

# MAINE STATE LEGISLATURE

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Lottery Advertising Commitment,  
§ M.R.S.A. 353

## STATE OF MAINE

Inter-Departmental Memorandum Date September 7, 1977

To George Orestis, Director Dept. Lottery  
From Phillip M. Kilmister, Assistant Dept. Attorney General  
Subject Termination of Big Double Instant Replay Game

Pursuant to our recent conversation relating to same, and the third item set forth in your memorandum to me under date of August 29, 1977, you have asked, whether or not two additional cars must be given away as prizes by the Lottery Commission, upon the premature termination of the Big Double Instant Replay Game upon the attainment of the sale of 400,000 tickets.

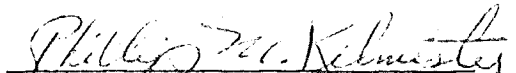
The answer to your question is in the affirmative.

Under the terms of 8 M.R.S.A. § 353, the Lottery Commission has a wide latitude in the conduct and management of various lottery games, providing however, that the contractual rights of purchasers of lottery tickets must in no manner be diminished.

The brochure attached to your memorandum indicates clearly that upon each successive sale of 200,000 tickets, the Commission will hold a drawing at which a new car and fifteen \$100.00 cash prizes will be given away. If tickets originally purchased did not qualify for future drawings, there would be no diminution of contractual rights of purchasers by a premature termination of the game at any quarterly division of the sale of 800,000 tickets. Such is not the case, however, and the language of the advertisement of the "Instant Replay" game itself, reads in pertinent part as follows:

"And each set of five qualifying tickets you send in is eligible to win, plus each set remains alive for the next new car and cash drawing, so you get four chances to win if you get your tickets in soon.  
(emphasis supplied)

The purchaser of tickets purchases the right of entry into four successive, not separable, pools upon which a total of four drawings will be conducted. By prematurely closing out the game, the contractual right of entry of purchasers of tickets into future drawings is fore-closed.

  
PHILLIP M. KILMISTER  
Assistant Attorney General

PMK:jg