

Chapter 64: ADVERTISING AND PROMOTIONS

1. Each sports wagering operator shall retain a copy of all advertising, marketing, branding and other promotional materials promoting or intended to promote any sports wagering, including a log of when, how, and with whom, those materials have been published, aired, displayed, or disseminated, for five (5) years. Each sports wagering operator shall provide a complete copy of any sports wagering advertising or marketing materials to the Director, or their designee, upon request. Sports wagering operators shall disclose to the Director all social media platforms on which they advertise, or market sports wagering and will provide clear identification of every account the operator, or someone on the operator's behalf, uses to advertise or market sports wagering on each social media platform. For all directed or targeted advertising and marketing, a sports wagering operator shall maintain records sufficient to describe all targeting parameters used.
2. All advertising, marketing, branding, and other promotional materials by a sports wagering operator related to sports wagering and the log described in section (1), above, shall be made available to the Director or his/her designee upon request.
3. All advertising and promotions by a sports wagering operator related to sports wagering shall comply with the following standards:
 - A. Inaccurate or misleading statements regarding the likelihood of winning are prohibited;
 - B. Guarantees of success, riches or gambling winnings are prohibited;
 - C. Depictions of the use of alcohol and tobacco are prohibited;
 - D. The use of cartoon characters, professional or Olympic athletes, celebrities, entertainers, images, symbols and or language designed to appeal specifically to those under 21 years old is prohibited;
 - E. Depictions of persons under the age of 21 engaged in sports wagering is prohibited;
 - F. Sports wagering shall not be advertised or marketed in or on any Maine college or university campus that is targeted at or distributed in such a way to reach an audience that is primarily under 21 years of age except via generally available advertising;
 - G. Flyers, handouts or in person account signups shall not be distributed to or used for any person under 21 years of age;
 - H. No sports wagering message or logo, including trademarks or brand names, should be used or licensed for use on clothing, toys, games or game equipment for sale in Maine intended primarily for persons below the age of 21;
 - I. Sports wagering advertising must include a disclaimer as follows: "Persons under 21 years of age may not participate in sports wagering" and the 1-800 GAMBLER hotline phone number shall be included for assistance;
 - J. Sports wagering advertising must not state or imply an endorsement by a minor; and
 - K. Sports wagering advertising must not specifically target sports wagering patrons who

have a gambling addiction, including sports wagering patrons who have requested to be restricted from play temporarily or excluded formally from access to sports wagering systems.

4. All sports wagering licensees shall be responsible for the content and conduct of any and all sports wagering advertising, marketing, or branding done on its behalf or to its benefit whether conducted by the licensee, an employee, an affiliate, or any other person or entity.
5. Offer terms and the record of all offers related to sports wagering shall include at a minimum:
 - A. The date and time presented;
 - B. The date and time the offer is active and expires;
 - C. Patron eligibility, including any limitations on patron participation;
 - D. Any restriction on withdrawals of funds;
 - E. The ability to unsubscribe from direct marketing (i.e. email, text, regular mail);
 - F. Wagering requirements and limitations;
 - G. The order in which funds are used for wagers;
 - H. Eligible events or wagers; and
 - I. Rules regarding cancellation.
6. All promotions and bonuses related to sports wagering must:
 - A. Include terms and conditions that are full, accurate, clear, concise, transparent and do not contain misleading information;
 - B. Ensure advertising materials include material terms and conditions for that promotion or bonus and have those material terms in close proximity to the headline claim of the promotion or bonus;
 - C. Disclose applicable terms if the patron has to risk or lose the patron's own money as part of the promotion or bonus or has conditions attached to the patron's own money as a result of the promotion or bonus;
 - D. Not be described as risk free if the patron needs to incur any loss or risk the patron's own money to use or withdraw winnings from the risk-free bet; and
 - E. Not restrict the patron from withdrawing the patron's own funds or withdrawing winnings from bets placed using the patron's own funds.
7. For calculating gross sports wagering revenue due the state, free play, sign on bonuses or any other marketing promotion shall not be given credit towards the calculation of adjusted gross wagering receipts.