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Location of ATMs in Mass. casinos examined

Senator's bill would allow cash machines in building

By Sean P. Murphy and Mark Arsenault

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State lawmakers are moving to clarify where ATMs can be located in casinos, restricting the cash machines to spots off the gambling floor.

The Legislature is also considering a measure that would assure that all banks have the legal ability to put an ATM in a casino, whether they are chartered by the state or federal governments.

But the moves have raised complaints from anticasinio activists, some of whom were under the impression that ATMs were not allowed anywhere on casino property.

Having cash machines close to slot machines can be “extremely financially damaging” to some patrons, said Les Bernal, director of the national anticasinio group Stop Predatory Gambling.

Casinos, he said, reap huge profits from patrons “chasing their losses” by hitting ATMs for more and more money.

An amendment from state Senator Stephen Brewer, a Barre Democrat, would clarify where ATMs would be permitted in casinos, settling an issue that has caused confusion and contention. The amendment would prohibit casino operators from placing ATMs on the gambling floor, the area where slot machines and table games are located.

Banning ATMs from the floor would force customers to interrupt gambling sessions long enough to walk to the cash machine, giving them at least a brief pause to consider whether they want to risk more money.

“The overall intention of the bill is to provide the highest level of responsible gambling,” Brewer said.

Gambling commission policy, as outlined in its guidelines for responsible practices, is that ATM machines are allowed at casinos but should be should be at least 15 feet from the gambling floor.

Gambling commission spokeswoman Elaine Driscoll said the agency would defer to the Legislature on the ATM issue, but added that “if the commission is asked for an opinion, it would support a ban on ATMs from the gaming area, but do not believe that it is reasonable to ban ATMs from the entire destination-resort.”

Brewer said his measure is also intended to address one interpretation of current law, which is that state-chartered bank ATMs are prohibited from casinos, while federally chartered ones are not.

“It is a well-intentioned amendment that tries to bring consistency to ATMs at casinos,” Brewer, the Ways and Means chairman who is retiring at the end of the current term, said in a brief interview.

Long before state lawmakers legalized casinos three years ago, the Legislature in the 1980s added one sentence to banking law: “No electronic branch [ATM] shall be located upon premises where there occurs legalized gambling, other than a state lottery.”

The law appeared to prohibit state-chartered bank ATMs at casinos, but not federally chartered ones, because the state Legislature is not empowered to regulate federally chartered banks, according to one state legislator who asked not to be named. Federally chartered institutions include Bank of America and other national banks. State-chartered institutions tend to be smaller, local institutions.

The gaming commission has been operating under the premise that ATMs are allowed due to language in the 2011 casino law that prohibits certain transactions but not ATMs completely.

The Legislature also debated in 2010 an amendment that would have limited casino ATMs from dispensing more than \$100 a day to any casino patron. The measure was defeated.

The gambling commission has asked the Division of Banks for an interpretation of the law and is awaiting an answer, Driscoll said. A banking division representative could not be reached Monday.

The House in July passed language to eliminate the partial prohibition on ATMs, in apparent deference to the state banking industry.

The Senate this month passed Brewer’s language that would order the gambling commission to adopt a uniform policy on ATMs for all banks, and to prevent ATMs on the gambling floor.

The new amendment language was not taken up on Monday by the House, which is next due in session on Wednesday. A spokesman for House Speaker Robert DeLeo declined to comment on the measure beyond saying “it is under consideration.”

The gambling commission has issued two resort casino licenses, one for Wynn Resorts in Everett and another for MGM in Springfield. It granted the state’s sole slot-parlor license to a Penn National Gaming project in Plainville, which is expected to open in June.