

# MAINE STATE LEGISLATURE

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EIGHTY - SEVENTH LEGISLATURE

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Legislative Document

No. 49

H. P. 147

House of Representatives, January 16, 1935.

Referred to Committee on Legal Affairs, sent up for concurrence and 1,000 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Richardson of South Portland.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
THIRTY-FIVE

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**AN ACT Creating a State Lottery Commission.**

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

**Sec. 1. State lottery commission created.** There is hereby created a "state lottery commission" to be composed of 5 members to be appointed annually by the governor subject to the approval of his council. The members shall serve at the will and pleasure of the governor and council for a period of not over one year, and until their successors are appointed, approved, and duly qualified. The members shall elect one of their number to act as chairman of the commission. The salary of the chairman shall be \$3,500 per year. The salaries of the other members shall be \$3,000 per year. The commission shall furnish such bonds for the faithful performance of their duty as may be set by the state controller.

**Sec. 2. Duties of commission.** The "state lottery commission" is hereby empowered and directed to establish a state lottery, or state lotteries for the benefit of the state, and shall have no power to authorize the operation of any other lottery or lotteries. It is further empowered and directed to issue rules and regulations for the regulation of the aforesaid state lotteries for the following purposes:

(1) So that the percentage of chances and the fairness of the lottery, or lotteries, will be assured to the participants therein, and (2) so that the technical details of the management of the lottery, or lotteries, will accomplish the purposes as herein set forth.

It is further empowered and directed to do such other acts not specifically provided for herein as may seem advisable to it in the promotion and management of the said lottery or lotteries.

**Sec. 3. Sale of tickets.** The commission is hereby authorized and directed to arrange for the sale of tickets for any state lottery under the following restrictions:

(1) If any city, town or plantation, by their duly authorized officials elect to handle the sale of state lottery tickets, they shall retain 15% of the gross receipts for the benefit of the health and welfare departments in such cities, towns and plantations.

(2) In such cities, towns and plantations as do not so elect as provided in the preceding paragraph the commission may establish such agencies therein for the sale of state lottery tickets as it deems advisable, not inconsistent however with the desires of the duly authorized officials of said city, town or plantation.

**Sec. 4. State lottery account.** The state controller is hereby directed and empowered to set up an account, to be known as the "state lottery account" to which shall be charged all expenses accruing to the state from the functioning of the state lottery commission, including the original appropriation provided for herein, and to which shall be credited all income derived from the sale of lottery tickets, sold under the authority provided for in this act.

**Sec. 5. Surplus funds shall be transferred to the old age pension fund.** Any credit balance in the "state lottery account", over and above estimated expenses and disbursements, shall be transferred to the old age pension fund, at any time on order of the governor and council.

**Sec. 6. Appropriation.** The governor and his council are hereby authorized and directed to appropriate such moneys as are necessary for the expenses of beginning the operation of the aforesaid state lottery or lotteries, and such other expenses as may accrue from time to time, which amounts are to be debited to the "state lottery account."

**Sec. 7. R. S., c. 136, § 4 amended.** Section 4 of chapter 136 of the revised statutes is hereby amended to read as follows:

**‘Sec. 4. Pool selling; penalty; exception.** Whoever engages or participates in pool selling, **except by authority of the state lottery commission**, or aids or abets the same by his presence, shall be punished by a fine of not more than \$2,000, and by imprisonment for not more than 2 years.’

**Sec. 8. R. S., c. 136, amended.** Chapter 136 of the revised statutes is hereby amended by adding thereto a new section to be numbered 21 and to read as follows:

**‘Sec. 21. Exceptions.** The provisions of the 3 preceding sections shall not apply to the state lottery commission or any acts done by them or others under the authority of the act creating the said commission.’

**Sec. 9. Referendum provided for.** The aldermen of cities, the selectmen of towns and the assessors of the several plantations of this state, are hereby empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of senators and representatives, on the 2nd Monday in September following the passage of this act, to give in their votes upon the act proposed herein and the question shall be:

“Shall an act passed by the legislature and referred to the people providing for a state lottery become law?”

And the inhabitants of said cities, towns and plantations shall vote by ballot on said question, those in favor of the amendment voting “Yes” upon their ballots and those opposed to the amendment voting “No” upon their ballots, and the ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings, and return made to the office of the secretary of state in the same manner as votes for governor and members of the legislature and the governor and council shall count the same and if it shall appear that a majority of the inhabitants voting on the question are in favor of the act, the governor shall forthwith make known the fact by his proclamation and the act shall thereupon as of the date of said proclamation become law.

**Secretary of state shall prepare ballots.** The secretary of state shall prepare and furnish to the several cities, towns and plantations ballots and blank returns in conformity with the foregoing act accompanied by a copy thereof.