

MAINE STATE LEGISLATURE

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E I G H T Y - N I N T H L E G I S L A T U R E

Legislative Document

No. 852

H. P. 1644

House of Representatives, February 14, 1939.

Referred to Committee on Legal Affairs. Sent up for concurrence and 1000 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Weed of Manchester.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-NINE

AN ACT Creating a State Lottery Commission.

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 3 members to be appointed by the governor subject to the approval of his council. These members shall be appointed to serve for 1, 2 and 3 years respectively, and until their successors are appointed, approved, and duly qualified and thereafter on the expiration of the term of any member, a member shall be appointed for a term of 3 years. In case of vacancy because of death, resignation or otherwise, a member shall be appointed in like manner for the remainder of the unexpired portion of the term. 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 members of the commission shall furnish bonds in such amounts 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, the tickets of such lottery or lotteries to be numbered and the winners of prizes to be determined by public drawing of numbers

in a manner determined by the commission, 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 to relief cases, minors, and employees of the lottery commission prohibited. All minors, all persons receiving relief from any state, local, county, or federal agency or agencies, and all persons employed by the state lottery commission in the administration of the state lottery or lotteries are hereby prohibited from purchasing any ticket or tickets in any lottery or lotteries conducted by the state, and are not eligible to receive prizes in such lottery or lotteries. If any minor, or any person receiving such relief, or any such employee of the state lottery commission purchases such ticket or tickets in violation of the provisions of this section and such ticket is of a number which is drawn as a winner of a prize, such prize shall be applied by the commission to the purpose mentioned in subsection (c) of section 5. Any person or persons selling any state lottery ticket or tickets to a minor shall be punished by a fine of not more than \$1000, or by imprisonment for not more than 11 months.

Sec. 4. 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. 5. 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 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. 6. Allocation of funds. The net amount received by the state under this act shall be allocated, appropriated and used as follows:

(a) 10% thereof for the administration of said state lottery; should any part thereof not be needed for such purpose, such part shall be applied to the purpose mentioned in subsection (c) hereof;

(b) 50% thereof for prizes to be awarded in the conduct of said state lottery;

(c) 40% thereof for the general funds of the state.

Sec. 7. 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. 8. 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. 9. 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. 10. Referendum. This act shall be submitted for approval or rejection to the duly qualified voters of the state of Maine at an election to be held on the 2nd Monday of September, 1939. The municipal officers of the cities, towns and plantations in this state are hereby empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of senators and rep-

representatives to give in their votes upon this act, and the question shall be: "Shall the act creating a state lottery commission, as submitted by the 89th legislature to the people, be accepted?" and the inhabitants of said cities, towns and plantations shall vote by ballot on said question, those in favor of the act expressing it by making a cross within the square opposite the word "Yes" upon the ballots and those opposed to the act by making a cross within the square opposite the word "No" upon their ballots, and the ballots shall be received, sorted, counted, and declared in open ward, town and plantation meetings, and returns 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 thereupon this act shall become law. 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.