

MAINE STATE LEGISLATURE

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*Lottery's Interstate Lottery
Interstate Activity*

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November 9, 1977

George Orestis
Maine State Lottery Commission
151 Capitol Street
Augusta, Maine.

Dear Mr. Orestis:

This responds to your letter of November 1, 1977, in which you inquire as to potential legal problems of a three-state New England lottery.

Without knowing the details of the three-state New England lottery proposal, it is difficult to provide legal advice as to the problems which may be contemplated. However, we would suggest the following as necessary prerequisites to operation of any such joint venture:

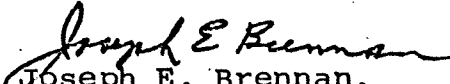
1. The lottery legislation in each of the states having lotteries would have to be substantially revised to deal with the joint operation, including identification of the methods by which decisions would be made, actions, such as advertising, approved, and proceeds distributed.
2. In addition, it might be necessary to revise other state laws, such as laws relating to personnel, financial management, or purchases to provide either exceptions or special provisions, for the multi-state lottery operation.
3. It would probably be necessary to develop an interstate compact for such a multi-state venture. Such an interstate compact would require the approval of the United States Congress.
4. In light of the uncertainty which the Federal Government has demonstrated in the past regarding enforcement of its various gaming statutes against state lotteries, we

would strongly suggest that you contact the appropriate officials at the Department of Justice, Department of Treasury, and the Postal Service early in your planning of the multi-state effort for assistance in identifying problems. I do not believe it would be appropriate for this office to render an opinion speculating on the enforcement posture of the Federal Government with regard to the many federal laws which might be involved.

I anticipate the principal problems with such an interstate lottery would be with federal laws and securing approval of an interstate compact.

I hope this information is helpful.

Very truly yours,


Joseph E. Brennan,
Attorney General

JEB:km