

MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date October 9, 1974

To Keith H. Ingraham, Director

Dept. Alcoholic Beverages

From Harrison B. Wetherill, Jr., Assistant

Dept. Attorney General

Subject Sharing of lottery bonuses with State liquor store employees

You have indicated that various bonuses and awards might, from time to time, be paid by the Maine State Lottery to State liquor stores in connection with the sale of lottery tickets by these stores. You have asked whether these bonuses and awards can be divided among store personnel. The answer to this question is no.

I would refer you initially to an opinion rendered to you by this office and dated August 6, 1974, which opinion dealt with the sale of lottery tickets by State liquor stores. This opinion stated that commissions received by State liquor stores resulting from lottery ticket sales were to be received for deposit to the general fund. This is true of bonuses and awards as well as of commissions.

All liquor commission profits connected with lottery ticket sales, including any commissions, bonuses and/or awards are to be treated in the same way as profits from liquor sales. 28 M.R.S.A. § 56 states that the "net profits of the [liquor] commission shall be general revenue of the State." There is no provision for an exception to this statutory requirement.

Further, under 28 M.R.S.A. § 51, employees of the State Liquor stores are employed subject to the Personnel Law. Under the Personnel Law, state liquor store employees are in the classified service and their compensation is limited to salaries set, and from time to time adjusted, in accordance with the compensation plan adopted in accordance with 5 M.R.S.A. § 634. There is no provision in the Personnel Law for the payment of bonuses or awards to classified personnel.

HARRISON B. WETHERILL, JR.
Assistant Attorney General

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