

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

SECOND SPECIAL SESSION

December 12, 1991 to January 7, 1992

SECOND REGULAR SESSION

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1992

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

CHAPTER 683

H.P. 1434 - L.D. 2046

An Act to Permit the State Lottery Commission to Approve Promotions Involving the Use of Lottery Tickets

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

Sec. 1. 8 MRSA §374, sub-§1, ¶H, as enacted by PL 1987, c. 505, §2, is amended to read:

H. The method to be used in selling tickets or shares and the types of sales promotions that may be conducted utilizing tickets or shares as approved in advance by the commission or the director;

Sec. 2. 8 MRSA §379, as enacted by PL 1987, c. 505, §2, is amended by adding after the first ¶ a new ¶ to read:

Nothing in this section may be construed to prohibit a person from transferring tickets or shares as part of a sales promotion provided the promotion has been approved in advance by the commission or director pursuant to rules adopted under section 374, subsection 1, paragraph H.

Sec. 3. 8 MRSA §380, as enacted by PL 1987, c. 505, §2, is repealed and the following enacted in its place:

§380. Sales to persons under 18 years of age; gifts

1. Sale to person under 18 years of age. A ticket or a share may not be sold to a person under 18 years of age. This does not prohibit a person 18 years of age or older from purchasing a ticket or a share for the purpose of making a gift to a person less than 18 years of age. A licensee who knowingly sells or offers to sell a lottery ticket or share to a person under 18 years of age commits a civil violation for which a forfeiture of not more than \$200 may be adjudged.

2. Transfer of ticket or share as part of sales promotion. A person authorized by the commission or the director to conduct a sales promotion may not transfer a lottery ticket or share to a person under 18 years of age as part of that sales promotion. This does not prohibit a person who receives a ticket or a share in an authorized sales promotion from transferring the ticket or the share to a person under 18 years of age as a gift. A person who knowingly transfers or offers to transfer a lottery ticket or share to a person under 18 years of age as part of a sales promotion commits a civil violation for which a forfeiture of not more than \$200 may be adjudged.

Sec. 4. Report by State Lottery Director. The State Lottery Director shall submit a report on promo-

tions authorized under this Act to the joint standing committee of the Legislature having jurisdiction over legal affairs by September 1, 1994. The report must include the number of promotions approved by the State Lottery Commission or the director, a summary of any complaints received by the commission or the director regarding the promotions or the means used to advertise the promotions and a summary of any concerns and recommendations the director or the commission wishes to bring to the attention of the committee regarding sales promotions using lottery tickets or shares.

See title page for effective date.

CHAPTER 684

H.P. 1570 - L.D. 2212

An Act to Amend the Laws Governing the State Claims Commission

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

Sec. 1. 23 MRSA §152, first ¶, as amended by PL 1989, c. 503, Pt. B, §98, is further amended to read:

The State Claims Commission, established by Title 5, section 12004-B, subsection 5, ~~shall consist~~ consists of 5 members. Four of the members ~~shall must~~ be appointed by the Governor, 2 of whom ~~shall must~~ be qualified appraisers certified as general real estate appraisers pursuant to Title 32, chapter 123 and 2 of whom ~~shall must~~ be attorneys-at-law. The Governor shall designate one of the attorneys-at-law to be chair. The members of the commission appointed by the Governor shall serve for terms of 4 years. They ~~shall must~~ be sworn, and for inefficiency, willful neglect of duty or for malfeasance in office may, after notice and hearing, be removed by the Governor on the address of both branches of the Legislature or by impeachment. In case of a vacancy occurring through death, resignation or removal, the Governor shall appoint a successor for the whole term of the member whose place that successor takes, subject to removal as provided in this section.

Sec. 2. 23 MRSA §156, 3rd and 4th ¶¶, as amended by PL 1987, c. 395, Pt. A, §98, are repealed and the following enacted in their place:

No interest may be allowed on so much of the net damage that has been paid to the owner or owners.

An attested copy of each award must be sent immediately to the Department of Transportation and to the party or parties named in the award. The State Claims Commission shall state by letter the date it forwarded the award and all parties shall within 30 days designate to the commission the award or awards from which an