

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1138

S.P. 427

In Senate, April 11, 1989

Submitted by the Department of Finance pursuant to Joint Rule 24.

Reference to the Committee on Legal Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

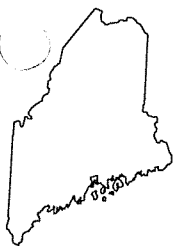
Presented by Senator DILLENBACK of Cumberland.

Cosponsored by Representative TUPPER of Orrington, Representative STEVENS of Sabattus and Representative JALBERT of Lisbon.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Amend the Lottery Laws.



1 Be it enacted by the People of the State of Maine as follows:

3 Sec. 1. 8 MRSA §376, sub-§1, as enacted by PL 1987, c. 505,
5 §2, is amended to read:

7 1. The commission may suspend or revoke, after notice and
9 hearing ~~in a manner consistent with the Maine Administrative~~
11 ~~Procedure Act, Title 5, chapter 375,~~ any license issued pursuant
13 to this chapter. Any suspension or revocation is a final agency
15 action for the purposes of the Maine Administrative Procedure
Act, Title 5, chapter 375, subchapter VII. The license may be
temporarily suspended by the commission without prior notice,
pending any prosecution, investigation or hearing. A license may
be suspended or revoked by the commission for just cause,
including one or more of the following reasons:

17 A. Failure to account for tickets received or the proceeds
19 of the sale of tickets or to file a bond, if required by the
commission, or to comply with instructions of the commission
concerning the licensed activity;

21 B. Conviction of any criminal offense;

23 C. Failure to file any return or report, to keep records or
25 to pay any tax;

27 D. Engaging in fraud, deceit, misrepresentation or conduct
prejudicial to public confidence;

29 E. Insufficiency of the number of tickets sold by the sales
31 agent; or

33 F. A material change, since issuance of the license, with
35 respect to any of the matters required to be considered by
the director under section 375.

37 Sec. 2. 8 MRSA §389 is enacted to read:

39 §389. Disputes concerning tickets

41 In the event a dispute arises as to whether a ticket is a
43 winning ticket, the player's sole remedy shall be to apply to the
45 commission for a refund of the price allegedly wagered. The
47 commission's decision on whether the ticket is a winning ticket
or whether to refund the price allegedly wagered is a final
agency action for the purposes of the Maine Administrative
Procedure Act, Title 5, chapter 375, subchapter VII.

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STATEMENT OF FACT

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This bill clarifies that the State Lottery Commission may suspend and revoke licenses after notice and a hearing and that any suspension or revocation is a final agency action under the Maine Administrative Procedure Act, Maine Revised Statutes, Title 5, chapter 375, subchapter VII.

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The bill also sets an aggrieved player's sole remedy as a refund of the price of the ticket. It also makes the commission's decision on whether the ticket was winning ticket or whether a refund should be paid a final agency action.

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The commission's decisions will be reviewable by the Superior Court under an arbitrary or capricious action standard.