

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2012

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Legislative Document

No. 1880

S.P. 657

In Senate, March 15, 2012

### An Act To Enhance Opportunities for the Sale of Lottery Tickets

(AFTER DEADLINE)

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

*Joseph G. Carleton Jr.*

JOSEPH G. CARLETON, JR.  
Secretary of the Senate

Presented by Senator PLOWMAN of Penobscot.

Cosponsored by Representative VALENTINO of Saco and

Senators: FARNHAM of Penobscot, PATRICK of Oxford, Representative: CAREY of Lewiston.

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

3           **Whereas,** a recent opinion of the United States Department of Justice clarified that  
4 intrastate sale of lottery tickets over the Internet is not in violation of the federal Interstate  
5 Wire Act of 1961; and

6           **Whereas,** the State needs to establish the authority and procedure for the sale of  
7 lottery tickets over the Internet as soon as possible in order to secure the State's ability to  
8 sell lottery tickets in that manner; and

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

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

14           **Sec. 1. 8 MRSA §372, sub-§2, ¶I,** as amended by PL 2003, c. 673, Pt. MM, §1,  
15 is further amended to read:

16           I. Carry on a continuous study and investigation of the lotteries throughout the State  
17 and the operation and administration of similar laws that may be in effect in other  
18 jurisdictions. The director, subject to the prior approval of the commission, may  
19 enter into a written agreement with a multijurisdictional lottery association for the  
20 operation, marketing and promotion of a joint lottery or joint lottery games with other  
21 jurisdictions.

22           Any final agreement entered into with a multijurisdictional lottery association must  
23 provide that the director has the authority to terminate the agreement upon the  
24 provision of reasonable notice, not to exceed 6 months. The final agreement must  
25 further provide that the director may terminate the agreement at any time, without  
26 prior notice, in the event that the director's authority is withdrawn or limited by law;  
27 ~~and~~

28           **Sec. 2. 8 MRSA §372, sub-§2, ¶J,** as enacted by PL 1991, c. 780, Pt. Y, §112, is  
29 amended to read:

30           J. Assign duties as necessary to a designee: and

31           **Sec. 3. 8 MRSA §372, sub-§2, ¶K** is enacted to read:

32           K. No sooner than September 1, 2013, develop and implement a system, as approved  
33 by the commissioner, for the sale of tickets or shares for lottery draw games using a  
34 publicly accessible website. For purposes of this paragraph, "lottery draw game"  
35 means a game of chance in which a player selects numbers that are compared to those  
36 numbers drawn at random at a future specified time and is determined to be a winner  
37 if some or all of the numbers chosen by the player match some or all of the numbers  
38 drawn at the corresponding random number drawing.

1           **Sec. 4. 8 MRSA §379**, as amended by PL 1991, c. 683, §2, is further amended by  
2 adding after the 2nd paragraph a new paragraph to read:

3           Nothing in this section may be construed to prohibit the sale from a publicly  
4 accessible website administered by the bureau of tickets or shares for lottery draw games  
5 as defined in section 372, subsection 2, paragraph K.

6           **Sec. 5. Director of Alcoholic Beverages and Lottery Operations to**  
7 **develop a system for lottery draw games over the Internet.** The Director of  
8 Alcoholic Beverages and Lottery Operations shall develop a proposal for a system for the  
9 sale, from a publicly accessible website administered by the Department of  
10 Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery  
11 Operations, of tickets or shares for lottery draw games, as defined in the Maine Revised  
12 Statutes, Title 8, section 372, subsection 2, paragraph K. The proposal developed  
13 pursuant to this section must include the following:

14           1. A description of the means by which the system can verify that players are located  
15 in this State and are at least 18 years of age;

16           2. A provision to allow a person to have that person's name placed on a list that  
17 prohibits a person on that list from playing any lottery draw game when the tickets or  
18 shares were purchased over the Internet;

19           3. Suggestions for a daily purchase limit for lottery draw games;

20           4. Consideration of the role of existing lottery agents in the administration of the  
21 system with the goal of minimizing, to the greatest extent possible, any negative financial  
22 effects on lottery agents;

23           5. An estimate of the cost to implement the sale of tickets or shares for lottery draw  
24 games and a determination of whether implementation of a program to sell tickets or  
25 shares for lottery draw games would require a bidding process for contracts to facilitate  
26 sales of tickets or shares for lottery draw games over the Internet;

27           6. Consideration and analysis of the experience of other states that have implemented  
28 the sale of tickets or shares for lottery draw games over the Internet; and

29           7. Consideration and analysis of whether lottery draw games conducted over the  
30 Internet may affect the Tri-state Lotto Compact and what changes would be necessary to  
31 that compact.

32           The director shall submit the proposal, including recommendations for legislation to  
33 implement the sale of tickets or shares for lottery draw games over the Internet, to the  
34 joint standing committee of the Legislature having jurisdiction over lottery matters no  
35 later than December 15, 2012. The joint standing committee may report out a bill  
36 implementing the recommendations of the director.

37           **Emergency clause.** In view of the emergency cited in the preamble, this  
38 legislation takes effect when approved.

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## **SUMMARY**

This bill allows the State to engage in sales of lottery tickets over the Internet, beginning no sooner than September 1, 2013. Prior to that date, the Director of Alcoholic Beverages and Lottery Operations is required to develop a proposal for a system that will allow the sale, from a publicly accessible website administered by the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations, of lottery tickets.