

# MAINE STATE LEGISLATURE

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# STATE OF MAINE

Inter-Departmental Memorandum Date October 2, 1974

Ralph H. Gelder, Superintendent

Dept. Banks and Banking

From Harrison B. Wetherill, Jr., Assistant

Dept. Attorney General

Subject Participation of trust companies in the Maine State Lottery

I have received your request for an opinion concerning the legality of participation by Depositors Trust Company, and other trust companies, in the Maine State Lottery in accordance with the pamphlet prepared by the Maine State Lottery entitled, "Bank Operating Procedures," which pamphlet is dated May 24, 1974. You have raised questions of compliance with both State and Federal law.

Initially, on the question of violation of federal law, I would refer you to the attached opinions from the Administrator of National Banks, the Federal Deposit Insurance Corporation, the Federal Reserve Bank of Boston, and the Board of Governors of the Federal Reserve System. These agencies, along with the Justice Department, are the appropriate agencies to answer this question concerning the interpretation of Federal law. I would also advise you that a complaint for a declaratory judgment has been filed in the U. S. District Court for the District of Maine by five Maine banks, including Depositors Trust Company. This complaint seeks a declaration as to the legality under Federal law of the participation by certain types of banks in the Maine State Lottery.

As to any violation of state law by the participation of trust companies in the lottery, I concur with your determination that the procedures outlined in the Lottery's "Bank Operating Procedures" pamphlet come within the powers given to trust companies by 9 M.R.S.A. § 991(4).

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HARRISON B. WETHERILL, JR.  
Assistant Attorney General

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