

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1994

Legislative Document

No. 1995

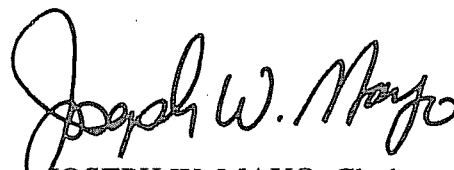
H.P. 1469

House of Representatives, March 31, 1994

**An Act to Establish Fairness in the Placement of On-line Lottery
Machines.**

(EMERGENCY)

Reported by Representative DAGGETT for the Joint Standing Committee on Legal Affairs
pursuant to Joint Order H.P. 1467.


JOSEPH W. MAYO, Clerk

2 **Emergency preamble. Whereas,** Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4
6 **Whereas,** currently there is no appeal process in place for
applicants who are denied licenses to sell lottery tickets by the
Director of the Bureau of Alcoholic Beverages and Lottery
8 Operations; and

10 **Whereas,** a fair and specific appeals process needs to be
established in law; and

12
14 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
16 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

20 **Sec. 1. 8 MRSA §375,** as enacted by PL 1987, c. 505, §2, is
22 amended to read:

24 **§375. Lottery sales agent; licensing; appeals**

26 **1. Factors.** A license as an agent to sell lottery tickets
or shares may be issued by the director to any qualified person.
28 Before issuing the license, the director shall consider such at
least the following factors as:

30 A. The financial responsibility and security of the person
32 and his the person's business or activity;

34 B. The accessibility of his the person's place of business
or activity to the public;

36 C. The sufficiency of existing licensees to serve the
38 public convenience; and

40 D. The volume of expected sales.

42 **2. Appeals.** An applicant who is denied a license may
appeal the director's decision to the commission by filing a
written appeal with the commission within 15 days of the mailing
of the director's decision. An applicant aggrieved by a decision
of the commission may appeal the commission's decision by filing
a complaint with the Administrative Court and serving a copy of
the complaint upon the commission. The complaint must be filed
and served within 30 days of the mailing of the commission's
50 decision.

2 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.

4
6 **FISCAL NOTE**

8 The additional costs to hear the appeals of applicants who
10 have been denied licenses to sell lottery tickets can be absorbed
by the State Liquor and Lottery Commission utilizing existing
budgeted resources.

12 The additional workload and administrative costs associated
14 with the minimal number of new cases filed in the court system
can be absorbed within the budgeted resources of the Judicial
16 Department.

18 **STATEMENT OF FACT**

20 This bill establishes an appeals process for applicants who
22 are denied licenses to sell lottery tickets. An applicant who is
denied a license by the Director of the Bureau of Alcoholic
24 Beverages and Lottery Operations may appeal the decision to the
State Liquor and Lottery Commission within 15 days of the mailing
26 of the director's decision. An applicant who is aggrieved by the
decision of the commission may then file a complaint with the
28 Administrative Court. The complaint must be served on the
commission and serving and filing of the complaint must be
30 completed within 30 days of the mailing of the commission's
decision.
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