishment  
1190 and the estimated recapture rate of gaming-related spending by residents travelling to out-of-state  
1191 gaming establishments;

1192           whether the proposal utilizes sustainable development and high performance design  
1193 principles, including, but not limited to: (i) being certified as gold or higher under the appropriate  
1194 certification category in the Leadership in Environmental and Energy Design program created by  
1195 the United States Green Building Council; (ii) meeting or exceeding the stretch energy code  
1196 requirements contained in Appendix 120AA of the Massachusetts building energy code or  
1197 equivalent commitment to advanced energy efficiency as determined by the secretary of the  
1198 executive office of energy and environmental affairs; (iii) efforts to mitigate vehicle trips; (iv)  
1199 efforts to conserve water and manage storm water; (v) demonstration that electrical and HVAC  
1200 equipment and appliances will be EnergyStar labeled where available; (vi) procuring or

1201 generating on-site 10 per cent of its annual electricity consumption from renewable sources  
1202 qualified by the department of energy resources under section 11F of chapter 25A; and (vii)  
1203 developing an on-going plan to sub-meter and monitor all major sources of energy consumption  
1204 and undertake regular efforts to maintain and improve energy efficiency of buildings in their  
1205 systems;

1206 whether the proposal establishes, funds and maintains human resource hiring and  
1207 training practices and promotes the development of a skilled and diverse workforce and access to  
1208 promotion opportunities through a workforce training program that: (i) establishes transparent  
1209 career paths within the establishment, leading to increased responsibility and pay, with  
1210 measurable criteria designed to assist employees pursuing career advancement and promotion;  
1211 (ii) provides employees access to additional resources, such as tuition reimbursement or stipend  
1212 policies, to enable employees to acquire education or job training needed to advance on those  
1213 career paths; and (iii) establishes an on-site child day care program;

1214 whether the applicant would contracts with local business owners to provide services and  
1215 goods to the gaming establishment;

1216 how well the proposal preserves and enhances the live horse racing industry in the  
1217 commonwealth and its operational and economic sustainability, including the preservation and  
1218 development of jobs within the racing industry and related agricultural industries, or including  
1219 the preservation and enhancement of purse programs in the commonwealth; and

1220 the degree to which the proposed gaming establishment provides a suitable buffer to  
1221 residential and commercial abutters.

1222 (b) The commission shall issue a statement of findings of how each applicant proposes to  
1223 meet the objectives in subsection (a).

1224 Section 17. (a) The commission may issue not more than 3 gaming licenses based on the  
1225 applications and bids submitted to the commission. Not more than 1 license may be awarded per  
1226 region, as follows:

1227 region 1: suffolk, middlesex, essex and worcester counties;

1228 region 2: norfolk, bristol, plymouth, nantucket, dukes and barnstable counties;

1229 region 3: hampshire, hamden, franklin and berkshire counties.

1230 Gaming licenses shall only be issued to applicants who are qualified under the criteria set  
1231 forth in this chapter as determined by the commission. Within any of the regions, if the  
1232 commission is not convinced that there is an applicant that has both met the eligibility criteria  
1233 and provided convincing evidence that the applicant will provide value to the region in which the  
1234 gaming establishment is proposed to be located and to the commonwealth, no gaming license  
1235 shall be awarded in that region.

1236 (b) No other gaming license shall be issued by the commission for a period of 10 years.

1237 (c) No gaming licensee shall transfer a license or any direct or indirect interest in the  
1238 license or a gaming establishment without the majority approval of the commission. Any person  
1239 seeking to acquire a license through a transfer shall qualify for licensure under this chapter. The  
1240 commission shall reject any license transfer or transfer of interest in the gaming establishment to  
1241 an unsuitable person and may reject a proposed transfer that, in the opinion of the commission,  
1242 would be disadvantageous to the interests of the commonwealth.

1243 (d) (1) Notwithstanding any general or special law or rule or regulation to the contrary,  
1244 the commission may grant, upon request of an applicant for a gaming license, a gaming beverage  
1245 license for the sale and distribution of alcoholic beverages to be drunk on the premises of a  
1246 gaming establishment. The alcoholic beverage control commission shall have the exclusive  
1247 authority to enforce, regulate and control the distribution of alcoholic beverages in the gaming  
1248 establishment.

1249 (2) Chapter 138 and the rules and regulations promulgated by the alcoholic beverages  
1250 control commission shall apply to a gaming establishment and a gaming beverage license unless  
1251 otherwise provided by this section.

1252 (3) The fee for the gaming beverage license and any renewals of the license shall be  
1253 determined by the commission. The application fee shall be remitted with the gaming  
1254 application fee.

1255 (4) A licensee under this section shall be permitted to distribute alcohol free of charge  
1256 and for on-premise consumption to patrons in the gaming area or as a complimentary service or  
1257 item in the gaming establishment; provided, however, that the commission shall promulgate  
1258 regulations on such distribution as well as the forms of identification that may be presented to the  
1259 licensee to demonstrate proof that a person has attained the age of 21.

1260 (5) The request submitted to the commission for a gaming beverage license by an  
1261 applicant for a gaming license shall detail all areas where alcoholic beverages will be served  
1262 within the gaming establishment. In issuing a gaming beverage license, the commission shall  
1263 describe the scope of the particular license and any restrictions and limitations; provided,

1264 however, that the license shall not permit the sale or distribution of alcoholic beverages between  
1265 the hours of 2 a.m. and 8 a.m.

1266 (6) A gaming licensee shall be responsible for violations of gaming beverage license in  
1267 the gaming establishment. The commission may revoke, suspend, refuse to renew or refuse to  
1268 transfer a gaming beverage license for violations of chapter 138, regulations promulgated by the  
1269 alcoholic beverages control commission and the regulations adopted by the commission. If, at  
1270 any time, a licensee elects temporary suspension of their gaming license due to violations of this  
1271 section, said licensee shall owe the commonwealth the average tax on gross gaming revenue  
1272 based on an appropriate period of time as determined by the commission for the number of days  
1273 operation was suspended.

1274 (7) A gaming beverage license shall be nontransferable without prior approval from the  
1275 commission. If the license granted under this section is cancelled, revoked or no longer in use, it  
1276 shall be returned physically, with all the legal rights, privileges and restrictions pertaining to the  
1277 license, to the commission and the commission may then grant the license to a new gaming  
1278 licensee under the same conditions as specified in this section.

1279 (8) A license granted under this section shall not decrease the number of such licenses  
1280 authorized to be granted to the host community under chapter 138.

1281 (e) A gaming license issued under this chapter shall be valid for a period of 10 years from  
1282 the date of first issuance. Ten years after issuance, and every 10 years thereafter, the  
1283 commission shall perform a thorough review of the business strategy of the gaming  
1284 establishment which shall include plans for expansion and marketing submitted by the licensee.

1285 The commission shall establish procedures for renewal and set the renewal fee based on the cost  
1286 associated with the evaluation of a licensee requesting a renewed gaming license.

1287 A gaming licensee shall issue an annual report to the board explicitly stating its progress  
1288 on meeting each of the stated goals and stipulations from the licensee's original application. If a  
1289 licensee is unable to meet stated goals within a reasonable time frame, as determined by the  
1290 board, the board may levy additional fees, so long as the fees are fair and reasonable and the  
1291 commission may revoke the license, so long as the licensee has been afforded a proper hearing  
1292 on the matter.

1293 Nothing in this section shall preclude the board at any time from reviewing the business  
1294 operations of a gaming licensee to ensure that the conditions of licensure are being met,  
1295 including, but not limited to, the suitability of the licensee and any affiliates and the fiscal  
1296 stability of the gaming establishment.

1297 (f) The commission may condition, suspend or revoke a gaming license upon a finding  
1298 that a licensee: (i) has committed a criminal or civil offense under this chapter or any other laws  
1299 of the commonwealth; (ii) is not in compliance with gaming regulations or is under criminal  
1300 investigation in another jurisdiction; (iii) has breached a condition of the gaming license; (iv) is  
1301 conducting business with or employing a person or entity subject to license or registration under  
1302 this chapter that is not licensed or registered; (v) is no longer capable of maintaining operations  
1303 at a gaming establishment; or (vi) whose business practice, upon a determination by the  
1304 commission, is injurious to the policy objectives of this chapter.

1305 (g) Whenever any person contracts to transfer any property relating to an ongoing gaming  
1306 establishment, including a security holding in a gaming licensee or holding or intermediary

1307 company, under circumstances which require that the transferee obtain licensure under this  
1308 chapter, the contract shall not specify a closing or settlement date which is sooner than 121 days  
1309 after the submission of a completed application for licensure or qualification, which application  
1310 shall include a fully executed and approved trust agreement.

1311           The commission shall hold a hearing and render a decision on the interim authorization of  
1312 the applicant. If the commission grants interim authorization, then the closing or settlement may  
1313 occur without interruption of gaming operations. If the commission denies interim authorization,  
1314 there shall be no closing or settlement until the commission makes a determination on the  
1315 qualification of the applicant. If the commission then denies qualification the contract shall be  
1316 terminated for all purposes without liability on the part of the transferor.

1317           (h) No person or affiliate shall be awarded, purchase or otherwise hold or have a financial  
1318 interest in more than 1 gaming license issued by the commission.

1319           (i) When granting the gaming licenses, the commission shall take into consideration the  
1320 physical distance in of the proposed gaming establishments as they relate to each other and how  
1321 to maximize the benefits to the commonwealth. No gaming establishment shall be located  
1322 within 40 miles of any other gaming establishment in the commonwealth.

1323           (j) The commission shall evaluate all gaming license applications to determine which  
1324 application provides the highest and best value to the region and to the commonwealth based on  
1325 the criteria set out in this chapter, and any other terms the commission determines by regulation.  
1326 If there is more than 1 applicant in a region who is determined by the commission to be eligible  
1327 for a gaming license under this section, the commission shall allow each eligible applicant to  
1328 resubmit its application. An eligible applicant may, in its resubmitted application, voluntarily



1329 increase the license fee required by subsection (k) and may modify any portion of their  
1330 application related to the factors listed in section 16. The commission shall consider the entire  
1331 application and not base its decision solely on the additional license fee payments in determining  
1332 which applicant shall be awarded a license.

1333 (k) A gaming licensee which has received a license in region 1 or 2 shall pay to the board  
1334 a fee of not less than \$75,000,000 and a gaming licensee which has received a license in region 3  
1335 shall pay to the board a fee of not less than \$50,000,000. These fees shall be paid not later than  
1336 30 days after the final award of the license which sets forth the conditions to be satisfied by the  
1337 licensee before the gaming establishment may be opened to the public.

1338 Section 18. (a) The board shall prescribe the form of the gaming license, which shall  
1339 include, but shall not be limited to, the following license conditions:

1340 Each gaming licensee shall have an affirmative obligation to abide by every statement  
1341 made in its application to the board under section 13 and every statement made in its bid  
1342 submission to the board under section 17.

1343 Each gaming licensee shall comply with all laws of the commonwealth and all rules and  
1344 regulations promulgated under this chapter.

1345 Each gaming licensee shall abide by all state and local building codes.

1346 Each gaming licensee shall pay daily to the board the gross gaming revenue payment.

1347 Each gaming licensee shall make, or cause to be made, capital expenditures to its gaming  
1348 establishment in a minimum aggregate amount equal to or greater than 3.5 per cent of the net  
1349 gaming revenues derived from the establishment.

1350 No person including, but not limited to, a substantial party in interest, affiliates and those  
1351 entities established under the rules and regulations of the state secretary, shall transfer a license,  
1352 a direct or indirect real interest, structure, real property, premises, facility, personal interest or  
1353 pecuniary interest under a license issued under this chapter or enter into an option contract,  
1354 management contract or other agreement or contract providing for such transfer in the present or  
1355 future, without the notification to, and approval by, the commission. The commission may  
1356 promulgate rules and regulations, under section 5, that create exemptions from the approval  
1357 requirement; provided, that:

1358 in no event shall a bona fide commercial financial institution licensed by the division of  
1359 banks which becomes a substantial party of interest with a licensee be considered a transferee;

1360 the commission may require the transferor, transferee, or both, to pay to the board an  
1361 amount representing the commonwealth's share of the increased value for the transferred  
1362 licenses, property or interest; provided, further, that the commission shall consider as a factor in  
1363 determining the amount of the payment the market value of said license, property or interest  
1364 when it was acquired and at the time of the transfer; provided, further, that the commission may  
1365 place additional conditions or restrictions on said transfer that the commission considers suitable;  
1366 provided, further, that the commission may reject said transfer if the commission considers the  
1367 transfer unsuitable; and

1368 any payments collected by the board on behalf of the commonwealth based on said  
1369 transfer shall be deposited in the same manner as license fees are deposited.

1370 No gaming licensee shall be permitted to change its business governing structure without  
1371 the notification and approval of the commission.

1372 No gaming licensee shall operate, invest or own, in whole or in part, another licensee's  
1373 license or gaming establishment. The commission shall promulgate rules and regulations, under  
1374 section 5, to address violations of this subsection.

1375 Each gaming licensee shall cooperate with the commission, the board and the attorney  
1376 general in all gaming-related investigations. Each licensee shall make readily available all  
1377 documents, materials, equipment, personnel and any other items requested during all  
1378 investigations. Material that the licensee considers a trade secret or detrimental to the licensee if  
1379 it were made public may, with the board's approval, be protected from public disclosure and the  
1380 gaming licensee may require non-disclosure agreements with the board before disclosing such  
1381 material.

1382 Each gaming licensee shall cooperate with the commission, the board and the attorney  
1383 general with respect to the investigation of any criminal matter that is discovered on the gaming  
1384 establishment. The gaming licensee shall, upon receipt of criminal or civil process compelling  
1385 testimony or production of documents in connection with a civil or criminal investigation,  
1386 immediately disclose such information to the board. This section shall not prohibit private  
1387 persons or public entities from seeking any remedy or damages against a gaming licensee.

1388 Each gaming licensee shall allow the board to conduct warrantless searches of the  
1389 licensee's gaming area.

1390 Each gaming licensee shall have a duty to inform the board of any action which the  
1391 licensee reasonably believes would constitute a violation of this chapter, and shall assist the  
1392 board and any federal or state law enforcement agency in the investigation and prosecution of

1393 such violation. No person who informs the board of such an action shall be discriminated against  
1394 by an applicant or licensee as a consequence for having supplied of such information.

1395 Each gaming licensee shall agree to be a state lottery reseller for the purpose of lottery,  
1396 multi-jurisdictional lottery and keno games and to demonstrate that state lottery and keno games  
1397 are readily accessible to people in the gaming establishment.

1398 Each gaming licensee shall provide an office for the board at the gaming establishment.  
1399 The board shall establish the minimum requirements for said office.

1400 Each gaming licensee shall provide an office for the designated state police unit at the  
1401 gaming establishment. The board shall establish the minimum requirements for square footage  
1402 for the state police office, office furnishings and parking space.

1403 Each gaming licensee shall collect and annually report to the board a detailed statistical  
1404 report on the number, job titles, benefits and salary of employees hired and retained in  
1405 employment at the gaming establishment.

1406 Each gaming licensee shall agree to make a good faith effort to identify and recruit  
1407 candidates from the local labor market area and other nearby labor market areas to ensure a  
1408 diverse workforce.

1409 Each gaming licensee shall establish, fund and maintain internal human resource hiring  
1410 and training practices that promote the development of a skilled and diverse workforce with  
1411 access to promotion opportunities by:

1412            establishing transparent career paths with measurable criteria within the gaming  
1413 establishment that lead to increased responsibility and higher pay grades that are designed to  
1414 allow employees to pursue career advancement and promotion;

1415            establishing employee access to additional resources, such as tuition reimbursement or  
1416 stipend policies, to enable employees to acquire the education or job training needed to advance  
1417 career ladders based on increased responsibility and pay grades; and

1418            establishing an on-site child day care program.

1419            Each gaming licensee shall formulate for board approval and abide by an affirmative-  
1420 action program of equal opportunity by which the applicant guarantees to provide equal  
1421 employment opportunities to all employees qualified for licensure in all employment categories,  
1422 including a person with a disability, under the laws of the commonwealth.

1423            Each gaming licensee shall employ only those persons licensed by the commission or  
1424 registered by the board.

1425            Each gaming licensee shall do business only with those vendors licensed by the  
1426 commission or registered by the board.

1427            Each gaming licensee shall provide to the board aggregate demographic information with  
1428 respect to the licensee's customers in a manner and under a schedule to be defined by the board.

1429            Each gaming licensee shall meet the requirements under clauses 7 through 11 of  
1430 subsection (a) of section 12 and clause (23) of subsection (a) of section 13 to the satisfaction of  
1431 the board.

1432 Each gaming licensee shall provide complimentary on-site space for an independent  
1433 substance abuse, compulsive gambling and mental health counseling service and establish a  
1434 program to train the gaming employees in the identification of and intervention with customers  
1435 exhibiting problem gaming behavior.

1436 Each gaming licensee shall keep conspicuously posted in the gaming area a notice  
1437 containing the name and a telephone number for problem gambling assistance. The board may  
1438 require the licensee to provide this information in more than 1 language.

1439 Each gaming licensee shall provide a process for individuals to exclude such individuals'  
1440 names and contact information from the gaming licensee's database or any other list held by the  
1441 gaming licensee for use in marketing or promotional communications.

1442 Each gaming licensee shall meet the requirements under clause (22) of subsection (a) of  
1443 section 13 to the satisfaction of the board.

1444 Each gaming licensee shall institute additional public health strategies as required by the  
1445 board.

1446 No gaming licensee or gaming establishment shall authorize or conduct direct marketing  
1447 and promotional communications relative to gaming targeted towards persons under the age of  
1448 21.

1449 (b) The board may include any reasonable additional requirements to the license  
1450 conditions.

1451           Section 19. (a) No person or business shall conduct any business with a gaming licensee  
1452 regarding the licensee’s gaming establishment unless such person has been licensed by the  
1453 commission or registered by the board.

1454           (1) No person or business shall manufacture, sell, distribute or repair gaming equipment  
1455 or slot machines, other than antique slot machines as defined in section 5A of chapter 271,  
1456 without a valid gaming vendor license issued by the commission.

1457           (2) Non-gaming vendors shall be required to register with the board and shall produce  
1458 such information as the board may require; provided, however, that the board may require any  
1459 vendor otherwise considered a non-gaming vendor, which regularly conducts over \$250,000 of  
1460 business with a gaming licensee within a 12 month period, or \$100,000 of business within a 3  
1461 year period, to be licensed as a gaming vendor.

1462           (3) The gaming commission shall develop and promulgate regulations to ensure  
1463 compliance with federal laws pertaining to immigration and citizenship including, but not limited  
1464 to, 42 U.S.C. section 1436(a), by (a) a person receiving funds under a contract awarded by a  
1465 gaming licensee regarding the licensee’s gaming establishment and (b) a business engaged in the  
1466 construction of any gaming establishment licensed under this chapter. Such regulations shall  
1467 include, but not be limited to, ascertaining and verifying immigration and citizenship status  
1468 through a work authorization program.

1469           (4) For the purpose of this chapter, “work authorization program”, shall mean an  
1470 electronic verification of work authorization program or an equivalent work authorization  
1471 program operated by the United States Department of Homeland Security, the United States  
1472 Department of Labor, the Social Security Administration, other federal agency or by a private

1473 verification system authorized by the director of labor to verify information of newly hired  
1474 employees, pursuant to the Immigration Reform and Control Act of 1986 and its successor acts.

1475 (5) No funds shall be expended under a contract awarded by or to a gaming licensee if  
1476 such expenditure would result in the payment of any kind to a person not in compliance with any  
1477 and all federal laws pertaining to immigration and citizenship, including but not limited to, 42  
1478 U.S.C. 1436(a).

1479 (b) Any person seeking a gaming vendor license shall file an application with the board.  
1480 Such application shall be on a form prescribed by the board and shall include, but shall not be  
1481 limited to, the following:

1482 (1) the name of the applicant;

1483 (2) the mailing address and if a corporation, the name of the state under the laws of which  
1484 the corporation is incorporated, the location of the corporation's principal place of business and  
1485 the names and addresses of the corporation's directors and stockholders;

1486 (3) any criminal or arrest record;

1487 (4) any civil judgments obtained against the person pertaining to antitrust or security  
1488 regulation;

1489 (5) the identity of every person or entity having a direct or indirect interest in the business  
1490 and the nature of such interest; provided, that, if the entity is a trust, the application shall disclose  
1491 the names and addresses of all beneficiaries; provided, further, that if the entity is a partnership,  
1492 the names and addresses of all partners, both general and limited; and provided, further, that if  
1493 the disclosed entity is a limited liability company, the names and addresses of all members;



1494 (6) an independent audit report of all financial activities and interests including, but not  
1495 limited to, the disclosure of all contributions, donations, loans or any other financial transactions  
1496 to or from any gaming licensee or operator of a gaming establishment in the past 5 years; and

1497 (7) clear and convincing evidence of financial stability including, but not limited to, bank  
1498 accounts, records, references, business and personal income and disbursement schedules, tax  
1499 returns and other reports filed by government agencies and business and personal accounting  
1500 check records and ledgers.

1501 The board may require such other information as it deems appropriate including, without  
1502 limitation, information related to the financial integrity of the applicant and may require the  
1503 applicant to submit other documentation the board considers appropriate.

1504 (c) Any person owning more than 5 per cent of the common stock of a company required  
1505 to be licensed as a gaming vendor, or a holding, intermediary or subsidiary of such company,  
1506 shall be required to file for licensure. The commission may waive the licensing requirements for  
1507 institutional investors holding up to 15 per cent of the stock of the company, or holding,  
1508 intermediary or subsidiary company of the company, upon a showing by the person seeking the  
1509 waiver that the applicant purchased the securities for investment purposes only and does not have  
1510 any intention to influence or affect the affairs or operations of the company or a holding,  
1511 intermediary or subsidiary of the such company. Any institutional investor granted a waiver  
1512 which subsequently determines to influence or affect the affairs or operations of the gaming  
1513 vendor, or a holding, intermediary or subsidiary of the gaming vendor, shall provide not less than  
1514 30 days notice to the board of such intent and shall file an application and be subject to the  
1515 licensing requirements of this chapter before taking an action that may influence or affect the

1516 affairs of the applicant company or a holding, intermediary or subsidiary of the applicant  
1517 company.

1518 (d) The board, by a majority vote of all members, may (i) make a recommendation to the  
1519 commission that it deny a gaming vendor license application; (ii) extend the period for issuing a  
1520 recommendation in order to obtain additional information necessary for a complete evaluation of  
1521 the gaming vendor license application; or (iii) recommend to the commission that it grant the  
1522 applicant a gaming vendor license.

1523 (e) The board may deny an application for registration of a non-gaming vendor or  
1524 supplier if the board finds that an applicant or registrant is disqualified under section 11 or may  
1525 be unsuitable for registration under section 14.

1526 (f) The commission or board, in the case of a non-gaming vendor, may condition,  
1527 suspend or revoke any license or registration under this section if the commission or board finds  
1528 that a licensee or registrant has:

1529 (i) been arrested or convicted of a crime;

1530 (ii) failed to comply with section 10; or

1531 (iii) failed to comply with this chapter pertaining to licensees.

1532 (g) The board shall establish a master vendor list to monitor all gaming and non-gaming  
1533 vendor contracts with a gaming establishment. A vendor doing business with a gaming  
1534 establishment which has failed to submit an application for licensure or registration shall be  
1535 prohibited from engaging in any future business with a gaming establishment; provided,

1536 however, that the board may terminate any contracts that have been entered into with an  
1537 unlicensed or unregistered vendor.

1538 (h) Each gaming licensee shall have a continuing duty to inform the board of all gaming  
1539 and non-gaming vendor contracts.

1540 (i) A license or registration issued under this section shall be issued for a term of 3 years.  
1541 It shall be the responsibility of the vendor to ensure that the vendor's license or registration is  
1542 current.

1543 (j) The board shall establish fees for gaming vendor licenses which shall include costs  
1544 incurred for conducting a background investigation into an applicant for said license. The board  
1545 shall establish fees for non-gaming vendor registration which shall include costs incurred for  
1546 conducting a background investigation into an applicant for said registration.

1547 (k) The board shall monitor the conduct of all gaming vendors and other persons having a  
1548 material involvement, directly or indirectly, with a gaming vendor to ensure that gaming vendor  
1549 licenses are not issued to, or held by, and there is no direct or indirect material involvement with,  
1550 a gaming vendor by unqualified, disqualified or unsuitable persons.

1551 Section 20. (a) Each labor organization, union or affiliate seeking to represent employees  
1552 who are employed at a gaming establishment shall register with the board.

1553 (b) Neither a labor organization, nor its officers who are not otherwise licensed or  
1554 registered under this chapter, may hold any financial interest in a gaming establishment whose  
1555 employees are represented by the organization.

1556 Section 21. (a) A gaming licensee shall be permitted to issue credit to a patron of a  
1557 gaming establishment under regulations promulgated under section 5. Such regulations shall  
1558 include, but not be limited to: (i) procedures for confirming that a patron has an established  
1559 credit history and is in good standing; (ii) whether the patron has a good credit history with the  
1560 gaming establishment; (iii) authorization of a credit instrument; (iv) methods for acknowledging  
1561 a credit instrument and payment of debt; and (v) information to be provided by the patron to the  
1562 gaming establishment to be shared with the board for auditing purposes.

1563 (b) Except as otherwise authorized by the board through regulations under section 5, no  
1564 establishment, nor any person acting on behalf of an establishment shall: (1) cash any check,  
1565 make any loan or otherwise provide or allow to a person any credit or advance of anything of  
1566 value, or which represents value, to enable a person to place a wager; or (2) release or discharge  
1567 a debt, either in whole or in part, or make a loan which represents any losses incurred by a player  
1568 in gaming activity, without maintaining a written record of the release or discharge under the  
1569 rules of the commission. Nothing in this section shall prohibit an establishment from accepting  
1570 credit cards for non-gaming related purchases or services.

1571 (c) Checks cashed in conformity with the requirements of this chapter shall be valid  
1572 instruments enforceable under the laws of the commonwealth. Any check cashed, transferred,  
1573 conveyed or given in violation of this chapter or regulations promulgated under section 5 shall be  
1574 invalid and unenforceable.

1575 (c 1/2) The commission shall, in consultation with the department of transitional  
1576 assistance, the department of labor and workforce development, the department of housing and  
1577 community development or the applicable administering agency, establish by regulation, under

1578 section 5, procedures and standards to prohibit an establishment or any person acting on behalf  
1579 of an establishment from: (1) cashing a government-issued check; (2) from operating on its  
1580 premises any credit card or ATM machine that would allow a patron to obtain cash from a  
1581 government-issued Electronic Benefits Transfer Card; and (3) from extending or issuing credit to  
1582 a patron of a gaming establishment who receives any form of income-based public assistance  
1583 including, but not limited to, the Supplemental Nutrition Assistance Program, Temporary  
1584 Assistance for Needy Families, Emergency Aid to Elders, Disabled and Children, public housing  
1585 assistance, MassHealth and unemployment insurance. The procedures and standards established  
1586 shall ensure the privacy of all patrons receiving public assistance.

1587 (d) The commission shall establish by regulation, under section 5, procedures and  
1588 standards for approving promotional gaming credits; provided, that, no such credit shall be  
1589 reported as a promotional gaming credit by an operator of a gaming establishment unless the  
1590 operator can establish that the credit was issued by the gaming establishment and received from a  
1591 patron as a wager at a game in the gaming establishment; provided, further, that such  
1592 promotional gaming credit shall not be taxable for the purposes of determining gross revenue.

1593 (e) No other person or entity, other than a gaming licensee licensed under this chapter,  
1594 shall issue credit to a person while the person is a patron of a gaming establishment.

1595 (f) Debt collections under this section and debt collection regulations promulgated under  
1596 section 5 shall be limited to key gaming employees or attorneys acting directly on behalf of  
1597 gaming licensees; provided further that a key gaming employee shall be prohibited from making  
1598 any such collections if the key gaming employee serves as a junket representative for the gaming  
1599 establishment.

1600 (g) On an annual basis, each gaming licensee shall report to the commission the number  
1601 of debt collection processes on patrons that the commission initiates and the total amount  
1602 recovered by the licensee. Notwithstanding any general or special laws to the contrary, this  
1603 report shall be considered public record.

1604 Section 22. (a) No junkets may be organized or permitted and no person may act as a  
1605 junket representative or junket enterprise except as authorized by the board under this chapter.

1606 (b) A junket representative employed by a gaming licensee or affiliate shall be licensed as  
1607 a gaming employee; provided, however, that a junket representative need not be a resident of the  
1608 commonwealth. A person who holds a valid gaming employee license may act as a junket  
1609 representative while employed by a gaming licensee or an affiliate. No gaming licensee shall  
1610 employ or otherwise engage a junket representative who is not licensed under this chapter.

1611 (c) The board shall deny an application for a license under this section if the board finds  
1612 that an applicant is disqualified under section 11 or may be unsuitable for licensure under section  
1613 14.

1614 (d) Each gaming licensee, junket representative or junket enterprise shall file a report  
1615 with the board with respect to each list of junket patrons or potential junket patrons purchased  
1616 directly or indirectly by the gaming licensee, junket representative or enterprise.

1617 (e) No junket enterprise or junket representative or person acting as a junket  
1618 representative shall: (i) engage in efforts to collect upon checks that have been returned by banks  
1619 without full and final payment; (ii) exercise approval authority with regard to the authorization or  
1620 issuance of credit under this chapter; (iii) act on behalf of or under any arrangement with a  
1621 gaming licensee or a gaming patron with regard to the redemption, consolidation or substitution

1622 of the gaming patron's checks awaiting deposit; (iv) individually receive or retain any fee from a  
1623 patron for the privilege of participating in a junket; or (v) pay for any services, including  
1624 transportation, or other items of value provided to, or for the benefit of, any patron participating  
1625 in a junket.

1626           Section 23. (a) No gaming licensee shall offer complimentary services, gifts, cash or  
1627 other items of value to any person unless those complimentary services or items are provided  
1628 through a complimentary distribution program which shall be filed and approved by the board  
1629 upon the implementation of the program or maintained under regulations adopted under section  
1630 5.

1631           (b) Gaming licensees shall submit quarterly reports to the board covering all  
1632 complimentary services offered or engaged in by the licensee during the immediately preceding  
1633 quarter. The reports shall identify regulated complimentary services and the costs of those  
1634 services, the number of people who received each service or item and such other information as  
1635 the board may require. The report shall also document any services or items valued in excess of  
1636 \$2,000 that were provided to patrons, including detailed reasons as to why they were provided.

1637           (c) Complimentary services or items shall be valued in an amount based upon the retail  
1638 price normally charged by the gaming licensee for the service or item. The value of a  
1639 complimentary service or item not normally offered for sale by a gaming licensee or provided by  
1640 a third party on behalf of a gaming licensee shall be the cost to the gaming licensee of providing  
1641 the service or item, as determined under rules adopted by the commission.

1642           Section 24. (a) Upon revocation or suspension of a gaming license under section 26 or  
1643 upon the failure or refusal to renew a gaming license the commission may appoint a conservator

1644 to temporarily manage and operate the business of the licensee relating to the gaming  
1645 establishment. Such conservator shall be a person of similar experience in the field of gaming  
1646 management and, in the case of replacing a gaming licensee, shall have experience operating a  
1647 gaming establishment of similar caliber in another jurisdiction, and shall be in good standing in  
1648 all jurisdictions in which the conservator operates a gaming establishment.

1649           Upon appointment, a conservator shall agree to all licensing provisions of the former  
1650 licensee.

1651           (b) A conservator shall, before assuming managerial or operational duties, execute and  
1652 file a bond for the faithful performance of such duties payable to the board with such surety and  
1653 in such form and amount as the board shall approve.

1654           (c) The board shall require that the former or suspended licensee purchase liability  
1655 insurance, in an amount determined by the board, to protect a conservator from liability for acts  
1656 or omissions of the conservator during the conservator's appointment reasonably related to, and  
1657 within the scope of, the conservator's duties.

1658           (d) During the period of temporary management of the gaming establishment, the  
1659 commission shall initiate proceedings under this chapter to award a new gaming license to a  
1660 qualified applicant whose gaming establishment shall be located at the site of the preexisting  
1661 gaming establishment.

1662           (e) Applicants for a new gaming license shall be qualified for licensure under this  
1663 chapter; provided, however, that the commission shall determine an appropriate level of  
1664 investment by an applicant into the preexisting gaming establishment.



1665 (f) Upon award of a new gaming license, the new gaming licensee shall pay the licensing  
1666 fee.

1667 Section 25. (a) There shall be within the board an investigations and enforcement bureau,  
1668 which shall be the primary enforcement agent for regulatory matters under this chapter. The  
1669 bureau shall perform such functions as the chair of the board determines in relation to  
1670 enforcement, including the investigations of all licensees under this chapter. The bureau shall be  
1671 under the supervision and control of the deputy director for investigations and enforcement. The  
1672 deputy director shall be the executive and administrative head of the bureau and shall be  
1673 responsible for administering and enforcing the law relative to the bureau and to each  
1674 administrative unit of the bureau. The duties given to the deputy director in this chapter and in  
1675 any other general or special law shall be exercised and discharged subject to the direction,  
1676 control and supervision of the chair of the board.

1677 (b) The bureau shall be a law enforcement agency and its employees shall have such law  
1678 enforcement powers as to effectuate the purposes of this chapter, including the power to receive  
1679 intelligence on an applicant or licensee under this chapter and to investigate a suspected violation  
1680 of this chapter.

1681 (c) Officers and employees of the gaming enforcement unit of the state police assigned to  
1682 the commission under section 70 of chapter 22C shall work with employees of the bureau, under  
1683 the direction of the deputy director, to investigate violations of this chapter by a licensee under  
1684 this chapter or any activity taking place on the premises of a gaming establishment. Officers  
1685 assigned to work with the bureau shall record their time and submit total hours to the bureau.  
1686 The board shall reimburse the state police.

1687 (d) The bureau shall notify the division of gaming enforcement in the office of the  
1688 attorney general of any criminal violations by a gaming licensee. The bureau and the division  
1689 shall cooperate on the regulatory and criminal enforcement of this chapter and may determine  
1690 whether to proceed with civil or criminal sanctions, or both against said licensee.

1691 (e) To further effectuate the purposes of this chapter with respect to the investigation and  
1692 enforcement of licensed gaming establishments and licensees, the bureau may obtain or provide  
1693 pertinent information regarding applicants or licensees from or to law enforcement entities or  
1694 gaming authorities and other domestic, federal or foreign jurisdictions, including the Federal  
1695 Bureau of Investigation and may send or receive such information electronically.

1696 (f) The gaming enforcement unit of the department of state police shall have exclusive  
1697 police jurisdiction of any criminal activity relating to the operation of a gaming establishment or  
1698 relating to games or gaming that occurs inside a gaming establishment; provided, however, that  
1699 the state police shall have concurrent jurisdiction with the law enforcement agency of the host  
1700 community on all other policing matters and, in consultation with the board, shall execute a  
1701 memorandum of understanding with the law enforcement agency of the host community that  
1702 shall include, but not be limited to, procedures involving: (i) assignment of police officers of the  
1703 host community to the gaming enforcement unit of the state police; (ii) first responder calls from  
1704 the gaming establishment; (iii) emergencies occurring within the gaming establishment,  
1705 including the gaming area; and (iv) criminal investigations involving employees or patrons of the  
1706 gaming establishment.

1707 Section 26. (a) The board shall have the authority to issue orders requiring persons to  
1708 cease activity which violates this chapter, a regulation adopted under this chapter or a law related

1709 to gaming in the commonwealth. The board may, in its order, require compliance with such  
1710 terms and conditions as are reasonably necessary to effectuate the purposes of this chapter.

1711 (b) If the board finds, under the procedures established in this section and the regulations  
1712 adopted under said section 5, that a person is not in compliance with an order issued under this  
1713 section, it shall assess a civil administrative penalty on such person and the regulations adopted  
1714 under section 5. The penalty may be assessed whether or not the violation was willful. In  
1715 determining the amount of the civil penalty, the board shall consider: (i) the nature of the  
1716 violation; (ii) the length of time the violation occurred; (iii) the risk to the public and to the  
1717 integrity of gaming operations created by the conduct of the person; (iv) the seriousness of the  
1718 conduct of the person; (v) any justification or excuse for such conduct by the person; (vi) the  
1719 prior history of the particular person involved with respect to gaming activity; (vii) any  
1720 corrective action taken by person to prevent future misconduct; and (viii) other relevant factors.

1721 (c) In addition to collecting any civil penalties recoverable under this chapter or any other  
1722 general or special law, the board may bring an action in the superior court to restrain, prevent or  
1723 enjoin any conduct prohibited by this chapter or to compel action to comply immediately and  
1724 fully with an order issued by the bureau. Except in the case of an emergency during which, in the  
1725 opinion of the court, immediate abatement of the unlawful conduct is required to protect the  
1726 public interest, the court may in its decree fix a reasonable time during which the person  
1727 responsible for the unlawful conduct may abate and correct the violation. The expense of the  
1728 proceeding shall be recoverable from the subject of the proceeding.

1729 (d) Upon a recommendation from the board, the commission may issue orders to  
1730 condition, suspend or revoke a license or permit issued under this chapter.

1731           (e) The board may issue an order to cease and desist any activity if the board finds that a  
1732 licensee has engaged in or is about to engage in an act or practice which constitutes a violation of  
1733 this chapter or laws of the commonwealth and may take such affirmative action to effectuate the  
1734 order. If the board finds that the licensee is engaged in an act or practice that would cause  
1735 irreparable harm to the security and integrity of the gaming establishment or the interests of the  
1736 commonwealth in ensuring the security and integrity of gaming under this chapter, the board  
1737 may issue a temporary suspension of the license.

1738           (f) Any licensee who has been issued a temporary order of suspension by the board shall  
1739 be entitled to a hearing before the commission on such suspension within 7 days of the day on  
1740 which the order was issued. At the conclusion of the hearing, the commission may issue a final  
1741 order to condition, suspend or revoke the license in question.

1742           (g) Any licensee shall have the right to an adjudicatory hearing under chapter 30A on an  
1743 order issued by the board.

1744           Section 27. (a) The board may assess a civil administrative penalty on a licensee or  
1745 registrant who fails to comply with any provision of this chapter or any regulation or order  
1746 adopted by the commission; provided, however, that such noncompliance occurred after the  
1747 board had given the licensee or registrant written notice of such noncompliance and the time  
1748 stated in the notice for coming into compliance had elapsed. The board may assess a civil  
1749 administrative penalty on a licensee or registrant without providing written notice of such  
1750 noncompliance if the failure to comply: (i) was part of a pattern of noncompliance and not an  
1751 isolated instance; (ii) was willful or neglectful and not the result of error; (iii) resulted in a  
1752 significant breach to the integrity of the gaming establishment or gaming laws of the

1753 commonwealth; and (iv) consisted of failure to promptly report to the board any knowledge of  
1754 evidence or circumstances that would cause a reasonable person to believe that a violation of this  
1755 chapter had been committed. The civil administrative penalty shall be in addition to any other  
1756 civil penalty that may be prescribed by law.

1757 (b) For the purpose of determining whether such noncompliance was part of a pattern of  
1758 noncompliance and not an isolated instance, the board shall consider without limitation the  
1759 following: (i) whether the board had previously notified the person of such noncompliance on  
1760 more than 1 occasion during the previous month or of any noncompliance similar to the current  
1761 noncompliance during the previous 6 months; or (ii) whether the current and previous instances  
1762 of noncompliance, considered together, indicate a potential threat to the integrity of the gaming  
1763 establishment and gaming in the commonwealth or an interference with the commission's ability  
1764 to efficiently and effectively regulate gaming in the commonwealth and enforce any regulation,  
1765 license or order. If a licensee or registrant who has received a notice of noncompliance fails to  
1766 come into compliance within the time period stated in such notice, the civil administrative  
1767 penalty may be assessed by the board upon such licensee or registrant from the date of receipt of  
1768 such notice.

1769 (c) Whenever the board seeks to assess a civil administrative penalty on a licensee or  
1770 registrant, the board shall cause to be served upon such licensee or registrant, either by service,  
1771 in hand, or by certified mail, return receipt requested, a written notice of the board's intent to  
1772 assess a civil administrative penalty which shall include:

1773 (i) a concise statement of the alleged act or omission for which the board seeks to assess  
1774 the civil administrative penalty;

1775 (ii) each law, regulation, order, license or approval which has not been complied with as a  
1776 result of the alleged act or omission;

1777 (iii) the amount which the board seeks to assess as a civil administrative penalty for each  
1778 such alleged act or omission;

1779 (iv) a statement of the licensee's or registrant's right to an adjudicatory hearing on the  
1780 proposed assessment;

1781 (v) the requirements such licensee or registrant shall comply with to avoid waiving the  
1782 licensee's or registrant's right to an adjudicatory hearing; and

1783 (vi) the manner of payment of the penalty if the licensee or registrant elects to pay the  
1784 penalty and waive an adjudicatory hearing.

1785 After written notice of noncompliance or intent to assess a civil administrative penalty  
1786 has been given, each subsequent day during which such noncompliance occurs or continues shall  
1787 constitute a separate offense and may be subject to a separate civil administrative penalty if  
1788 reasonable efforts have not been made by the licensee or registrant to promptly come into  
1789 compliance.

1790 (d) Whenever the board seeks to assess a civil administrative penalty on a licensee or  
1791 registrant, such licensee or registrant shall have the right to an adjudicatory hearing. Chapter  
1792 30A shall apply to adjudicatory hearings under this chapter; provided, however, that if there is a  
1793 conflict between this chapter and said chapter 30A, this chapter shall govern.

1794 (e) A licensee or registrant shall be deemed to have waived the licensee's or registrant's  
1795 right to an adjudicatory hearing unless, within 21 days of the date of the board's notice that it

1796 seeks to assess a civil administrative penalty, the licensee or registrant files with the board a  
1797 written statement denying the occurrence of the acts or omissions alleged by the board in such  
1798 notice or asserting that the amount of the proposed civil administrative penalty is excessive. In an  
1799 adjudicatory hearing the board shall be required to prove the occurrence of each act or omission  
1800 alleged by the board by a preponderance of the evidence.

1801 (f) If a licensee or registrant waives the licensee's or registrant's right to an adjudicatory  
1802 hearing, the proposed civil administrative penalty shall be final immediately upon such waiver.  
1803 If a civil administrative penalty is assessed at the conclusion of an adjudicatory hearing, the civil  
1804 administrative penalty shall be final upon the expiration of 30 days if no action for judicial  
1805 review of the decision is commenced under chapter 30A.

1806 (g) A licensee or registrant who institutes proceedings for judicial review of the final  
1807 assessment of a civil administrative penalty shall place the full amount of the final assessment in  
1808 an interest-bearing escrow account in the custody of the clerk or magistrate of the reviewing  
1809 court. The establishment of such an interest-bearing escrow account shall be a condition  
1810 precedent to the jurisdiction of the reviewing court unless the party seeking judicial review  
1811 demonstrates in a preliminary hearing held within 30 days of the filing of the complaint an  
1812 inability to pay. Upon such a demonstration, the court may grant an extension or waiver of the  
1813 interest-bearing escrow account or may require, in lieu of such interest-bearing escrow account,  
1814 the posting of a bond payable directly to the commonwealth in the amount of 125 per cent of the  
1815 assessed penalty.

1816 (i) If, after judicial review, in a case where the requirement for an escrow account  
1817 has been waived, and in cases where a bond has been posted in lieu of such requirement, the

1818 court affirms, in whole or in part, the assessment of a civil administrative penalty the board shall  
1819 be paid the amount of the penalty together with interest at the rate set forth in section 6C of  
1820 chapter 231.

1821 (ii) If, after such review in a case where an interest-bearing escrow account has been  
1822 established, the court affirms the assessment of such penalty, in whole or in part, the board shall  
1823 be paid the amount of the penalty together with the accumulated interest on the amount of the  
1824 penalty in such interest-bearing escrow account.

1825 (iii) If the court sets aside the assessment of a civil administrative penalty in a case where  
1826 the amount of such penalty has been deposited in an interest-bearing escrow account, the  
1827 licensee or registrant on whom the civil administrative penalty was assessed shall be repaid the  
1828 amount so set aside, together with the accumulated interest on the amount deposited.

1829 (h) Each licensee or registrant who fails to pay a civil administrative penalty in a timely  
1830 fashion, and each person who issues a bond under this section and who fails to pay to the board  
1831 in a timely fashion the required amount, shall be liable to the commonwealth for up to 3 times  
1832 the amount of the civil administrative penalty, or the amount of economic benefit realized by the  
1833 licensee or registrant as a result of noncompliance, whichever is greater, together with costs, plus  
1834 interest from the time the civil administrative penalty became final and attorneys' fees, including  
1835 all costs and attorneys' fees incurred directly in the collection of the penalty. The rate of interest  
1836 shall be the rate set forth in section 6C of chapter 231.

1837 Section 28. (a) Whoever conducts or operates, or permits to be conducted or operated,  
1838 any game or gaming device in violation of this chapter or the regulations adopted under this  
1839 chapter shall be punished by imprisonment in the state prison for not more than 5 years or



1840 imprisonment in the house of correction for not more than 2½ years, or by a fine not to exceed  
1841 \$25,000, or both, and in the case of a person other than a natural person, by a fine not to exceed  
1842 \$100,000.

1843 (b) Whoever employs, or continues to employ, an individual in a position, the duties of  
1844 which require a license or registration under this chapter, who is not so licensed or registered,  
1845 shall be punished by imprisonment the house of correction for not more than 6 months, or by a  
1846 fine not to exceed \$10,000, or both, and in the case of a person other than a natural person, by a  
1847 fine not to exceed \$100,000.

1848 (c) Whoever works or is employed in a position, the duties of which require licensing or  
1849 registration under this chapter, without the required license or registration, shall be punished by  
1850 imprisonment in the house of correction for not more than 6 months or a fine not to exceed  
1851 \$10,000, or both.

1852 (d) A gaming licensee who, without the permission of the commission: (i) places a  
1853 game or gaming device into play or displays a game or gaming device in a gaming  
1854 establishment; or (ii) receives, directly or indirectly, any compensation or reward or any  
1855 percentage or share of the revenue for keeping, running or carrying on a game, or owning the  
1856 real property upon, or the location within which any game occurs, shall be punished by  
1857 imprisonment in the house of correction for not more than 2½ years or by a fine not to exceed  
1858 \$25,000, or both, and in the case of a person other than a natural person, by a fine not to  
1859 exceed \$100,000.

1860 (e) Whoever conducts or operates any game or gaming device after the person's gaming  
1861 license has expired and prior to the actual renewal of the gaming license shall be punished by

1862 imprisonment in the house of correction for not more than 1½ years or a fine not to exceed  
1863 \$25,000, or both, and in the case of a person other than a natural person, by a fine not to exceed  
1864 \$100,000.

1865 (f) A gaming licensee who knowingly fails to exclude from the licensee’s gaming  
1866 establishment any person placed by the commission on the list of excluded persons shall be  
1867 punished by a fine not to exceed \$5,000 or by imprisonment in the house of correction for not  
1868 more than 1 year, or both, and in the case of a person other than a natural person, by a fine not to  
1869 exceed \$100,000.

1870 (g) Whoever willfully:

1871 (i) fails to report, pay or truthfully account for and pay over a license fee or tax imposed  
1872 by this chapter or by the regulations adopted under this chapter; or

1873 (ii) evades or defeats, or attempts to evade or defeat, a license fee or tax or payment of a  
1874 license fee or tax shall be punished by imprisonment in the state prison for not more than 5 years  
1875 or in the house of correction for not more than 2½ years or a fine not to exceed \$100,000, or  
1876 both, and in the case of a person other than a natural person, by a fine not to exceed \$5,000,000.

1877 Section 29. Whoever willfully resists, prevents, impedes, interferes with, or makes any  
1878 false, fictitious or fraudulent statement or representation to the board, bureau, commission or  
1879 division or to agents or employees of the board, bureau, commission or division in the  
1880 lawful performance of the agent’s or employee’s duties under this chapter shall be punished by  
1881 imprisonment in the state prison for not more than 5 years or in the house of correction for not  
1882 more than 2½ years, or by a fine not to exceed \$25,000, or both.

1883           Section 30. (a) Whoever, during a game in a gaming establishment, knowingly and by  
1884 any trick or sleight of hand performance or by a fraud or fraudulent scheme, cards, dice or other  
1885 gaming device, for himself, for another or for a representative of either:

1886                   (i) wins, or attempts to win, money or property; or

1887                   (ii) reduces, or attempts to reduce, a losing wager in a gaming establishment shall  
1888 be guilty of cheating and swindling.

1889           (b) Whoever knowingly uses a cheating and swindling device or game in a gaming  
1890 establishment shall be guilty of cheating and swindling.

1891           (c) Whoever commits the offense of cheating and swindling shall be punished as follows:

1892                   (i) if the value of the money, property or wager cheated and swindled is \$75,000 or more,  
1893 by imprisonment in the state prison for not more than 10 years or in the house of correction for  
1894 not more than 2½ years or by a fine not to exceed \$1,000,000, or both, and in the case of a  
1895 person other than a natural person, by a fine not to exceed \$10,000,000;

1896                   (ii) if the value of the money, property or wager cheated and swindled is \$10,000 or more  
1897 but less than \$75,000, by imprisonment in the state prison for not more than 5 years or in the  
1898 house of correction for not more than 2½ years or by a fine not to exceed \$500,000, or both, and  
1899 in the case of a person other than a natural person, by a fine not to exceed \$5,000,000;

1900                   (iii) if the value of the money, property or wager cheated and swindled is \$1,000 or more  
1901 but less than \$10,000, by imprisonment in the state prison for not more than 3 years or in  
1902 the house of correction for not more than 2½ years or by a fine not to exceed \$100,000, or both,  
1903 and in the case of a person other than a natural person, by a fine not to exceed \$1,000,000;

1904 (iv) if nothing of value was obtained in violation of this subsection or if the value of the  
1905 money, property or wager cheated and swindled is less than \$1,000, by imprisonment in the  
1906 house of correction for not more than 2½ years or by a fine not to exceed \$10,000, or both, and  
1907 in the case of a person other than a natural person, by a fine not to exceed \$100,000.

1908 (d) Each episode or transaction of swindling and cheating may be the subject of a  
1909 separate prosecution and conviction. In the discretion of the commonwealth, multiple episodes  
1910 or transactions of swindling and cheating committed as part of a single scheme or course of  
1911 conduct may be treated as a single offense and the amounts involved in acts of swindling and  
1912 cheating committed according to a scheme or course of conduct, whether by the same person or  
1913 several persons, may be aggregated in determining the value of money, property or wager  
1914 involved in the offense.

1915 (e) A gaming licensee, or an employee of a gaming licensee, who, in a gaming  
1916 establishment, knowingly:

1917 (i) conducts or operates any game using a cheating and swindling device or game;

1918 (ii) displays for play a cheating and swindling game; or

1919 (iii) permits to be conducted, operated or displayed, any cheating and swindling device or  
1920 game shall be punished by imprisonment in the state prison for not more than 5 years or  
1921 imprisonment in the house of correction for not more than 2½ years, or by a fine not to  
1922 exceed \$25,000, or both, and in the case of a person other than a natural person, by a fine not to  
1923 exceed \$100,000.

1924           Section 31. (a) Whoever possesses a cheating and swindling device or game, with the  
1925 intent to defraud, cheat or steal, shall be punished by imprisonment in the house of correction for  
1926 not more than 2½ years, or by a fine not to exceed \$10,000, or both, and in the case of a person  
1927 other than a natural person, by a fine not to exceed \$100,000.

1928           (b) Possession of a cheating and swindling device or game within a gaming establishment  
1929 shall constitute prima facie evidence of an intent to defraud, cheat or steal, except possession by  
1930 a licensee or an employee of a licensee, acting lawfully in furtherance of such person's  
1931 employment within the gaming establishment, shall be punished by imprisonment in the house of  
1932 correction for not more than 2½ years, or a fine not to exceed \$10,000, or both.

1933           Section 32. Whoever manufactures, distributes, sells or services a gaming device, in  
1934 violation of this chapter or regulations adopted under this chapter and for the purpose of  
1935 defrauding, cheating or stealing from a person playing, operating or conducting a game in a  
1936 gaming establishment, shall be punished by imprisonment in the state prison for not more than 5  
1937 years or imprisonment in the house of correction for not more than 2½ years, or by a fine not to  
1938 exceed \$25,000, or both, and in the case of a person other than a natural person, by a fine not to  
1939 exceed \$150,000.

1940           Section 33. (a) Any device, game or gaming device possessed, used, manufactured,  
1941 distributed, sold or serviced in violation of this chapter shall be subject to seizure and forfeiture  
1942 by the division or bureau. Forfeiture proceedings shall be conducted as provided in subsections  
1943 (b) to (j), inclusive, of section 47 of chapter 94C. For purposes of subsection (d) of said section  
1944 47 of said chapter 94C, the commission shall be considered a police department, entitled to a  
1945 police department's distribution of forfeiture proceedings.

1946           Section 34. (a) Whoever, being under 21 years old, plays, places wagers at, or collects  
1947 winnings from, whether personally or through an agent, a game in a gaming establishment shall  
1948 be punished by imprisonment in the house of correction for not more than 6 months or a fine not  
1949 to exceed \$1,000, or both.

1950           (b) Whoever, being a gaming licensee or an employee of a gaming licensee, who  
1951 knowingly allows a person under the age of 21 to play, place wagers at, or collect winnings from  
1952 a game in a gaming establishment, whether personally or through an agent, shall be punished, for  
1953 a first offense, by imprisonment in a the house of correction for not more than 1 year or a fine  
1954 not to exceed \$10,000, or both, and in the case of a person other than a natural person, by a fine  
1955 not to exceed \$500,000 and, for a second or subsequent offense, by imprisonment in the house of  
1956 correction for not more than 2 years or a fine not to exceed \$50,000, or both, and in the case of a  
1957 person other than a natural person, by a fine not to exceed \$1,000,000.

1958           Section 35. (a) The board shall, by regulation promulgated under section 5, provide for  
1959 the establishment of a list of excluded persons who are to be excluded or ejected from a gaming  
1960 establishment. In determining the list of excluded persons, the board may consider, but shall not  
1961 be limited to:

1962           (1) whether a person has been convicted of a criminal offense under the laws of any state  
1963 or the United States that is punishable by more than 6 months in prison, a crime of moral  
1964 turpitude or a violation of the gaming laws of any state;

1965           (2) whether a person has violated or conspired to violate this chapter relating to:

1966           (i) failure to disclose an interest in a gaming establishment for which the person must  
1967 obtain a license; or

1968 (ii) willful evasion of fees or taxes;

1969 (3) whether a person has a notorious or unsavory reputation which would adversely affect  
1970 public confidence and trust that the gaming industry is free from criminal or corruptive elements;  
1971 and

1972 (4) the potential of injurious threat to the interests of the commonwealth in the  
1973 gaming establishment.

1974 (b) No person shall be placed on the list of excluded persons due to race, color, religion,  
1975 national origin, ancestry, sexual orientation, disability or sex.

1976 (c) The board may revoke, limit, condition, suspend or fine a gaming establishment if  
1977 such establishment knowingly fails to exclude or eject from its premises any person placed by  
1978 the commission on the list of excluded persons.

1979 (d) Whenever the board places a name on the list of excluded persons, the board shall  
1980 serve written notice upon that person by personal service, registered or certified mail return  
1981 receipt requested to the last ascertainable address, or by publication in a daily newspaper of  
1982 general circulation for 1 week.

1983 (e)(1) Within 30 days of receipt of service by mail or 60 days after the last publication  
1984 under subsection (d), a person placed on the list of excluded persons may request an adjudicatory  
1985 hearing before the commission under chapter 30A and show cause as to why the person should  
1986 be removed from the list of excluded persons. Failure to demand a hearing within the time  
1987 allotted in this section shall preclude the person from having an administrative hearing, but in no  
1988 way affect the person's right to petition for judicial review.

1989           (2) Upon receipt of a demand for hearing, the commission shall set a time and place for  
1990 the hearing. This hearing shall be held not later than 30 days after receipt of the demand for the  
1991 hearing, unless the time of the hearing is changed by agreement of the commission and the  
1992 person demanding the hearing.

1993           (3) If, upon completion of the hearing, the commission determines that the person was  
1994 wrongfully placed on the list of excluded persons, the commission shall remove the person's  
1995 name from the list of excluded persons and notify all gaming licensees. A person aggrieved by a  
1996 final decision of the commission in an adjudicatory proceeding under this section may petition  
1997 for judicial review under section 14 of chapter 30A.

1998           (f) The board shall establish a list of self-excluded persons from gaming establishments.  
1999 A person may request such person's name to be placed on the list of self-excluded persons by  
2000 filing a statement with the board acknowledging that the person is a problem gambler and by  
2001 agreeing that, during any period of voluntary exclusion, the person may not collect any winnings  
2002 or recover any losses resulting from any gaming activity at a gaming establishment. The  
2003 commission shall adopt further regulations, under section 5, for the self-excluded persons list  
2004 including procedures for placement, removal and transmittal of such list to gaming  
2005 establishments.

2006           (g) Gaming establishments shall not market to persons on the excluded persons list and  
2007 shall deny access to complimentaries, check cashing privileges, club programs and other similar  
2008 benefits to persons on the self-excluded persons list.

2009           (h) Notwithstanding any other law to the contrary, the self-excluded persons list shall not  
2010 be open to public inspection. Nothing in this section, however, shall prohibit a gaming



2011 establishment from disclosing the identity of persons on the self-excluded persons list under this  
2012 section to affiliated gaming establishments in this commonwealth or other jurisdictions for the  
2013 limited purpose of assisting in the proper administration of responsible gaming programs  
2014 operated by affiliated gaming establishments.

2015 (i) As used in this subsection the following words shall, unless the context clearly  
2016 requires otherwise, have the following meanings:-

2017 (i) “Problem gambler”, a person who chronically or habitually gambles to the extent that:  
2018 (1) such gambling substantially interferes with the person’s social or economic functioning; or  
2019 (2) the person has lost the power of self-control over such person’s gambling.

2020 (ii) “Relative”, the father or mother of an individual; a stepfather, stepmother,  
2021 stepbrother, stepsister or any blood relative of an individual, including those of the half blood,  
2022 except cousins who are more distantly related than first cousins; an adoptive relative of equal  
2023 propinquity to the foregoing; or a spouse of any such persons.

2024 A police officer, physician, spouse, relative, guardian or court official may petition, in  
2025 writing, a district court for an order of exclusion from gaming establishments applicable to a  
2026 person whom the petitioner has reason to believe is a problem gambler. Upon receipt of a  
2027 petition for an order of exclusion of a person and any sworn statements the court may request  
2028 from the petitioner, the court shall immediately schedule a hearing on the petition and shall cause  
2029 a summons and a copy of the petition to be served upon the person as provided by section 25 of  
2030 chapter 276. The person may be represented by legal counsel and may present independent  
2031 expert or other testimony. The court shall order examination by a qualified psychologist.

2032 If, after a hearing, the court based upon competent testimony finds that said person is a  
2033 problem gambler and there is a likelihood of serious harm as a result of the person's gambling,  
2034 the court may order that such person be prohibited from gaming in gaming establishments. The  
2035 court shall communicate this order to the board, which shall place the person's name on the list  
2036 of excluded persons.

2037 (j) A person who is prohibited from gaming in a gaming establishment under this section  
2038 shall not collect any winnings or recover losses arising as a result of prohibited gaming.  
2039 Winnings obtained by a person who is prohibited from gaming in a gaming establishment shall  
2040 be forfeited to the board.

2041 (k) A person who enters the premises of a gaming establishment after having been placed  
2042 on the list of excluded persons, without first having obtained a determination by the commission  
2043 that such person should not have been placed on the list of excluded persons, shall be punished  
2044 by imprisonment in a jail or house of correction for not more than 2½ years or by a fine of not  
2045 more than \$10,000, or both.

2046 (l) The board shall pursue an interstate compact for the purposes of sharing information  
2047 regarding the excluded persons list.

2048 Section 36. A gaming establishment offering a cashless wagering system shall allow  
2049 individuals to monitor and impose betting limits on their cashless wagering. The gaming  
2050 establishment shall allow individuals to set betting limits on their cashless wagering including,  
2051 but not limited to, per bet limits, hourly limits, daily limits, weekly limits and monthly limits. An  
2052 individual may lower limits and increase limits; provided, that, the player shall not increase  
2053 betting limits more than once in a 24 hour period. Upon request by an individual, the gaming

2054 establishment shall provide to that individual a statement of that individual's cashless wagering  
2055 activity for any given time period including total bets, wins and losses. Activity under this  
2056 section shall be monitored by the board. Individuals on the list of excluded persons or list of self-  
2057 excluded persons shall not be permitted to participate in a cashless wagering system.

2058           Section 37. A liability to the commonwealth under this chapter shall constitute a debt to  
2059 the commonwealth. Once a statement naming a licensee is recorded, registered or filed, any such  
2060 debt shall constitute a lien on all commercial property owned by a gaming licensee in the  
2061 commonwealth and shall have priority over an encumbrance recorded, registered or filed with  
2062 respect to any site.

2063           Section 38. (a) Prior to disbursement of cash or prizes in excess of \$600, a licensee shall  
2064 review information made available by the IV-D agency, as set forth in chapter 119A and by the  
2065 department of revenue to ascertain whether the winner of the cash or prize owes past due child  
2066 support to the commonwealth or to an individual to whom the IV-D agency is providing services,  
2067 and to ascertain whether the winner of the cash or prize owes any past due tax liability to the  
2068 commonwealth.

2069           (b) If the winner of the cash or prize owes past due child support or a past due tax  
2070 liability, the licensee shall notify the IV-D agency or the commonwealth, respectively, of the  
2071 winner's name, address and social security number. Subsequent to statutory and federal tax  
2072 withholding, the licensee shall first disburse to the IV-D agency the full amount of the cash or  
2073 prize or such portion of the cash or prize that satisfies the winner's past due child support  
2074 obligation.

2075 (c) If funds remain available after the disbursement to the IV-D agency, or if no such  
2076 obligation to the IV-D agency is owed, the licensee shall disburse to the department of revenue  
2077 the full amount of the cash or prize or such portion of the cash or prize that satisfies the winner's  
2078 past due tax liability.

2079 (d) The licensee shall disburse to the winner only that portion of the cash or prize, if any,  
2080 remaining after the winner's past due child support obligation and the winner's past due tax  
2081 liability have been satisfied.

2082 Section 39. Gaming licensees shall, on a monthly basis, transmit to the department of  
2083 transitional assistance and to the IV-D agency, as set forth in chapter 119A, a list of all persons  
2084 who were awarded cash winnings, or a prize, valued in excess of \$600.00 in the prior month. The  
2085 information shall be provided in a format which is compatible with the automated data  
2086 processing systems of said department and said agency, to ensure the immediate identification of  
2087 persons who may be receiving public assistance benefits. The information provided shall include  
2088 the name, address and social security number of the person who was awarded the cash or prize  
2089 valued in excess of \$600.00.

2090 Section 40. Unclaimed cash and prizes shall be retained by the gaming licensee for the  
2091 person entitled to the cash or prize for 1 year after a game in which the cash or prize was won. If  
2092 no claim is made for the cash or prize within 1 year, the cash or equivalent cash value of the  
2093 prize shall be deposited with the board.

2094 Section 41. If the person entitled to cash or a prize is under the age of 21 years, said cash  
2095 or prize shall be remitted to the board.

2096           Section 42. A gaming establishment, including a business located within such  
2097 establishment, shall not be a certified project within the meaning of section 3F of chapter 23A;  
2098 shall not be designated an economic opportunity area within the meaning of section 3E of  
2099 chapter 23A; shall not be eligible for tax increment financing as set forth in section 59 of chapter  
2100 40 or special tax assessments set forth in section 3E of chapter 23A; shall not be classified and  
2101 taxed as recreational land under chapter 61B; and shall not be designated as a development  
2102 district within the meaning of chapter 40Q.

2103           Unless otherwise provided, a gaming establishment or a business located or to be located  
2104 within such establishment shall not be eligible for the following credits or deductions listed in  
2105 chapter 62 or chapter 63: the investment tax credit under section 31A of chapter 63, the  
2106 employment credit under section 31C of chapter 63, the shuttle van credit under section 31E of  
2107 chapter 63, the deduction for expenditures for industrial waste treatment or air pollution control  
2108 under section 38D of chapter 63, the deduction for compensation paid to an eligible business  
2109 facility's employees domiciled in a section of substantial poverty under section 38F of chapter  
2110 63, the alternative energy sources deduction under section 38H of chapter 63, the research  
2111 expense credit under section 38M of chapter 63, the economic opportunity area credit under  
2112 subsection (g) of section 6 of chapter 62 and section 38N of chapter 63, the abandoned building  
2113 deduction under paragraph (10) of subsection (a) of Part B of section 3 of chapter 62 and section  
2114 38O of chapter 63, the harbor maintenance tax credit under section 38P of chapter 63, the film  
2115 tax credit under subsection (l) of section 6 of chapter 62 and section 38X of chapter 63, the  
2116 environmental response action tax credit under subsection (j) of section 6 of chapter 62 and  
2117 section 38Q of chapter 63, the historic rehabilitation tax credit under section 6J of chapter 62 and

2118 section 38R of chapter 63 or the automatic sprinkler system depreciation deduction under section  
2119 38S of chapter 63.

2120 Section 43. The board shall audit as often as the board determines necessary, but not less  
2121 than annually, the accounts, programs, activities and functions of all licensees. To conduct the  
2122 audit, the authorized officers and employees of the board shall have access to such accounts at  
2123 reasonable times and the board may require the production of books, documents, vouchers and  
2124 other records relating to a matter within the scope of such audit. The superior court shall have  
2125 jurisdiction to enforce the production of records that the board requires to be produced under this  
2126 section and the court shall order the production of all such records within the scope of any such  
2127 audit. All such audits shall be conducted in accordance with generally accepted auditing  
2128 standards established by the American Institute of Certified Public Accountants. In any audit  
2129 report of the accounts, funds, programs, activities and functions of a licensee issued by the board,  
2130 containing adverse or critical audit results, the board may require a response, in writing, to the  
2131 audit results. The response shall be forwarded to the board within 15 days of notification by the  
2132 board.

2133 On or before April 1 of each year, the board shall submit a report to the clerks of the  
2134 house of representatives and the senate who shall forward the report to the house and senate  
2135 committees on ways and means which shall include, but not be limited to: (i) the number of  
2136 audits performed under this section; (ii) a summary of findings under the audits; and (iii) the cost  
2137 of each audit.

2138 Section 44. Unless the board otherwise determines it to be in the best fiscal interests of  
2139 the commonwealth, the board shall utilize the services of 1 or more independent testing

2140 laboratories that are registered to perform the testing of gaming equipment and slot machines and  
2141 may also utilize any additional services or applicable data from 1 or more independent testing  
2142 laboratories.

2143           The board shall develop standards to register independent testing laboratories to perform  
2144 the testing of gaming equipment and slot machines. Each said independent testing laboratory  
2145 shall, at a minimum, meet the requirements of sections 11 and 14, shall not be owned or  
2146 controlled by, or have any interest in, a gaming licensee, a gaming vendor or slot machine  
2147 manufacturer and shall provide such information as the board may require in order to qualify for  
2148 registration.

2149           Section 45. Live entertainment in an entertainment venue in the gaming establishment  
2150 with more than 1,000 seats shall require approval by the board. A gaming establishment shall  
2151 submit information regarding a planned performance for live entertainment in an entertainment  
2152 venue in the gaming establishment with more than 1,000 seats to the board not less than 3  
2153 months prior to the performance. The board shall submit this information to the subcommittee on  
2154 cultural facilities as established in subsection (b) of section 46 for a recommendation on whether  
2155 to approve or deny the performance. The subcommittee may also make recommendations as to  
2156 whether the performance should be approved under certain conditions, which may include, but  
2157 not be limited to, a contract term requiring the live entertainment performer to perform another  
2158 show in the commonwealth, not at a gaming establishment, within 6 months of performing at the  
2159 gaming establishment. If the board deviates from the subcommittee's recommendation, the board  
2160 shall state its reasons for doing so in writing.

2161           Section 46. (a) There shall be a gaming policy advisory committee consisting of 14  
2162 members: 1 of whom shall be the governor, or the governor's designee, who shall serve as chair;  
2163 1 of whom shall be the chair of the commission; 1 of whom shall be the chair of the board; 1 of  
2164 whom shall be the senate president or the president's designee; 1 of whom shall be the speaker of  
2165 the house of representatives or the speaker's designee; 1 of whom shall be the commissioner of  
2166 public health or the commissioner's designee; and 7 of whom shall be appointed by the governor,  
2167 3 of whom shall be representatives of gaming licensees, 1 of whom shall be a representative of a  
2168 federally recognized Native American tribe in the commonwealth, 1 of whom shall be a  
2169 representative of organized labor who shall be selected from a list of 3 names proposed by the  
2170 president of the Massachusetts AFL-CIO and 3 of whom shall be appointed from the vicinity of  
2171 each gaming establishment, as defined by host community and surrounding community, upon  
2172 determination of the licensee and site location by the commission. The committee shall designate  
2173 subcommittees to examine community mitigation, compulsive gambling and gaming impacts on  
2174 cultural and tourism. Members of the committee shall serve for 2 year terms. The committee  
2175 shall meet at least once annually for the purpose of discussing matters of gaming policy. The  
2176 recommendations of the committee concerning gaming policy made under this section are  
2177 advisory and shall not be binding on the commission and board.

2178           (b) There shall be a subcommittee on cultural facilities under the gaming policy advisory  
2179 committee consisting of 5 members: 1 of whom shall be a representative of the Massachusetts  
2180 performing arts center coalition; 1 of whom shall be a representative from the Massachusetts  
2181 cultural council; 1 of whom shall be a representative of the board; and 2 of whom shall be  
2182 appointed by the governor, 1 of whom shall have professional experience in the gaming  
2183 entertainment booking industry and 1 of whom shall be a representative of organized labor who



2184 shall be selected from a list of 3 names proposed by the president of the Massachusetts AFL-  
2185 CIO. The subcommittee shall develop recommendations for regulations to be developed by the  
2186 board to address cultural mitigation including, but not limited to, the relationship between  
2187 gaming entertainment venues and currently existing performing arts centers in the  
2188 commonwealth and standards for granting waivers of the requirements in section 45.

2189 (c) There shall be a subcommittee on community mitigation under the gaming policy  
2190 advisory committee consisting of 7 members: 1 of whom shall be appointed from the host  
2191 community in region 1; 1 of whom shall be appointed from the host community in region 2; 1 of  
2192 whom shall be appointed from the host community in region 3; 1 of whom shall be a  
2193 representative from the department of revenue's division of local services; 1 of whom shall be a  
2194 representative of the board; 1 of whom shall be appointed by the governor and have professional  
2195 experience in community mitigation related to gaming; and 1 of whom shall be a representative  
2196 from the Massachusetts municipal association. The subcommittee shall develop regulations to be  
2197 considered by the board to address issues of community mitigation as a result of the development  
2198 of gaming establishments in the commonwealth, including, but not limited to: how funds may be  
2199 expended from the Community Mitigation Fund, the impact of gaming establishments on the  
2200 host community as well as surrounding communities including, but not limited to, the impact on  
2201 local resources as a result of new housing construction and potential necessary changes to  
2202 affordable housing laws, increased education costs and curriculum changes due to population  
2203 changes in the region, development and maintenance of infrastructure related to increased  
2204 population and utilization in the region and public safety impacts resulting from the facility and  
2205 how to address that impact. The subcommittee shall receive input from local community  
2206 mitigation advisory committees. The subcommittee shall review annually the expenditure of

2207 funds from the Community Mitigation Fund and make recommendations to the board relative to  
2208 appropriate and necessary use of community mitigation funds. The subcommittee shall submit  
2209 updated regulations relating to community mitigation annually to the gaming policy advisory  
2210 committee and the board. The board shall promulgate such regulations as advised by the  
2211 subcommittee.

2212 (d) There shall be a subcommittee on addiction services under the gaming policy  
2213 advisory committee consisting of 5 members: 1 of whom shall be a representative from the  
2214 department of public health's bureau of substance abuse services; 1 of whom shall be a  
2215 representative from the Massachusetts Council on Compulsive Gambling, Inc.; 1 of whom shall  
2216 be a representative of the board; and 2 of whom shall be appointed by the governor with  
2217 professional experience in the area of gambling addictions. The subcommittee shall develop  
2218 recommendations for regulations to be developed by the board to address issues related to  
2219 addiction services as a result of the development of gaming establishments in the  
2220 commonwealth, including but not limited to, prevention and intervention strategies.

2221 (e) There shall be a subcommittee on public safety under the gaming policy advisory  
2222 committee consisting of 7 members: 1 of whom shall be a member of the board; 1 of whom shall  
2223 be the secretary of the executive office of public safety or the secretary's designee; 1 of whom  
2224 shall be the attorney general or the attorney general's designee; 1 of whom shall be a  
2225 representative from the Massachusetts District Attorneys Association; 1 of whom shall be the  
2226 colonel of the state police or the colonel's designee; 1 of whom shall be a representative from the  
2227 Massachusetts Chiefs of Police Association; and 1 of whom shall be a representative of a public  
2228 safety labor union. The subcommittee shall develop recommendations for regulations to be  
2229 developed by the board to address public safety issues as a result of the development of gaming

2230 establishments in the commonwealth, including but not limited to, how to mitigate the impact of  
2231 gaming establishments on crimes committed in the commonwealth. The subcommittee shall also  
2232 study the impact of gaming establishments on all aspects of public safety in the commonwealth.

2233 (f) Each region, as defined in section 17, may establish a local community mitigation  
2234 advisory committee, which shall include not fewer than 6 members: 1 of whom shall be  
2235 appointed by each of the host and surrounding communities; 1 of whom shall be appointed by  
2236 each regional planning agency to which at least 1 of the host or surrounding communities  
2237 belongs; and 4 of whom shall be appointed by the board, of whom at least 1 shall represent a  
2238 chamber of commerce in the region, 1 shall represent a regional economic development  
2239 organization in the region, and 2 shall represent human service providers in the region. Each  
2240 local committee shall annually elect a chair and such other officers as it deems necessary to carry  
2241 out its duties.

2242 Each local committee may provide information and develop recommendations for the  
2243 subcommittee on community mitigation on any issues related to the gaming establishment  
2244 located in its region including, but not limited to: issues of community mitigation; how funds  
2245 may be expended from the community mitigation fund; and the impact of the gaming  
2246 establishments on the host and surrounding communities. Additionally, each local committee  
2247 may present information to the commission or board, consistent with the rules of the commission  
2248 or board, on any issues related to the gaming establishment located in its region.

2249 Section 47. As used in sections 48 to 56, inclusive, the following words shall have the  
2250 following meanings, unless the context clearly requires otherwise:-

2251 “Compensation”, any money, thing of value or economic benefit conferred on or received  
2252 by any employee of the gaming industry in return for services rendered or to be rendered by the  
2253 employee or another.

2254 “Gaming official”, a person who is employed, temporarily or permanently, by an entity  
2255 licensed under this chapter, including, but not limited to, key gaming employees and other  
2256 employees, agents, consultants and advisors.

2257 “Gaming entity”, a person or business that is licensed under this chapter.

2258 “Official act”, a decision, action or inaction within the official capacity of the gaming  
2259 official as a gaming official.

2260 “Official responsibility”, the direct administrative or operating authority, whether  
2261 intermediate or final, either exercisable alone or with others, and whether personal or through  
2262 subordinates, to approve, disapprove or otherwise direct gaming-related action.

2263 “Participate”, engaging in gaming-related action personally and substantially as an  
2264 official, through approval, disapproval, decision, recommendation, the rendering of advice,  
2265 investigation or otherwise.

2266 Section 48. No person shall directly or indirectly, corruptly give, offer or promise  
2267 anything of value to a gaming official, or offer or promise any such official to give anything of  
2268 value to any other person or entity, with intent to:

2269 (1) influence an official act or an act within the official responsibility of the gaming  
2270 official; or

2271 (2) influence the gaming official to commit or aid in committing, or collude in, or allow,  
2272 any fraud or make opportunity for the commission of a fraud on the commonwealth, a state,  
2273 county or municipal agency or any person or business entity doing business with a gaming  
2274 entity; or

2275 (3) induce a gaming official to do or omit to do any act in violation of the official's  
2276 lawful duty.

2277 A violation of this section shall be punished by a fine of not more than \$10,000, or by  
2278 imprisonment in the state prison for not more than 10 years, or in a jail or house of correction for  
2279 not more than 2 1/2 years, or both.

2280 Section 49. (a) No person shall, other than as provided by law for the proper discharge of  
2281 official duty, directly or indirectly, give, offer or promise anything of substantial value to a  
2282 gaming official:

2283 (i) for or because of an official act performed or to be performed by such a gaming  
2284 official; or

2285 (ii) to influence, or attempt to influence, an official action of a gaming entity.

2286 A violation of this section shall be punished by a fine of not more than \$10,000, or by  
2287 imprisonment in the state prison for not more than 10 years, or in a jail or house of correction for  
2288 not more than 2 1/2 years, or both.

2289 (b) No present or former gaming official shall, other than as provided by law for the  
2290 proper discharge of official duty, directly or indirectly, ask, demand, exact, solicit, seek, accept,  
2291 receive or agree to receive anything of substantial value:

2292 (i) for the gaming official, for or because of any official act or act within the gaming  
2293 official's official responsibility performed or to be performed by the gaming official; or

2294 (ii) to influence, or attempt to influence, the gaming official in an official act taken.

2295 A violation of this section shall be punished by a fine of not more than \$10,000, or by  
2296 imprisonment in the state prison for not more than 10 years, or in a jail or house of correction for  
2297 not more than 2 1/2 years, or both.

2298 (c) Nothing in this section shall be construed to prohibit the awarding of gratuities in  
2299 compliance with an official gratuity policy established by the gaming establishment, the board or  
2300 the commission.

2301 Section 50. (a) Except as permitted by subsection (b), no board member shall participate  
2302 as such a member in a particular matter in which to the member's knowledge, the member's  
2303 immediate family or partner, a business organization in which the member is serving as officer,  
2304 director, trustee, partner or employee or any person or organization with whom the member is  
2305 negotiating or has any arrangement concerning prospective employment, has a financial interest.

2306 A violation of this section shall be punished by a fine of not more than \$25,000, or by  
2307 imprisonment in the state prison for not more than 10 years, or in a jail or house of correction for  
2308 not more than 2 1/2 years, or both.

2309 (b) A board member whose duties would otherwise require such member to participate in  
2310 such a particular matter shall advise the commission of the nature and circumstances of the  
2311 particular matter and shall make a full disclosure of such financial interest, and the commission  
2312 shall thereupon either:

2313 (1) require that the member not participate in the particular matter; or

2314 (2) make a written determination that the interest is not so substantial as to be deemed  
2315 likely to affect the integrity of the board, in which case it shall not be a violation for the member  
2316 to participate in the particular matter. Copies of such written determination shall be forwarded to  
2317 the member and filed with the commission. Such copy shall be retained by the commission for a  
2318 period of 6 years and shall be a public record.

2319 Section 51. No commissioner or board member shall be eligible for a position under the  
2320 supervision of the commission or board until the expiration of 30 days from the termination of  
2321 the commissioner's or member's service as a commissioner or board member.

2322 Section 52. (a) In addition to other remedies provided by law, a violation of sections 48 to  
2323 51, inclusive, which has substantially influenced the action taken by a gaming entity in a  
2324 particular matter, shall be grounds for avoiding, rescinding or canceling the action on such terms  
2325 as the interests of an innocent third person requires.

2326 (b) In addition to the remedies set forth in subsection (a), the commission, upon a finding  
2327 pursuant to an adjudicatory proceeding that a person has acted to the person's economic  
2328 advantage in violation of sections 48 to 51, inclusive, may issue an order: (1) requiring the  
2329 violator to pay the board in the amount of the economic advantage or \$500, whichever is greater;  
2330 and (2) requiring the violator to make restitution to an injured third party. If there has been no  
2331 final criminal judgment of conviction or acquittal of the same violation, upon receipt of the  
2332 written approval of the attorney general, the commission may order payment of additional  
2333 damages in an amount not exceeding twice the amount of the economic advantage or \$500,  
2334 whichever is greater.

2335 (c) The remedies authorized by this section shall be in addition to any civil penalty  
2336 imposed by the commission.

2337 Section 53. The commission shall designate a gaming ombudsmen, who shall be  
2338 available to advise gaming officials of the officials' responsibilities under this chapter. A  
2339 gaming official shall be entitled to the opinion of the gaming ombudsmen upon any question  
2340 arising under this chapter relating to the duties, responsibilities and interests of such official.

2341 Section 54. All disclosures and certifications required by this chapter shall be made in  
2342 writing and, unless otherwise specifically provided in this chapter, shall be kept open by the  
2343 commission to inspection by the public.

2344 Section 55. The board shall prepare, and update as necessary, summaries of sections 47  
2345 to 54, inclusive, for gaming officials which the board shall publish on its official website. Every  
2346 gaming official shall, within 30 days of becoming such an official, and on an annual basis  
2347 thereafter, be furnished with a summary of said sections prepared by the board, sign a written  
2348 acknowledgment that the gaming official has been provided with such a summary and undergo  
2349 training explaining the requirements of this chapter. The board shall establish procedures for  
2350 implementing this section and ensuring compliance.

2351 Section 56. No gaming establishment, or its agents or employees shall employ, contract  
2352 with, or use any skill or barker to induce any person to enter a gaming establishment or play at  
2353 any game or for any purpose.

2354 A violation of this section shall be punishable by a fine of \$5,000 or by imprisonment in  
2355 the state prison for not more than 5 years, or in a jail or house of correction for not more than 2  
2356 1/2 years, or both.



2357 Section 57. (a) No gaming official shall, except in the normal course of the official's  
2358 duties, wager in the gaming establishment in which such official is employed.

2359 (b) No gaming official shall, except in the normal course of the official's duties, wager in  
2360 an establishment which is owned or operated by the same licensee who owns or operates the  
2361 gaming establishment for which the official is employed.

2362 Section 58. A gaming official, not including key gaming employees and employees  
2363 holding major policy-making positions, who, in the judgment of the commission, is not directly  
2364 involved with the conduct of gaming operations, shall wait at least 30 days following the date  
2365 that the gaming official either leaves or is terminated from employment with a gaming  
2366 establishment before the gaming official may gamble in the gaming establishment in which the  
2367 gaming official was formerly employed or in any other gaming establishment which is owned or  
2368 operated by the same licensee.

2369 Section 59. No key gaming employee or gaming control employee, or any other gaming  
2370 official who serves in a supervisory position shall solicit or accept, any tip or gratuity from any  
2371 player or patron in the gaming establishment where the employee is employed.

2372 Section 60. The board shall report monthly to the governor, the attorney general, the  
2373 senate and house committees on ways and means and the chairs of the joint committee on  
2374 revenue the total gaming revenues, prize disbursements and other expenses for the preceding  
2375 month and shall make an annual report to the same recipients which shall include a full and  
2376 complete statement of gaming revenues, prize disbursements and other expenses, including such  
2377 recommendations as the board considers necessary or advisable. The board shall report  
2378 immediately to the governor, the attorney general, the senate and house committees on ways and

2379 means and the chairs of the joint committee on revenue any matter which requires immediate  
2380 changes in the laws of the commonwealth in order to prevent abuses or evasions of the laws,  
2381 rules or regulations related to gaming or to rectify undesirable conditions in connection with the  
2382 administration or operation of gaming in the commonwealth.

2383           Section 61. The commission shall annually submit a complete and detailed report of the  
2384 commission's activities within 90 days after the end of the fiscal year to the clerk of the house of  
2385 representatives, the clerk of the senate, the chairs of the joint committee on economic  
2386 development and emerging technologies and the chairs of the house and senate committees on  
2387 ways and means.

2388           Section 62. There is hereby established and placed upon the books of the board a Gaming  
2389 Licensing Fund which shall consist of all licensing fees collected from licensees and any  
2390 proceeds from the investment of such fees. The board shall be the trustee of the fund and shall  
2391 not allow the fund to carry a negative balance.

2392           Section 63. (a) A licensee shall pay a daily tax of 25 per cent on gross gaming revenues;  
2393 provided that, taxes imposed under this section shall be remitted to the board by a licensee the  
2394 day following each day of wagering.

2395           (b) The board shall remit the revenues received to the commonwealth on a daily basis and  
2396 shall be deposited into the Gaming Revenue Fund, established in section 64.

2397           Section 64. (a) There is hereby established and placed upon the books of the board a  
2398 Gaming Revenue Fund which shall consist of all revenues collected from the tax on gross  
2399 gaming revenue received from gaming licensees under section 63 and any proceeds from the  
2400 investment of such revenues. The board shall be the trustee of the fund.

2401 (b) A transfer under this section shall be made under a transfer schedule to be developed  
2402 by the comptroller and the board for each item after consulting with the appropriate agency  
2403 secretary, the secretary of administration and finance and the state treasurer. The schedule shall  
2404 provide for transfers in increments considered appropriate to meet the cash flow needs of each  
2405 fund and all transfers under the schedule shall be completed annually not later than June 30.

2406 (c) The board shall transfer 1 percent of the collected revenues to the Property Taxpayers  
2407 Relief Fund created in section 2DDDD of chapter 29 and then, from such remaining amount  
2408 shall transfer 10 per cent of collected revenues to the Gaming Mitigation Trust Fund, created in  
2409 section 65 and remit the remaining 90 per cent of collected revenues to the comptroller. The  
2410 comptroller may make all necessary transfers among funds to ensure that monies in the fund are  
2411 transferred as follows:-

2412 (i) one-third of the amount remitted to the General Fund, subject to appropriation,  
2413 shall be used for debt reduction through a program of debt defeasance and accelerated debt  
2414 payments; provided, that, this program shall be developed jointly by the state treasurer and the  
2415 secretary of administration and finance and shall be implemented in compliance with state  
2416 finance law; provided, further, that this program shall prioritize the reduction of risk in the  
2417 commonwealth's debt portfolio; provided further, that the state secretary and state treasurer shall  
2418 provide a written description of the program to the finance advisory board established in section  
2419 97 of chapter 6 for the board's review and comment before the program is implemented and shall  
2420 file a copy of that description with the house and senate committees on ways and means and the  
2421 house and senate committees on bonding, capital expenditures and state assets when it is  
2422 submitted to the finance advisory board;

2423 (ii) one-third of the amount remitted to the State Lottery and Gaming Fund,  
2424 created in section 35 of chapter 10; provided, that, the total transfer to the State Lottery and  
2425 Gaming Fund shall not exceed \$150,000,000 in any fiscal year; and provided, further, that any  
2426 amount in excess of \$150,000,000 shall be transferred to the Local Aid Stabilization Fund,  
2427 created in section 2BBBB of chapter 29;

2428 (iii) one third of the amount remitted to the Gaming Economic Development  
2429 Fund, created in section 2CCCC of chapter 29.

2430 Section 65. (a) There is hereby established and set up on the books of the board a fund to  
2431 be known as the Gaming Mitigation Trust Fund. The Gaming Mitigation Trust Fund shall  
2432 consist of monies transferred from the Gaming Revenue Fund and all other monies credited or  
2433 transferred to the fund from any other fund or source and proceeds from the investment of such  
2434 funds. The board shall be the trustee of the fund.

2435 (b) The board shall administer the Gaming Mitigation Trust Fund and shall expend  
2436 monies in the fund to address the impacts of expanded gaming in the commonwealth as follows:

2437 (1) Thirty-five per cent of fund revenues in a fiscal year shall be expended for community  
2438 mitigation including, but not limited to, the areas of local and regional education, transportation,  
2439 infrastructure, housing, environmental issues and public safety, including police, fire, and  
2440 emergency services, in impacted communities, that may include host and surrounding  
2441 communities;

2442 (2) Thirty-five per cent of fund revenues in a fiscal year shall be expended for social  
2443 mitigation including, but not limited to, problem gambling prevention, intervention and treatment  
2444 services, substance abuse services and gaming-related research;

2445 (3) Twenty per cent of fund revenues in a fiscal year shall be expended for cultural  
2446 mitigation including, but not limited to, assistance to not-for-profit or municipally-owned  
2447 performing arts centers; and

2448 (4) Ten per cent of fund revenues in a fiscal year shall be expended for racetrack  
2449 mitigation including, but not limited to, developing programs to improve the purses offered at  
2450 live racing venues, the horse breeding industry, programs to promote the live horse racing  
2451 industry and other existing programs that provide health, medical, food, substance abuse  
2452 treatment and other social services for horse racing industry employees.

2453 Section 66. All political contributions or contributions in kind made by an applicant for a  
2454 gaming license to any municipal employee, as defined in section 1 of chapter 268A, of the host  
2455 community of the applicant's proposed gaming establishment shall be disclosed, by the  
2456 applicant, to the board and the city or town clerk of the host community. Such disclosure shall be  
2457 made by the applicant bi-annually, on or before July 15 for the period covering January 1  
2458 through June 30 of that year and on or before January 15 for the period covering July 1 through  
2459 December 31 of the preceding year. The office of campaign and political finance shall  
2460 promulgate regulations to provide for timely and expeditious public reporting, which shall  
2461 include electronic means or public posting in a city or town hall and post office, by city and town  
2462 clerks of the contribution disclosures they receive from applicants.

2463 Section 67. Any licensee who fails to begin gaming operations within 1 year after the  
2464 date specified in its application timeline shall be subject to revocation of said license by the  
2465 board, and may, after being found by the board subsequent to a hearing to have acted in bad faith

2466 in its application, be assessed a fine, collectible by the board and to be deposited in the General  
2467 Fund, of not less than \$100,000,000.

2468           Section 68. The board shall report annually to the governor, the chairs of the senate and  
2469 house committees on ways and means and the chairs of the joint committee on tourism, arts and  
2470 cultural development regarding the effects of gaming establishments on tourism in the  
2471 commonwealth, including, but not limited to how gaming establishments have enhanced the  
2472 commonwealth's position as a tourism venue.

2473           Section 69. (a) Any vendor who operates an ATM machine on the premise of a gaming  
2474 establishment shall be prohibited from selling or sharing any information about patrons using the  
2475 machine with any party.

2476           (b) Licensees shall be prohibited from using information about patrons' usage of ATM  
2477 machines including, but not limited to, the identity of the patron, the address of the patron, the  
2478 amounts withdrawn from the ATM machine and the dates or times the machines are used, for  
2479 marketing purposes.

2480           SECTION 14. Section 62 of chapter 23K of the General Laws is hereby repealed.

2481           SECTION 15. Section 1 of chapter 29 of the General Laws, as appearing in the 2008  
2482 Official Edition, is hereby amended by striking out the definition of "State authority," and  
2483 inserting in place thereof the following definition:-

2484           "State authority" a body politic and corporate constituted as a public instrumentality of  
2485 the commonwealth and established by an act of the General Court to serve an essential  
2486 governmental function; provided, however that "state authority" shall not include: (1) a state

2487 agency; (2) a city or town; (3) a body controlled by a city or town; or (4) a separate body politic  
2488 where the governing body is elected, in whole or in part, by the general public or by  
2489 representatives of member cities or towns.

2490 SECTION 16. Chapter 29 of the General Laws is hereby amended by inserting after  
2491 section 2AAAA the following 3 sections:

2492 Section 2BBBB. There shall be established and set up on the books of the  
2493 commonwealth a separate fund to be known as the Local Aid Stabilization Fund. The Local Aid  
2494 Stabilization Fund shall consist of monies transferred from the Gaming Revenue Fund,  
2495 established in section 64 of chapter 23K, to the fund, all other monies credited or transferred  
2496 from any other fund or source and proceeds from the investment of such funds. Subject to  
2497 appropriation, the fund shall be distributed to cities and towns as a supplement to other sources  
2498 of local aid distributions, but shall not be subject to section 5C of chapter 29.

2499 Section 2CCCC. There shall be established and set up on the books of the commonwealth  
2500 a separate fund to be known as the Gaming Economic Development Fund. The fund shall be  
2501 credited with revenues transferred to it from the Gaming Revenue Fund, established in section 64  
2502 of chapter 23K. Amounts credited to the fund shall be expended, subject to appropriation, to  
2503 support economic development and job growth in the commonwealth including, but not limited  
2504 to: (1) workforce training, including transfers to the Workforce Competitiveness Trust Fund; (2)  
2505 tourism promotion, including regional tourism promotion agencies and cultural and recreational  
2506 attraction promotion; (3) summer jobs; (4) the Massachusetts Marketing Partnership; (5) higher  
2507 education scholarships; (6) regional economic development initiatives; (7) support for small  
2508 businesses, including small business lending; (8) green jobs promotion; (9) science, technology,

2509 engineering and mathematics career pipeline initiatives; and (10) agricultural development  
2510 programs, including youth agricultural education.

2511           Section 2DDDD. There shall be established and set up on the books of the  
2512 commonwealth a separate fund to be known as the Property Taxpayers Relief Fund. The fund  
2513 shall be credited with revenues transferred to it from the Gaming Revenue Fund established  
2514 under section 64 of section 13 of chapter 23K. Monies in such fund shall be made available as  
2515 grants to municipalities for local senior citizen property tax relief programs. The secretary of  
2516 elder affairs shall distribute such grant funds on a non-competitive formula basis only to  
2517 municipalities with local senior citizen property tax programs based on a fiscal year cycle. The  
2518 secretary of elder affairs in conjunction with the department of revenue shall establish policies  
2519 and procedures relating to such grant funding to include the grant formula; award and  
2520 distribution of grant funding; and application and certification by a municipality seeking funding  
2521 for such local senior programs. For each fiscal year, all grants shall be distributed to qualifying  
2522 municipalities by April 15 prior to the beginning of the fiscal year for which such grant was  
2523 awarded.

2524           SECTION 17. Section 38 of said chapter 29, as appearing in the 2008 Official Edition, is  
2525 hereby amended by striking out in lines 115 to 116, the words “State Lottery Fund, as established  
2526 and defined in section thirty-five of chapter ten” and inserting in place thereof the following  
2527 words:- State Lottery and Gaming Fund established in section 35 of chapter 10.

2528           SECTION 18. Said section 38 of said chapter 29, as so appearing, is hereby further  
2529 amended by striking out, in lines 127 to 128, the words “the said State Lottery Fund” and  
2530 inserting in place thereof the following words:- said State Lottery and Gaming Fund.



2531 SECTION 19. Section 1 of chapter 32 of the General Laws, as so appearing, is hereby  
2532 amended by inserting after the word “connector”, in line 211, the following words:- , the  
2533 Massachusetts gaming commission, the Massachusetts gaming control board.

2534 SECTION 20. Section 2 of chapter 32A of the General Laws, as so appearing, is hereby  
2535 amended by inserting after the word “authority”, in line 12, the following words:- , the  
2536 Massachusetts gaming commission, the Massachusetts gaming control board.

2537 SECTION 21. Section 94 of chapter 41 of the General Laws, as so appearing, is hereby  
2538 amended by inserting after the word “and”, in line 7, the first time it appears, the following word:  
2539 illegal.

2540 SECTION 21A. Section 7A of chapter 55 of the General Laws, as so appearing, is hereby  
2541 amended by adding the following subsection:-

2542 (c) The aggregate of all contributions by a person who holds a valid license issued by the  
2543 Massachusetts gaming commission, who was required to apply for that license under section 10  
2544 of chapter 23K, for the benefit of any 1 candidate and such candidate’s committee shall not  
2545 exceed \$200 in any 1 calendar year. The aggregate of all contributions by a person who holds a  
2546 valid license issued by the Massachusetts gaming commission, who was required to apply for  
2547 that license under section 10 of chapter 23K, for the benefit of any other political committee,  
2548 other than a ballot question committee, shall not exceed \$200 in any 1 calendar year.

2549 SECTION 22. Section 18C of said chapter 58, as so appearing, is hereby amended by  
2550 inserting after the word “Lottery”, in line 6, the following words:- and Gaming.

2551 SECTION 23. Section 18D of chapter 58 of the General Laws is hereby repealed.

2552 SECTION 24. Section 5A of chapter 62 of the General Laws, as appearing in the 2008  
2553 Official Edition, is hereby amended by inserting after the word “commonwealth”, in line 24, the  
2554 following words:- ,including gaming winnings acquired at or through a gaming establishment  
2555 under chapter 23K.

2556 SECTION 25. The seventh paragraph of section 2 of chapter 62B of the General Laws,  
2557 as so appearing, is hereby amended by striking out the first 2 sentences and inserting in place  
2558 thereof the following 2 sentences:-

2559 Every person, including the United States, the commonwealth or any other state, or any  
2560 political subdivision or instrumentality of the foregoing, making any payment of lottery or  
2561 gaming winnings, acquired at or through a gaming establishment under chapter 23K, which are  
2562 subject to taxation under chapter 62 and which are subject to withholding under section 3402(q)  
2563 of the Internal Revenue Code shall deduct and withhold from such payment an amount equal to 5  
2564 per cent of such payment, except that such withholding for purposes of this chapter shall apply to  
2565 payments of winnings of \$600 or greater notwithstanding any contrary provisions of the Internal  
2566 Revenue Code; provided, however that the exception contained in subsection (q)(5) and (r) of the  
2567 Internal Revenue Code shall not apply to winnings under this section. For purposes of this  
2568 chapter and chapter 62C, such payment of winnings shall be treated as if it were wages paid by  
2569 an employer to an employee.

2570 SECTION 26. Said chapter 62B is hereby further amended by striking out section 5, as so  
2571 appearing, and inserting in place thereof the following section:-

2572 Section 5. Every employer required to deduct and withhold from an employee or payee a  
2573 tax under section 2, or who would have been required under said section in the case of an

2574 employee to deduct and withhold a tax if the employee had not claimed any personal exemption  
2575 or dependency exemptions, shall furnish to each such employee or payee in respect of the wages  
2576 or other payments paid by such employer to such employee or payee during the calendar year, on  
2577 or before January 31 of the succeeding year, or, if an employee's employment is terminated  
2578 before the close of such calendar year, within 30 days from the day on which the last payment of  
2579 wages is made, a written statement in duplicate showing the name of the employer, the name of  
2580 the employee or payee and the employee or payee's social security account number, if any, the  
2581 total amount of wages or other amounts subject to taxation under chapter 62 and the total amount  
2582 deducted and withheld as tax. This statement may contain such other information as the  
2583 commissioner may prescribe. The commissioner may grant reasonable extensions of time, not  
2584 exceeding 60 days, for the furnishing of the statement.

2585         Every employer who fails to withhold or pay to the commissioner any sums required by  
2586 this chapter to be withheld or paid shall be personally and individually liable for such sums to the  
2587 commonwealth. The term "employer" as used in this section and in section 11, shall include any  
2588 person or entity required to withhold tax from any payee and shall include an officer or employee  
2589 of a corporation, or a member or employee of a partnership or limited liability company, who as  
2590 such officer, employee or member is under a duty to withhold and pay over taxes under this  
2591 section and section 2. Any sum withheld under section 2 shall be considered to be held in trust  
2592 for the commonwealth.

2593         If an employer in violation of this chapter fails to withhold the tax under section 2, and  
2594 thereafter the tax against which such tax may be credited, under section 9, is paid, the tax so  
2595 required to be withheld shall not be collected from the employer; but this paragraph shall in no

2596 case relieve the employer from liability for any penalties or addition to the tax otherwise  
2597 applicable in respect of such failure to withhold.

2598 SECTION 27. The first paragraph of section 8 of chapter 62C of the General Laws, as so  
2599 appearing, is hereby amended by striking out the last sentence and inserting in place thereof the  
2600 following sentence:- The same basis of reporting shall be utilized for income that is subject to  
2601 taxation or withholding under chapter 62 or 62B but is not subject to taxation or withholding  
2602 under the Code.

2603 SECTION 28. Subsection (f) of section 38 of chapter 63 of the General Laws, as so  
2604 appearing, is hereby amended by striking out the third paragraph and inserting in place thereof  
2605 the following paragraph:-

2606 For the purposes of this subsection: (1) in the case of the licensing of intangible property,  
2607 the income-producing activity shall be considered to be performed in the commonwealth to the  
2608 extent that the intangible property is used in the commonwealth; (2) the corporation shall be  
2609 considered to be taxable in the state of the purchaser if the tangible personal property is delivered  
2610 or shipped to a purchaser in a foreign country; (3) sales of tangible personal property to the  
2611 United States government or an agency or instrumentality of the United States for purposes of  
2612 resale to a foreign government or an agency or instrumentality of a foreign government shall not  
2613 be sales made in the commonwealth; (4) in the case of the sale, exchange or other disposition of  
2614 a capital asset, as defined in paragraph (m) of section 1 of chapter 62, used in a taxpayer's trade  
2615 or business, including a deemed sale or exchange of such asset, "sales" shall be measured by the  
2616 gain from the transaction; (5) "security" shall mean an interest or instrument commonly treated  
2617 as a security as well as other instruments which are customarily sold in the open market or on a

2618 recognized exchange including, but not limited to, transferable shares of a beneficial interest in a  
2619 corporation or other entity, bonds, debentures, notes and other evidences of indebtedness,  
2620 accounts receivable and notes receivable, cash and cash equivalents including foreign currencies  
2621 and repurchase and futures contracts; (6) in the case of a sale or deemed sale of a business, the  
2622 term “sales” shall not include receipts from the sale of the business “good will” or similar  
2623 intangible value, including, without limitation, “going concern value” and “workforce in place”;  
2624 (7) to the extent authorized under the life sciences tax incentive program established by section 5  
2625 of chapter 23I, a certified life sciences company may be deemed a research and development  
2626 corporation for purposes of exemptions under chapters 64H and 64I; and (8) in the case of a  
2627 business deriving receipts from operating a gaming establishment or otherwise deriving receipts  
2628 from conducting a wagering business or activity, income-producing activity shall be considered  
2629 to be performed in the commonwealth to the extent that the location of wagering transactions or  
2630 activity that generated the receipts is in the commonwealth.

2631 SECTION 29. Section 2 of chapter 70 of the General Laws, as so appearing, is hereby  
2632 amended by inserting after the word “Lottery”, in line 355, the following words:- and Gaming.

2633 SECTION 29A. Section 2 of chapter 128 of the General Laws, as so appearing, is hereby  
2634 amended by striking out, in line 99, the words “or dog”.

2635 SECTION 30. Said section 2 of said chapter 128 of the General Laws, as so appearing, is  
2636 hereby further amended by striking out subsection (i).

2637 SECTION 31. Section 1 of chapter 128A of the General Laws, as so appearing, is hereby  
2638 amended by striking out, in line 6, the words “state racing commission” and inserting in place  
2639 thereof the following words:- Massachusetts gaming commission established in chapter 23K.

2640 SECTION 32. Section 1 of chapter 128C of the General Laws, as so appearing, is hereby  
2641 amended by striking out, in line 12, the words “state racing commission” and inserting in place  
2642 thereof the following words:- gaming commission established in chapter 23K.

2643 SECTION 33. Section 1 of chapter 137 of the General Laws, as so appearing, is hereby  
2644 amended by inserting after the word “gaming”, in line 2, the following words:- , except for  
2645 gaming conducted in gaming establishments under chapter 23K.

2646 SECTION 34. Section 2 of said chapter 137, as so appearing, is hereby amended by  
2647 inserting after the word “building”, in line 1, the following words:- , except for an owner or  
2648 operator of a gaming establishment licensed under chapter 23K.

2649 SECTION 35. Section 3 of said chapter 137, as so appearing, is hereby amended by  
2650 adding the following sentence:- Nothing in this section shall prohibit any activity authorized  
2651 under chapter 23K.

2652 SECTION 36. Section 18 of chapter 139 of the General Laws, as so appearing, is hereby  
2653 amended by inserting after the word “of”, in line 6, the word:- illegal.

2654 SECTION 37. Section 26A of chapter 180 of the General Laws, as so appearing, is  
2655 hereby amended by striking out, in lines 4 and 16, the following words:- or dog.

2656 SECTION 38. The General Laws are hereby amended by inserting after chapter 267 the  
2657 following chapter:-

2658 Chapter 267A

2659 Money Laundering

2660 Section 1. As used in this chapter, the following words shall, unless the context clearly  
2661 requires otherwise, have the following meanings:-

2662 “Criminal activity”, a criminal offense punishable under the laws of the commonwealth  
2663 by imprisonment in a state prison or a criminal offense committed in another jurisdiction  
2664 punishable under the laws of that jurisdiction as a felony.

2665 “Financial institution”, a: (1) bank as defined in section 1 of chapter 167; (2) national  
2666 banking association, bank, savings and loan, savings bank, cooperative bank, building and loan  
2667 or credit union organized under the laws of the United States; (3) banking association, bank,  
2668 savings and loan, savings bank, cooperative bank, building and loan or credit union organized  
2669 under the laws of any state; (4) agency, agent or branch of a foreign bank; (5) currency dealer or  
2670 exchange; (6) person or business engaged primarily in the cashing of checks; (7) person or  
2671 business regularly engaged in the issuing, selling or redeeming of traveler's checks, money  
2672 orders or similar instruments; (8) broker or dealer in securities or commodities; (9) licensed  
2673 transmitter of funds or other person or business regularly engaged in the transmission of funds to  
2674 a foreign nation for others; (10) investment banker or investment company; (11) insurer; (12)  
2675 dealer in precious metals, stones or jewels; (13) pawnbroker or scrap metal dealer; (14) telegraph  
2676 or other communications company; (15) personal property or real estate broker; (16) dealer in  
2677 vehicles including, but not limited to, automobiles, aircraft and vessels; (17) operator of a betting  
2678 or gaming establishment; (18) travel agent; (19) thrift institution; (20) operator of a credit card  
2679 system; or (21) loan or finance company.

2680 “Monetary instrument”, the currency and coin of the United States or any foreign  
2681 country; any bank check, money order, stock, investment security, or negotiable instrument in

2682 bearer form or otherwise in such form that title passes upon delivery; gold, silver or platinum  
2683 bullion or coins; diamonds, emeralds, rubies, or sapphires; any negotiable instrument including:  
2684 bank checks, cashier's checks, traveler's checks, or monetary orders made payable to the order of  
2685 a named party that have not been endorsed or which bear restrictive endorsements; poker chips,  
2686 vouchers or other tokens exchangeable for cash by gaming entities; and credit cards, debit cards,  
2687 gift cards, gift certificates or scrips.

2688 "Transaction", a purchase, sale, loan, pledge, gift, transfer, delivery, or other disposition,  
2689 and with respect to a financial institution including, but not limited to, a deposit, withdrawal,  
2690 bailment, transfer between accounts, exchange of currency, loan, extension of credit, purchase or  
2691 sale of any stock, bond, certificate of deposit, or other monetary instrument, use of a safe deposit  
2692 box, or any other payment, transfer, or delivery by, through, or to a financial institution, by  
2693 whatever means effected.

2694 Section 2. Whoever knowingly:

2695 (1) transports or possesses a monetary instrument or other property that was derived from  
2696 criminal activity with the intent to promote, carry on or facilitate criminal activity;

2697 (2) engages in a transaction involving a monetary instrument or other property known to  
2698 be derived from criminal activity:

2699 with the intent to promote, carry on or facilitate criminal activity; or

2700 (ii) knowing that the transaction is designed in whole or in part either to: (A) conceal  
2701 or disguise the nature, location, source, ownership or control of the property derived from



2702 criminal activity; or (B) avoid a transaction reporting requirement of this chapter, of the United  
2703 States, or of any other state; or

2704 (3) directs, organizes, finances, plans, manages, supervises or controls the transportation  
2705 of, or transactions in, monetary instruments or other property known to be derived from criminal  
2706 activity or which a reasonable person would believe to be derived from criminal activity;

2707 shall be guilty of the crime of money laundering and shall be punished by imprisonment  
2708 in the state prison for not more than 6 years or by a fine of not more than \$250,000 or twice the  
2709 value of the property transacted, whichever is greater, or by both such imprisonment and fine;  
2710 and for any subsequent offense shall be punished by imprisonment in the state prison for not less  
2711 than 2 years, but not more than 8 years or by a fine of not more than \$500,000 or 3 times the  
2712 value of the property transacted, whichever is greater, or by both such imprisonment and fine.

2713 Section 3. (a) A financial institution shall file with the attorney general a copy of any and  
2714 all reports required by the Currency and Foreign Transactions Act, set forth in 31 U.S.C.,  
2715 sections 5311 through 5315, 31 C.F.R. 103.

2716 (b) A financial institution, or any officer, employee, or agent of a financial institution that  
2717 maintains and files a record or report under this section shall not be liable to its customer, to a  
2718 state or local agency, or to any person for any loss or damage caused in whole or in part by the  
2719 making, filing or governmental use of the record or report, or any information contained in the  
2720 record or report. Nothing in this chapter shall be construed to give rise to a private cause of  
2721 action for relief or damages. This subsection shall not preclude a financial institution, in its  
2722 discretion, from instituting contact with, and then communicating with and disclosing customer  
2723 financial records to appropriate federal, state or local law enforcement agencies if the financial

2724 institution has reason to suspect that the records or information demonstrate that the customer  
2725 has violated this chapter.

2726 (c) Any report, record or information obtained by the attorney general under this section  
2727 shall not be a public record under clause Twenty-sixth of section 7 of chapter 4 or section 10 of  
2728 chapter 66 and shall not be subject to disclosure, except to other state and federal law  
2729 enforcement agencies.

2730 (d) Any violation of this section, which is not a violation of section 2, shall be punished  
2731 by a fine of \$100 for each report not filed.

2732 (e) The timely filing of complete and accurate reports required under subsection (a) with  
2733 the appropriate federal agency shall constitute compliance with the requirements of subsection  
2734 (a).

2735 Section 4. All monetary instruments or other property, real, intellectual or personal,  
2736 obtained directly as a result of a violation of section 2 of this chapter, shall be subject to  
2737 forfeiture to the commonwealth. Forfeiture proceedings shall be conducted as provided in  
2738 subsections (b) to (j), inclusive of section 47 of chapter 94C. For purposes of subsection (d) of  
2739 said section 47 of said chapter 94C, the investigation and enforcement bureau of the gaming  
2740 control board shall be considered a police department, entitled to a police department's  
2741 distribution of forfeiture proceedings.

2742 SECTION 38A. Section 6 of chapter 268B, as appearing in section 95 of chapter 28 of  
2743 the acts of 2009, is hereby amended by adding the following paragraph:-

2744           “For the purposes of this section, any person who holds a license issued by the  
2745 Massachusetts gaming commission, who was required to apply for that license under section 10  
2746 of chapter 23K, shall be considered a legislative agent.

2747           SECTION 40. Section 1 of chapter 271 of the General Laws, as so appearing, is hereby  
2748 amended by inserting after the word “gaming”, in lines 3 and 4, the following words:- , except as  
2749 permitted under chapter 23K.

2750           SECTION 41. Section 2 of said chapter 271, as so appearing, is hereby amended by  
2751 inserting after the words “playing”, in line 4, the following words:- , except as permitted under  
2752 chapter 23K.

2753           SECTION 42. Section 3 of said chapter 271, as so appearing, is hereby amended by  
2754 inserting after the words “gaming”, in line 3, the following words:- , except as permitted under  
2755 chapter 23K.

2756           SECTION 43. Section 5 of said chapter 271, as so appearing, is hereby amended by  
2757 inserting after the words “thing,” in line 7, the following words:- except as permitted under  
2758 chapter 23K.

2759           SECTION 44. The second paragraph of section 5A of said chapter 271, as so appearing,  
2760 is hereby amended by adding the following sentence:- This section shall not apply to persons  
2761 who manufacture, transport, sell, offer for sale, store, display, repair, recondition, possess or use  
2762 any gambling device or parts for use in such a device for licensed gaming conducted under  
2763 chapter 23K.

2764 SECTION 45. Section 6 of said chapter 271, as so appearing, is hereby amended by  
2765 striking out, in lines 3 and 4, the words “gambling or unlawful game” and inserting in place  
2766 thereof the words:- illegal gaming.

2767 SECTION 46. Section 7 of said chapter 271, as so appearing, is hereby amended by  
2768 inserting after the word “device”, in line 7, the first time it appears, the following words:- that is  
2769 not taking place in a gaming establishment licensed under chapter 23K.

2770 SECTION 47. Said chapter 271 is hereby further amended by striking out section 8, as  
2771 so appearing, and inserting in place thereof the following section:

2772 Section 8. Whoever owns, occupies, or is in control of a house, shop or building and  
2773 knowingly permits the establishing, managing or drawing of such lottery, or such disposal or  
2774 attempt to dispose of property, or the sale of a lottery ticket or share of a ticket, or any other  
2775 writing, certificate, bill, token or other device purporting or intended to entitle the holder, bearer  
2776 or any other person to a prize or to a share of or interest in a prize to be drawn in a lottery, or in  
2777 such disposal or property and whoever knowingly suffers money or other property to be raffled  
2778 for or won by throwing or using dice or by any other game of chance that is not being conducted  
2779 in a licensed gaming establishment under chapter 23K, shall be punished by a fine of not more  
2780 than \$2000 or by imprisonment in a jail or house of correction for not more than 1 year.

2781 SECTION 48. Section 14 of said chapter 271, as so appearing, is hereby further amended  
2782 by inserting after the word “ by”, in line 3, the first time it appears, the following words:- illegal  
2783 gaming, including games of.

2784 SECTION 48A. Section 16A of said chapter 271, as so appearing, is hereby amended by  
2785 inserting after the word “wagerers”, in line 14, the following words: - or to persons who

2786 organize, supervise, manage, or finance persons for the purpose of gaming conducted under  
2787 chapter 23K.

2788 SECTION 49. Section 17 of said chapter 271, as so appearing, is hereby amended by  
2789 adding the following sentence:- This section shall not apply to persons who organize, supervise,  
2790 manage or finance persons for the purpose of licensed gaming conducted under chapter 23K.

2791 SECTION 50. Section 19 of said chapter 271, as so appearing, is hereby amended by  
2792 adding the following words:- ; provided, however, that this section shall not apply to advertising  
2793 of licensed gaming conducted under chapter 23K.

2794 SECTION 51. Section 20 of said chapter 271, as so appearing, is hereby amended by  
2795 adding the following sentence:- Nothing in this section shall prohibit a gaming establishment  
2796 licensed under chapter 23K from posting or exposing materials relevant to its gaming operations.

2797 SECTION 52. Section 22 of said chapter 271, as so appearing, is hereby amended by  
2798 adding the following words:- or any receipt, carriage or delivery by a gaming establishment  
2799 licensed under chapter 23K.

2800 SECTION 53. Section 23 of said chapter 271, as so appearing, is hereby amended by  
2801 striking out the last sentence and inserting in place thereof the following sentence:- Chapter 276  
2802 relative to the disposal of gaming articles seized upon search warrants shall apply to all articles  
2803 and property seized under this section; provided, however, that such disposal shall not apply to  
2804 licensed gaming conducted under chapter 23K.

2805 SECTION 54. Section 28 of said chapter 271, as so appearing, is hereby amended by  
2806 inserting after the word “of”, in line 3, the third time it appears, the following word:- illegal.

2807 SECTION 55. Section 31 of said chapter 271, as so appearing, is hereby amended by  
2808 striking out in lines 3 and 4 the words “thereto by section fourteen of chapter one hundred and  
2809 eighty” and inserting in place thereof the following words:- to conduct such trials or gaming  
2810 establishments licensed under chapter 23K.

2811 SECTION 56. The General Laws are hereby amended by inserting after chapter 271 the  
2812 following chapter:-

2813 Chapter 271A

2814 Enterprise Crime

2815 Section 1. As used in this chapter, the following words shall, unless the context clearly  
2816 requires otherwise, have the following meanings:-

2817 “Criminal enterprise activity”, the commission, attempt to commit or conspiracy to  
2818 commit or the solicitation, coercion, aiding, abetting or intimidation of another to commit any of  
2819 the following criminal activity under the laws of the commonwealth or equivalent crimes under  
2820 the laws of any other jurisdiction: a violation of any criminal provision of chapter 23K; a felony  
2821 offense under chapter 271; distributing, dispensing, manufacturing, or possessing with intent to  
2822 distribute, dispense or manufacture a controlled substance in violation of chapter 94C; murder;  
2823 rape; manslaughter, not including motor vehicle homicide; assault; assault and battery; assault  
2824 and battery in order to collect a loan; assault with intent to rob or murder; poisoning; mayhem;  
2825 robbery; extortion; stalking; criminal harassment; kidnapping; arson; burglary; malicious  
2826 destruction of property; commission of a felony for hire; breaking and entering; child  
2827 exploitation; assault and battery on a child; rape of a child; rape and abuse of a child; enticement  
2828 of a child under 16; human trafficking; violation of constitutional rights under section 37 of

2829 chapter 265; usury; uttering; misuse or fraudulent use of credit cards under section 37C of  
2830 chapter 266; identity fraud; misappropriation of funds; gross fraud; insurance fraud; unlawful  
2831 prize fighting or boxing matches; counterfeiting; perjury; subornation of perjury; obstruction of  
2832 justice; money laundering; witness intimidation; bribery; electronic eavesdropping; prostitution;  
2833 receiving stolen property; larceny over \$250; larceny by false pretenses or embezzlement;  
2834 forgery; procurement fraud; false claims; tax evasion; filing false tax returns; or any conduct  
2835 defined as a racketeering activity under Title 18, U.S.C. s. 1961(1)(A)(B) and (D).

2836 “Enterprise”, an entity including any individual, sole proprietorship, partnership,  
2837 corporation, association, trust or other legal entity and any unchartered union or group of persons  
2838 associated in fact although not a legally recognized entity.

2839 “Gaming establishment”, an establishment licensed under chapter 23K.

2840 “Pattern of criminal enterprise activity”, engaging in at least 3 incidents of criminal  
2841 enterprise activity that have the same or similar pattern, intents, results, accomplices, victims or  
2842 methods of commission, or are otherwise interrelated by distinguishing characteristics and are  
2843 not isolated incidents; provided, however, that at least 1 of the incidents occurred after the  
2844 effective date of this chapter, and the last incident occurred within 5 years of another incident of  
2845 criminal enterprise activity.

2846 “Unlawful debt”, a debt (i) which was incurred or contracted in an illegal gambling  
2847 activity or business or (ii) which is unenforceable under state or federal law in whole or part as to  
2848 principal or interest because of the law relating to usury.

2849 Section 2. Whoever knowingly: (1) through a pattern of criminal enterprise activity or  
2850 through the collection of an unlawful debt acquires or maintains, directly or indirectly, an interest

2851 in or control of an enterprise which is engaged in, or the activities of which affect, licensed  
2852 gaming under chapter 23K or ancillary industries which do business with a gaming  
2853 establishment; (2) having received proceeds derived, directly or indirectly, from a pattern of  
2854 criminal enterprise activity or through the collection of an unlawful debt, uses or invests, directly  
2855 or indirectly, part of the proceeds including proceeds derived from the investment, in the  
2856 acquisition of an interest in real property to be used in connection with licensed gaming, or in the  
2857 establishment or operation of, an enterprise which is engaged in, or the activities of which affect,  
2858 licensed gaming operations or ancillary industries which do business with a gaming  
2859 establishment; (3) is employed by or associated with an enterprise to conduct or participate,  
2860 directly or indirectly, in the conduct of the enterprise's affairs or activities which affect licensed  
2861 gaming operations or ancillary industries which do business with a gaming establishment by  
2862 engaging in a pattern of criminal enterprise activity or through the collection of an unlawful debt;  
2863 or (4) conspires or attempts to violate subsections (1), (2), or (3) of this section; shall be guilty of  
2864 enterprise crime and shall be punished by imprisonment in the state prison for not more than 15  
2865 years or by a fine of not more than \$25,000, or by both such imprisonment and fine.

2866         Nothing in this chapter shall prohibit the purchase of securities on the open market for  
2867 purposes of investment made without the intention of controlling or participating in the control  
2868 of the issuer, or of assisting another to do so, if the securities of the issuer held by the (i)  
2869 purchaser; (ii) members of the purchaser's immediate family; and (iii) the purchaser's  
2870 accomplices in any pattern of criminal activity or the collection of an unlawful debt after such  
2871 purchase do not amount, in the aggregate, to 1 per cent of the outstanding securities of any 1  
2872 class and do not confer, either in law or in fact, the power to elect 1 or more directors of the  
2873 issuer.



2874 Section 3. All monetary proceeds or other property, real, intellectual or personal, obtained  
2875 directly as a result of a violation of this chapter, shall be subject to seizure and forfeiture to the  
2876 commonwealth. Forfeiture proceedings shall be conducted as provided in subsections (b) to (j),  
2877 inclusive of section 47 of chapter 94C. For purposes of subsection (d) of said section 47 of said  
2878 chapter 94C, the investigation and enforcement bureau of the gaming control board shall be  
2879 considered a police department, entitled to a police department's distribution of forfeiture  
2880 proceedings.

2881 SECTION 57. Section 39 of chapter 272 of the General Laws, as appearing in the 2008  
2882 Official Edition, is hereby amended by inserting after the word "in", in line 7, the following  
2883 word:- illegal.

2884 SECTION 58. Section 99 of said chapter 272, as so appearing, is hereby amended by  
2885 striking out, in lines 68 to 69, the words:- section seventeen of chapter two hundred and seventy  
2886 one of.

2887 SECTION 59. Said section 99 of said chapter 272, as so appearing, is hereby further  
2888 amended by inserting after the word "perjury", in line 72, the following words:- , enterprise  
2889 crime, money laundering.

2890 SECTION 59A. The first paragraph of section 12A of chapter 494 of the acts of 1978 is  
2891 hereby amended by striking out the words "and until July 31, 2010", inserted by section 1 of  
2892 chapter 167 of the acts of 2009, and inserting in place thereof the following words:- and until  
2893 July 31, 2012

2894 SECTION 59B. The last paragraph of said section 12A of said chapter 494 is hereby  
2895 amended by striking out the words “July 31, 2010”, inserted by section 2 of said chapter 167, and  
2896 inserting in place thereof the following words:- July 31, 2012.

2897 SECTION 59C. The introductory paragraph of section 13 of said chapter 494 is hereby  
2898 amended by striking out the words “and until July 31, 2010”, inserted by section 3 of said  
2899 chapter 167, and inserting in place thereof the following words:- and until July 31, 2012.

2900 SECTION 59D. Section 15 of said chapter 494 is hereby amended by striking out the  
2901 words “and until July 31, 2010”, inserted by section 4 of said chapter 167, and inserting in place  
2902 thereof the following words:- and until July 31, 2012.

2903 SECTION 59E. The first paragraph of section 9 of chapter 277 of the acts of 1986 is  
2904 hereby amended by striking out the words “and until July 31, 2010”, inserted by section 5 of said  
2905 chapter 167, and inserting in place thereof the following words:- and until July 31, 2012.

2906 SECTION 59F. The first sentence of the first paragraph of section 3 of chapter 114 of  
2907 the acts of 1991 is hereby amended by striking out the words “and until July 31, 2010”, inserted  
2908 by section 6 of said chapter 167, and inserting in place thereof the following words:- and until  
2909 July 31, 2012.

2910 SECTION 59G. The last paragraph of said section 3 of said chapter 114 is hereby  
2911 amended by striking out the words “July 31, 2010”, inserted by section 7 of said chapter 167, and  
2912 inserting in place thereof the following words:- July 31, 2012.

2913 SECTION 59H. The first paragraph of section 4 of said chapter 114 is hereby amended  
2914 by striking out the words “and until July 31, 2010”, inserted by section 8 of said chapter 167, and  
2915 inserting in place thereof the following words:- and until July 31, 2012.

2916 SECTION 59I. The last paragraph of said section 4 of said chapter 114 is hereby  
2917 amended by striking out the words “July 31, 2010”, inserted by section 9 of said chapter 167, and  
2918 inserting in place thereof the following words:- July 31, 2012.

2919 SECTION 59J. The first paragraph of section 5 of said chapter 114 is hereby amended  
2920 by striking out the words “and until July 31, 2010”, inserted by section 10 of said chapter 167,  
2921 and inserting in place thereof the following words:- and until July 31, 2012.

2922 SECTION 59K. Section 13 of chapter 101 of the acts of 1992 is hereby amended by  
2923 striking out the words “July 31, 2010”, inserted by section 11 of said chapter 167, and inserting  
2924 in place thereof the following words:- July 31, 2012.

2925 SECTION 59L. Section 45 of chapter 139 of the acts of 2001 is hereby amended by  
2926 striking out the words “July 31, 2010”, inserted by section 12 of said chapter 167, and inserting  
2927 in place thereof the following words:- July 31, 2012.

2928 SECTION 59M. Section 20 of chapter 449 of the acts of 2006 is hereby amended by  
2929 striking out the words “July 31, 2010”, inserted by section 13 of said chapter 167, and inserting  
2930 in place thereof the following words:- July 31, 2012.

2931 SECTION 59N. Section 24 of chapter 167 of the acts of 2009 is hereby amended by  
2932 striking out the words “July 31, 2010” and inserting in place thereof the following words:- July  
2933 31, 2012.

2934 SECTION 59O. Notwithstanding section 2 of chapter 128A of the General Laws and  
2935 sections 1, 2 and 2A of chapter 128C of the General Laws or any other general or special law or  
2936 rule or regulation to the contrary, the greyhound meeting licensee located in Bristol county and  
2937 the greyhound meeting licensee located in Suffolk county licensed to conduct live racing  
2938 pursuant to said chapter 128A and simulcast wagering pursuant to said chapter 128C in calendar  
2939 year 2009, shall remain licensed as greyhound racing meeting licensees until July 31, 2012;  
2940 provided, however, that the days between January 1, 2010 and July 31, 2012 shall be dark days  
2941 under said chapter 128C and the licensees shall continue to be precluded from conducting live  
2942 racing during that period and as provided in chapter 388 of the acts of 2008; provided further,  
2943 that all simulcasts shall comply with the Interstate Horse Racing Act of 1978, 15 U.S.C. Sec.  
2944 3001 et seq. or other applicable federal law; provided further, that all simulcasts from states  
2945 which have racing associations that do not require approval in compliance with the Interstate  
2946 Horse Racing Act of 1978, 15 U.S.C. Sec. 3004 (a) (1) (A), except simulcasts during the month  
2947 of August, shall require the approval of the New England Horsemen's Benevolent and Protective  
2948 Association prior to being simulcast to a racing meeting licensee within the commonwealth; and  
2949 provided further, that if the association agrees to approve the simulcast for 1 racing meeting  
2950 licensee, it shall approve the simulcast for all otherwise eligible racing meeting licensees.

2951 SECTION 59P. Notwithstanding any general or special law or rule or regulation to the  
2952 contrary, there shall be a Racing Stabilization Fund that shall be administered by the  
2953 undersecretary for consumer affairs and business regulation within the executive office of  
2954 housing and economic development. The fund shall consist of all revenues dedicated pursuant to  
2955 sections 16 to 23, inclusive, of chapter 167 of the acts of 2009. In fiscal year 2010, and each  
2956 fiscal year thereafter the undersecretary shall transfer from the fund an amount not less than

2957 \$300,000 to the department of public health for a compulsive gamblers' treatment program. In  
2958 fiscal year 2010, and each fiscal year thereafter, not more than \$300,000 may be expended to  
2959 assist efforts to secure alternative employment and retraining opportunities for displaced workers  
2960 impacted by the passage of chapter 388 of the acts of 2008. The state racing commission, or a  
2961 successor agency, shall report to the undersecretary, the executive office for administration and  
2962 finance and the house and senate committees on ways and means not later than the last day of  
2963 each month, of the projected program revenue, program expenses and operating costs associated  
2964 with overseeing simulcasting through July 31,2012 . In the event of a deficit, the undersecretary  
2965 may transfer from the fund an amount not to exceed \$100,000 for the operating costs of the  
2966 commission. Any balance in the fund at the end of the fiscal year shall not revert to the General  
2967 Fund; provided, however, that the undersecretary shall distribute to owners and lessees of  
2968 greyhound dogs who have raced in calendar year 2009 for the humane care, maintenance and  
2969 adoption of those greyhound dogs, a sum equal to 1 per cent of the total amount wagered at each  
2970 racing meeting licensee within the commonwealth acting as a guest track and simulcasting a live  
2971 greyhound race from a host track from outside the commonwealth provided, however, that  
2972 before any such amount is distributed, the undersecretary shall develop a method and criteria by  
2973 which to distribute such funds in an equitable manner among dog owners. The undersecretary  
2974 shall distribute to kennel owners who housed greyhound dogs who have raced in calendar year  
2975 2009 for the humane care, maintenance and adoption of those greyhound dogs, a sum equal to  
2976 1.5 per cent of the total amount wagered at each racing meeting licensee within the  
2977 commonwealth acting as a guest track and simulcasting a live greyhound race from a host track  
2978 from outside commonwealth; provided, however, that before any amount is distributed, the  
2979 undersecretary shall develop a method and criteria by which to distribute such funds in an

2980 equitable manner among kennel owners; and provided further, the undersecretary shall begin  
2981 payments to kennel owners in January 2010. Such payments shall be paid on a biweekly basis  
2982 beginning on January 4, 2010.

2983           SECTION 59Q. Notwithstanding any general or special law to the contrary, the  
2984 greyhound meeting licensee located in Bristol county and the greyhound meeting licensee  
2985 located in Suffolk county shall report monthly to the state racing commission, or a successor  
2986 agency, on their net and gross revenue, including an itemization of premiums received, fees  
2987 received and any amounts dedicated to purse accounts, the Greyhound Capital Improvements  
2988 Trust Fund and the Greyhound Promotional Trust Fund. The report shall include the number of  
2989 part-time and full-time staff employed by the licensees at the close of the previous month. The  
2990 report shall also include the total amount of premiums paid to the harness horse meeting  
2991 licensees located in Norfolk county and the running horse meeting licensee located in Suffolk  
2992 county. Failure to file the report on the tenth day of each month shall be cause for suspension of  
2993 the greyhound meeting license. The state racing commission, or a successor agency, shall  
2994 forward all such reports to the house and senate committees on ways and means, the joint  
2995 committee on economic development and emerging technologies and the joint committee on  
2996 labor and workforce development. The greyhound meeting licensee located in Bristol county and  
2997 the greyhound meeting licensee located in Suffolk county shall also prepare a report of all funds  
2998 received and disbursed for calendar years 2008, 2009, 2010 and 2011; provided, however, that  
2999 the report for calendar years 2008 and 2009 shall be filed with the state racing commission, or a  
3000 successor agency, not later than June 30, 2010, the report for calendar year 2010 shall be filed  
3001 not later than April 1, 2011, and the report for calendar year 2011 shall be filed not later than  
3002 April 1, 2012. The state racing commission shall forward the reports to the house and senate

3003 committees on ways and means, the joint committee on economic development and emerging  
3004 technologies and the joint committee on labor and workforce development.

3005 SECTION 59R. The state racing commission shall study the distribution of funds under  
3006 section 59P and examine and analyze the monthly reports and the annual report submitted by  
3007 greyhound meeting licensees under section 59Q. The commission shall report to the house and  
3008 senate committees on ways and means, the joint committee on economic development and  
3009 emerging technologies and the joint committee on labor and workforce development not later  
3010 than January 1, 2011 on the extent to which current and displaced workers of greyhound meeting  
3011 licensees have been assisted with retaining and alternative employment; the number of workers  
3012 so assisted; the number of owners and lessees of dogs and the number of kennel owners that have  
3013 been assisted with funds distributed from the fund, the number of dogs previously in the care of  
3014 such recipients that have been adopted since January 1, 2010 and the number of dogs currently in  
3015 the care of or owned or leased by such recipients. The report shall include an evaluation of the  
3016 effectiveness of the Racing Stabilization Fund and legislative recommendations for maintaining  
3017 the continued economic viability of the greyhound licensees.

3018 SECTION 59S. The undersecretary may expend funds from the Racing Stabilization  
3019 Fund established in section 59P for the relief of economic hardship experienced by greyhound  
3020 meeting licensees. The undersecretary shall develop a method and criteria by which a greyhound  
3021 meeting licensee may request funds in order to retain jobs and avoid the displacement of  
3022 employees.

3023 SECTION 60. Section 13 of chapter 494 of the acts of 1978, as most recently amended  
3024 by section 2 of chapter 114 of the acts of 1991, is hereby amended by striking out clause (c).

3025 SECTION 61. Clause (d) of said section 13 of said chapter 494, as appearing in said  
3026 section 2 of said chapter 114, is hereby amended by striking out, in line 21, the words “(b) or (c)”  
3027 and inserting in place thereof the following words:- and (b).

3028 SECTION 62. Said section 13 of said chapter 494, as most recently amended by said  
3029 section 2 of said chapter 114, is hereby further amended by striking out subsection (f).

3030 SECTION 62A. The second paragraph of section 2 of chapter 266 of the acts of 2002 is  
3031 hereby amended by striking out the first sentence and inserting in place thereof the following  
3032 sentence:- The Fall River Redevelopment Authority may develop the land for commercial,  
3033 industrial and other economic development purposes, but expressly excluding any use of the land  
3034 for landfill related purposes, without the necessity of adopting or adhering to an urban renewal  
3035 plan, as defined in section 1 of chapter 121B of the General Laws, and with respect to the land  
3036 the Fall River Redevelopment Authority shall enjoy the statutory authority it would possess for  
3037 land and structures and other property within an urban renewal project as defined by section 1 of  
3038 said chapter 121B.

3039 SECTION 62B. Section 7 of said chapter 266 is hereby repealed.

3040 SECTION 63. Under section 2 of chapter 1194, 64 Stat. 1134, 15 U.S.C. 1171-1177,  
3041 approved January 2, 1951, the commonwealth, acting by and through duly elected and qualified  
3042 members of the general court, does declare and proclaim that the commonwealth shall be exempt  
3043 from the provisions of chapter 1194, 64 Stat. 1134, 15 U.S.C. 1171 to 1178 for any gambling  
3044 device authorized for use and transport under chapter 23K of the General Laws and any  
3045 regulations promulgated under that chapter.



3046 SECTION 64. All shipments of gambling devices into the commonwealth, including slot  
3047 machines, the registering, recording and labeling of which has been duly had by the  
3048 manufacturer or dealer of such gambling device in accordance with sections 3 and 4 of an Act of  
3049 Congress of the United States entitled "An act to prohibit transportation of gambling devices in  
3050 interstate and foreign commerce," approved January 2, 1951, being chapter 1194, 64 Stat. 1134,  
3051 and also designated as 15 USC §§ 1171-1177, shall be considered legal shipments of gambling  
3052 devices into this commonwealth.

3053 SECTION 65. In making initial appointments to the Massachusetts gaming commission  
3054 established in section 2 of chapter 23K of the General Laws, the governor shall appoint 1  
3055 commissioner to serve for a term of 5 years, 1 commissioner to serve for a term of 6 years, and 1  
3056 commissioner to serve for a term of 7 years. The attorney general and treasurer shall each  
3057 appoint 1 commissioner to serve for a term of 5 years.

3058 SECTION 66. In making initial appointments to the Massachusetts gaming control board  
3059 established in section 3 of chapter 23K of the General Laws, the governor shall appoint 1  
3060 member to serve for a term of 5 years, 1 member to serve for a term of 6 years and 1 member to  
3061 serve for a term of 7 years.

3062 SECTION 67. The chair of the Massachusetts gaming control board shall consider  
3063 current employees of the state racing commission as eligible for employment with the board and  
3064 shall, subject to all other requirements and conditions of employment under chapter 23K of the  
3065 General Laws, give preference to such individuals when making employment decisions.

3066 SECTION 68. A gaming licensee awarded a gaming license for a specific region under  
3067 section 16 of chapter 23K of the General Laws shall show preference in hiring to any qualified

3068 persons permanently employed as of June 1, 2010 at a facility authorized to conduct simulcasting  
3069 under chapter 128C of the General Laws that is in operation on June 1, 2010 within the region  
3070 for which the gaming license was granted if the facility authorized to conduct simulcasting  
3071 terminates operation within 1 year of the commission awarding the gaming license, subject to all  
3072 other requirements and conditions of employment under said chapter 23K; provided that said  
3073 facility authorized to conduct simulcasting shall provide employment data on the number, names  
3074 and addresses of employees in permanent employment with said facility as of June 1, 2010 to the  
3075 board to assist the gaming licensee in meeting this obligation.

3076 SECTION 69. (a) Notwithstanding any general or special law, rule or regulation to the  
3077 contrary, a contract negotiated by the governor under this section may waive the requirement that  
3078 a gaming license granted under section 17 of chapter 23K of the General Laws be renewed.

3079 (b) Notwithstanding any general or special law, rule or regulation to the contrary, the  
3080 governor may enter into a gaming contract with a federally recognized Native American tribe in  
3081 the commonwealth.

3082 (c) If the governor enters into a gaming contract, it shall include, but not be limited to, the  
3083 following terms:

3084 (i) the tribe shall be subject to all laws, statutes, and bylaws of the  
3085 commonwealth, the host community and any other properly constituted legal body, including  
3086 chapter 23K of the General Laws; provided, however, that a fair and comparable payment in lieu  
3087 of taxes may be substituted for any tax or fee required by the commonwealth; and

3088 (ii) if the tribe receives or has received a license to operate a gaming  
3089 establishment under said chapter 23K, the governor shall support the tribe's application to obtain  
3090 lands in trust on the site of the gaming establishment.

3091 (d) The contract may include, but shall not be limited to, the following terms:

3092 a grant of permanent exclusivity in the applicable region if the tribe receives a license to  
3093 operate a gaming establishment under said chapter 23K; and

3094 a waiver of the requirement that a gaming establishment license granted under section 17  
3095 of said chapter 23K be renewed.

3096 (e) If the contract includes either term in subsection (d), the contract shall also include an  
3097 agreement that permanent regional exclusivity or a waiver of the license renewal requirement  
3098 constitutes significant value.

3099 SECTION 70. (a) Upon receipt by the board of licensing fees from licensees, the board  
3100 shall transfer monies from the Gaming Licensing Fund, established in section 62 of chapter 23K  
3101 of the General Laws, as provided in this subsection. Between the effective date of this section  
3102 and December 31, 2015, funds shall be transferred as follows:-

3103 \$15,000,000 in the aggregate shall be transferred to the Gaming Mitigation Trust Fund  
3104 established by section 65 of chapter 23K of the General Laws;

3105 \$85,000,000 in the aggregate shall be remitted to the comptroller and the comptroller  
3106 shall deposit into the Local Aid Stabilization Fund, established by section 2BBBB of chapter 29  
3107 of the General Laws;

3108 \$20,000,000 to the Massachusetts gaming control board to be used for start-up and  
3109 operational costs; and

3110 the remaining balance of the fund as of December 31, 2015 shall be remitted to the  
3111 comptroller and the comptroller shall deposit that remaining balance into the Stabilization Fund  
3112 established by section 2H of chapter 29 of the General Laws.

3113 (b) Upon receipt by the Massachusetts gaming control board of license fees from  
3114 licensees, interim transfers and payments shall be made on a pro rata basis from the Gaming  
3115 Licensing Fund as provided in clauses (1) and (2) of subsection (a); provided, however, that no  
3116 transfer or payment under said clauses (1) and (2) shall occur until the fund reimburses  
3117 \$20,000,000 to the Stabilization Fund as required by subsection (b) of section 71 of this act.

3118 SECTION 71. (a) Within 30 days of the effective date of this act, the comptroller shall  
3119 transfer \$20,000,000, as a loan with no interest, from the Stabilization Fund established by  
3120 section 2H of chapter 29 of the General Laws, to the Massachusetts gaming control board for the  
3121 start-up and operational costs of implementing chapter 23K of the General Laws.

3122 (b) Upon receipt by the Massachusetts gaming control board of sufficient license fees  
3123 from licensees under said chapter 23K, the board shall remit \$20,000,000 to the comptroller from  
3124 the Gaming Licensing Fund established in section 62 of said chapter 23K to repay the  
3125 Stabilization Fund established by said section 2H of said chapter 29.

3126 SECTION 72. Not more than \$42,500,000 shall be expended from the Local Aid  
3127 Stabilization Fund, created in section 2BBBB of chapter 29 of the General Laws, in fiscal year  
3128 2012.

3129 SECTION 72A. Notwithstanding any general or special law, rule or regulation to the  
3130 contrary, gaming operations shall supply the Massachusetts gaming control board, hereinafter the  
3131 board, with customer tracking data collected or generated by loyalty programs, player tracking  
3132 software, player card systems, online gambling transactions and any other such information  
3133 system. The board shall contract with an experienced non-profit research entity to develop an  
3134 anonymizing system that automatically removes from the data: (a) personally identifying  
3135 information, including player name, street address, bank or credit information and last four zip  
3136 code digits, in compliance with section 2 of chapter 93H of the General Laws; and (b) game  
3137 identifying information, including game name and device manufacturing company, in protection  
3138 of corporate intellectual property. The data shall retain information on player characteristics,  
3139 including, but not limited to, gender, age and region of residence, player behavior, including, but  
3140 not limited to, frequency of play, length of play, speed of play, denomination of play, amounts  
3141 wagered and, if applicable, number of lines or hands played and characteristics of games played,  
3142 including, but not limited to, reel configuration, RTP, volatility index and denomination. The  
3143 board shall convey the anonymized data to the Inter-University Consortium for Political and  
3144 Social Research (ICPSR), which operates to archive and make available public-use files for the  
3145 social science research community. ICPSR will make the data available to qualified researchers  
3146 for the purposes of: (1) conducting analyses that improve understanding of how gambling  
3147 addiction develops and progresses; (2) developing evidence-based harm minimization strategies;  
3148 and (3) developing evidence-based systems to monitor, detect and intervene in high-risk  
3149 gambling. The board will be responsible for requesting reports on researcher analyses of the  
3150 behavioral data, which could inform suggestions to the Legislature on more effective regulation  
3151 of state gambling operations. The board may directly initiate studies assessing the effectiveness

3152 of any specific measures, programs or interventions which the commonwealth puts in place in  
3153 gaming operations and which might be illuminated through the behavioral data in question.

3154 SECTION 72B. The Massachusetts gaming control board, hereinafter “board”, with the  
3155 advice of the gaming policy advisory committee, hereinafter “committee”, shall develop an  
3156 annual research agenda in order to understand the social and economic effects of expanding  
3157 gaming in the commonwealth and to obtain scientific information about the neuroscience,  
3158 psychology, sociology, epidemiology and etiology of gambling. The board may expend funds  
3159 from the Gaming Mitigation Trust Fund to implement the objectives of the research agenda  
3160 which shall include, but not be limited to, the following:

3161 (1) a baseline study of the existing occurrence of problem gambling in the  
3162 commonwealth. The study shall examine and describe the current levels of problem gambling  
3163 as well as the current programs in the commonwealth that prevent and address the harmful  
3164 consequences of problem gambling. The board shall contract with scientists and medical doctors  
3165 to examine the current research as to the causes for problem gambling and the health effects of  
3166 problem gambling and the treatment methods currently available in the commonwealth. The  
3167 board shall report on the findings of the baseline study and provide recommendations to the  
3168 Massachusetts gaming commission, the house committee on ways and means, the senate  
3169 committee on ways and means, the joint committee on economic development and emerging  
3170 technologies, the joint committee on mental health and substance abuse and the joint committee  
3171 on public health on methods to supplement or improve current problem gambling prevention and  
3172 treatment services not later than 2 years from the effective date of this act;

3173 (2) comprehensive legal and factual studies of the social and economic impacts of  
3174 gambling in the commonwealth on (a) state, local and Native American tribal governments; and  
3175 (b) communities and social institutions generally, including individuals, families and businesses  
3176 within such communities and institutions. The matters to be examined in such studies shall  
3177 include, but not be limited to: -

3178 (i) a review of existing federal, state, local and Native American tribal government  
3179 policies and practices with respect to the legalization or prohibition of gambling, including a  
3180 review of the costs of such policies and practices;

3181 (ii) an assessment of the relationship between gambling and levels of crime and of  
3182 existing enforcement and regulatory practices that are intended to address any such relationship;

3183 (iii) an assessment of pathological or problem gambling, including its impact on  
3184 individuals, families, businesses, social institutions and the economy;

3185 (iv) an assessment of the impacts of gambling on individuals, families, businesses, social  
3186 institutions and the economy generally, including the role of advertising in promoting gambling  
3187 and the impact of gambling on depressed economic areas;

3188 (v) an assessment of the extent to which gaming has provided revenues to other state,  
3189 local, and Native American tribal governments;

3190 (vi) an assessment of the costs of added infrastructure, police force, increased  
3191 unemployment, increased health care and dependency on public assistance; and

3192 (vii) the costs of implementing chapter 23K of the General Laws;

3193 (3) individual studies conducted by academic institutions in the commonwealth and  
3194 individual researchers located in the commonwealth to study topics which include, but shall not  
3195 be limited to: (i) reward and aversion, neuroimaging and neuroscience in humans, addiction  
3196 phenotype genotype research, gambling-based experimental psychology, and mathematical  
3197 modeling of reward-based decision-making; (ii) the sociology and psychology of gambling  
3198 behavior, gambling technology, and marketing; (iii) the epidemiology and etiology of gambling  
3199 and problem gambling in the general population. When contracting with researchers to study  
3200 these issues, the board shall encourage the collaboration among researchers in the  
3201 commonwealth and other states and jurisdictions.

3202 The board and the committee shall annually make scientifically-based recommendations  
3203 which reflect the results of this research to the Massachusetts gaming commission and to the  
3204 house committee on ways and means, the senate committee on ways and means, the joint  
3205 committee on economic development and emerging technologies, the joint committee on mental  
3206 health and substance abuse and the joint committee on public health. The commission and the  
3207 board shall consider any such recommendations, research and findings in all decisions related to  
3208 enhancing responsible gambling and mitigating problem gambling.

3209 SECTION 72C. Councils on aging, as defined in section 8B of chapter 40, shall be  
3210 prohibited from using state funding to sponsor trips or provide transportation to gaming facilities  
3211 located out of state after the opening of a gaming establishment in the commonwealth.

3212 SECTION 72D. The department of revenue, in consultation with the alcoholic beverages  
3213 control commission, shall conduct a study of trends in sales of alcohol for off-premises  
3214 consumption in cities or towns located entirely or partially within 10 miles of the border of the



3215 commonwealth with a neighboring state. The study shall evaluate the period between August of  
3216 2009 and June 2010, as available data permits. The study shall compare monthly sales during  
3217 that period to monthly sales in comparable periods in prior years.

3218           The department shall submit a written report of its findings to the chairs of the joint  
3219 committee on consumer protection and professional licensure, the chairs of the joint committee  
3220 on revenue and to the chairs of the house and senate committees on ways and means not later  
3221 than 90 days after the effective date of this act.

3222           SECTION 72E. (a) Notwithstanding any general or special law to the contrary, the  
3223 commissioner of capital asset management and maintenance in consultation with department of  
3224 conservation and recreation, shall execute and deliver in recordable form to the Fall River  
3225 Redevelopment Authority an amendment to the release deed dated January 22, 2009 and  
3226 recorded in book 07124, page 95 in the Bristol county southern district registry of deeds which  
3227 shall incorporate the changes to chapter 266 of the acts of 2002 in section 62A of this act.

3228           (b) The division of capital asset management and maintenance shall execute and deliver a  
3229 release or termination of any other documentation which reflects a restriction in section 2 of said  
3230 chapter 266 prior to the effective date of this section. Such restrictions shall be fully released  
3231 from the subject property. The division of capital asset management and maintenance shall  
3232 execute any other documentation reasonably requested by the Fall River Redevelopment  
3233 Authority or any successor or assignee to effectuate said chapter 266.

3234           SECTION 72F. The secretary of administration and finance and the secretary of housing  
3235 and economic development shall jointly study and report on the changing competitive profile of  
3236 the commonwealth as a result of ongoing or imminent policy changes and the commonwealth's

3237 response and the response of other states to the national fiscal crisis. This study shall include, but  
3238 shall not be limited to, the following issues: modifications in taxation in the commonwealth and  
3239 other states; a comparison of the level of state support for public secondary education, public  
3240 higher education and workforce development between the commonwealth and other states; a  
3241 comparison of the level of private investment between the commonwealth and other states; and a  
3242 comparison of the level of student achievement between the commonwealth and other states. The  
3243 study shall also include a review and comparison of recent multi-state studies by other state-  
3244 funded or nonprofit groups, including but not limited to, the Tax Foundation, the Massachusetts  
3245 Technology Collaborative and the Beacon Hill Institute at Suffolk University.

3246         The secretaries shall collaborate with the Massachusetts Technology Collaborative and  
3247 shall seek to collaborate with the Beacon Hill Institute at Suffolk University in conducting this  
3248 study. The secretaries shall submit a written report of their findings and recommendations to the  
3249 chairs of the joint committee on economic development and emerging technologies, the chairs of  
3250 the joint committee on revenue and to the chairs of the house and senate committees on ways and  
3251 means, not later than 90 days after the effective date of this act.

3252         SECTION 72G. The secretary of administration and finance and the secretary of housing  
3253 and economic development shall jointly study and report the use of gaming regulatory agencies  
3254 in those states where state-licensed gaming facilities, including, but not limited to, casinos and  
3255 slot parlors are currently operating. The study shall include, but not be limited to, the following:  
3256 the benefits of establishing a bifurcated agency model versus a unitary agency model; separation  
3257 of duties of operating a gaming regulatory authority from the issuing of a casino license; which  
3258 model provides greater adjudicatory impartiality and the regulatory costs of each model.

3259           The secretaries shall submit a written report of their findings and recommendations to the  
3260 chairs of the house and senate committees on ways and means and the chairs of the joint  
3261 committee on economic development and emerging technologies, not later than 90 days after the  
3262 effective date of this act.

3263           SECTION 72H. The department of revenue shall conduct a study of income tax rate  
3264 structure and collections in those states where state-licensed gaming facilities, including, but not  
3265 limited to, casinos and slot parlors, are currently operating. The study shall include, but not be  
3266 limited to, the following topics: income tax collections per capita, with increases or decreases in  
3267 such per capita collections in each state which has expanded gaming operations since 1987, since  
3268 those gaming facilities began operations in that state; whether upward or downward trends in per  
3269 capita income tax collections resulting from changes in the state or national economy have been  
3270 exacerbated by the introduction of operating legalized gaming facilities; whether such states have  
3271 progressive or flat income tax rates, and, for those states which expanded gaming operations  
3272 since 1987, whether such structures have changed since such gaming facilities began operations;  
3273 and whether any such states have enacted changes in their income tax rates since such gaming  
3274 facilities began operations and the content of those changes.

3275           The department shall submit a written report of its findings to the chairs of the joint  
3276 committee on economic development and emerging technologies, the chairs of the joint  
3277 committee on revenue and to the chairs of the house and senate committees on ways and means,  
3278 not later than 90 days after the effective date of this act.

3279           SECTION 72I. The department of revenue shall conduct a study of sales tax rate  
3280 structure and collections in those states where state-licensed gaming facilities are currently

3281 operating. The study shall include, but not be limited, the following topics: sales tax collections  
3282 per capita in such states, and increases or decreases in such per capita collections since such  
3283 gaming facilities have started operating, for those states where gaming has been legalized since  
3284 1987; whether upward or downward trends in per capita sales tax collections resulting from  
3285 changes in the state or national economy have been exacerbated by the introduction of operating  
3286 legalized gaming facilities; and whether any such states have enacted changes in their sales tax  
3287 rates since such gaming facilities have started operating and the content of those changes.

3288           The department shall submit a written report of its findings to the chairs of the joint  
3289 committee on economic development and emerging technologies, the chairs of the joint  
3290 committee on revenue and to the chairs of the house and senate committees on ways and means,  
3291 not later than 90 days after the effective date of this act.

3292           SECTION 72J. Sections 59A to 59S, inclusive, shall expire on July 31, 2012.

3293           SECTION 73. Section 69 is hereby repealed.

3294           SECTION 74. Section 14 shall take effect on December 31, 2015.

3295           SECTION 75. Section 73 shall take effect on June 30, 2011.