

MAINE STATE LEGISLATURE

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Lottery Substitution of Prizes
STATE OF MAINE

Inter-Departmental Memorandum Date September 23, 1977

To Richard Besson, Business Manager

Dept. Lottery Commission

From Phillip M. Kilmister, Assistant

Dept. Attorney General

Subject Substitution of Prizes


In your memorandum under date of September 20, 1977 addressed to me, and our subsequent conversation of this date, it is my understanding that a diligent search for three 1977 Plymouth Fury automobiles has resulted in the inability of the Lottery Commission to purchase same, and therefore offer any of said automobiles as prizes at the forthcoming prize drawing to be held on September 29, 1977.

Question: May the Lottery Commission offer cash prizes equal to the fair market value of the cars, previously advertised as the prizes to be awarded to winners of the drawing in the "Big Double Instant Replay Game?"

Answer: A qualified yes.

The Commission may offer a substitution of cash, equal in value to the motor vehicle previously advertised as the prize, to winners of the forthcoming "Big Double" drawing. It should be emphasized, however, that if a winner, or indeed all three winners, insist upon receipt of the previously advertised prize, to wit: a 1977 fully equipped Plymouth Fury Salon, it remains the clear obligation of the Commission to provide said prize.

Were the car, as advertised, not available because it has become extinct in the market place, then the substitution of a prize of equal value, cash or otherwise, would be in order. Mere hardship or difficulty in obtaining a particular prize, as noted above, however, does not relieve the Commission of its contractual obligation to provide same, if a winner requests receipt of the specific, original prize offer.


PHILLIP M. KILMISTER
Assistant Attorney General

PMK:jg