

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND THIRTIETH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**September 29, 2021**

**SECOND REGULAR SESSION**  
**January 5, 2022 to May 9, 2022**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**DECEMBER 29, 2021**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 8, 2022**

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

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**Augusta, Maine**  
**2022**

**CHAPTER 543**  
**H.P. 1393 - L.D. 1883**

**An Act To Update the Setoffs  
against Lottery Winnings**

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

**Sec. 1. 14 MRSA §3141-A**, as enacted by PL 2019, c. 304, §2, is amended to read:

**§3141-A. Setoff of fines against lottery winnings**

The State Court Administrator appointed pursuant to Title 4, section 15 shall ~~periodically notify~~ provide the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations, referred to in this subsection as "the bureau," access to an electronic database of all persons who owe a monetary fine, surcharge or assessment imposed by a court to the State under this Title. ~~Prior to~~ Before paying any lottery winnings ~~that must be paid directly by the bureau of an amount equal to or greater than the amount for which the bureau is required to file a Form W-2G or substantially equivalent form with the United States Internal Revenue Service,~~ the bureau shall determine whether the lottery winner ~~is on the list of persons who owe~~ owes a monetary fine, surcharge or assessment imposed by a court to the State under this Title. If ~~the bureau determines that the winner is on the list of persons who owe~~ owes a monetary fine, surcharge or assessment imposed by a court, the bureau shall suspend payment of the winnings and provide notice to the winner of its intention to set off the winnings against the monetary fine, surcharge or assessment owed. The bureau shall provide the winnings due to the winner to the State Court Administrator in payment of any monetary fine, surcharge or assessment owed by the winner under this Title. The bureau shall release any remaining winnings in accordance with state law.

**Sec. 2. 19-A MRSA §2360**, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

**§2360. Setoff of debts against lottery winnings**

**1. Notice to Bureau of Alcoholic Beverages and Lottery Operations.** The department shall ~~periodically notify~~ provide the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations, referred to in this section as the "bureau," access to an electronic database of all persons who owe the department a child support debt that has been liquidated by judicial or administrative action. ~~Prior to~~ Before paying any state lottery winnings ~~that must be paid directly by the bureau of an amount equal to or greater than the amount for which the bureau is required to file a Form W-2G or substantially equivalent form with the United States Internal Revenue Service,~~ the bureau shall determine whether the lottery

~~winner is on the list of persons who owe~~ owes a child support debt to the State that has been liquidated by judicial or administrative action. If the bureau determines that the winner is on a list of persons who owe owes child support debts, the bureau shall suspend payment of winnings and notify the winner of its intention to offset the winner's child support debt against the winnings. The bureau shall release any remaining winnings to the winner. The bureau shall notify the winner of the winner's right to request a hearing before the department within 15 days of the winner's receipt of that notice. The hearing is limited to the questions of whether the debt is liquidated and whether post-liquidation events have affected the winner's liability. The decision of the department as to the existence of a liquidated debt constitutes final agency action. ~~If, within 90 days of the notice of intended setoff to the winner, the department certifies to the bureau that the winner did not make a timely request for hearing or that a hearing was held and the debt was upheld, the bureau shall offset the liquidated debt against the winnings due to the winner. Any remaining winnings are paid to the winner. If the bureau does not hear from the department within 90 days of the notice of intended setoff to the winner, the bureau shall release all winnings to the winner.~~

~~**2. Notice to Tri state Lotto Commission.** The department shall periodically notify the Tri state Lotto Commission of all persons who owe the department a child support debt that has been liquidated by judicial or administrative action.~~

**Sec. 3. 26 MRSA §1051, sub-§8, ¶A**, as enacted by PL 1997, c. 434, §2, is amended to read:

A. The commissioner shall ~~periodically notify~~ provide the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations, referred to in this paragraph as the "bureau," access to an electronic database of all persons who owe the Department of Labor an unemployment compensation debt that has been liquidated by judicial or administrative action. Before paying any state lottery winnings ~~that must be paid directly by the bureau of an amount equal to or greater than the amount for which the bureau is required to file a Form W-2G or substantially equivalent form with the United States Internal Revenue Service,~~ the bureau shall determine whether the lottery winner ~~is on the list of persons who owe~~ owes to the State an unemployment compensation debt that has been liquidated by judicial or administrative action. If the bureau determines that the winner is on a list of persons who owe owes unemployment compensation debts, the bureau shall suspend payment of winnings and notify the winner of its intention to offset the winner's unemployment compensation debt against the winnings. The bureau shall release any remaining winnings to the winner. The bureau shall notify the winner of the

winner's right to appeal to the Commissioner of Labor pursuant to Title 5, chapter 375. The winner must appeal in writing within 15 days of receipt of that notice. The hearing is limited to the questions of whether the debt is liquidated and whether post-liquidation events have affected the winner's liability. The decision of the Department of Labor as to the existence of a liquidated debt constitutes final agency action. ~~If, within 90 days of the notice of intended setoff to the winner, the Department of Labor certifies to the bureau that the winner did not make a timely request for hearing or that a hearing was held and the debt was upheld, the bureau shall offset the liquidated debt against the winnings due to the winner. Any remaining winnings are paid to the winner. If the bureau does not hear from the Department of Labor within 90 days of the notice of intended setoff to the winner, the bureau shall release all winnings to the winner.~~

**Sec. 4. 36 MRSA §185, sub-§3**, as enacted by PL 2007, c. 539, Pt. M, §1, is amended to read:

**3. Setoff of lottery winnings against debts.** The State Tax Assessor shall ~~periodically notify~~ provide the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations, referred to in this subsection as "the bureau," access to an electronic database of all persons who have a liquidated tax liability to the State under this Title. Prior to ~~Before~~ paying any lottery winnings that must be paid directly by the bureau of an amount equal to or greater than the amount for which the bureau is required to file a Form W-2G or substantially equivalent form with the United States Internal Revenue Service, the bureau shall determine whether the lottery winner is on the list of persons who have ~~has~~ a liquidated tax liability to the State under this Title. If the bureau determines that the winner is on the list of persons who have ~~has~~ a liquidated tax liability to the State under this Title, the bureau shall suspend payment of the winnings and provide notice to the winner of its intention to set off the winnings against the tax debt. The bureau may assign the winnings due to the winner to the State Tax Assessor in payment of any liquidated tax liability of the winner under this Title. Any remaining winnings must be paid to the winner by the bureau.

See title page for effective date.

**CHAPTER 544**  
**S.P. 663 - L.D. 1893**

**An Act Regarding the Use of a Student Athlete's Name, Image, Likeness or Autograph**

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

**Sec. 1. 20-A MRSA c. 443** is enacted to read:

**CHAPTER 443**  
**STUDENT ATHLETES**

**§12971. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. College or university.** "College or university" means a postsecondary educational institution in the State, including:

- A. A degree-granting educational institution regulated under chapter 409;
- B. A university in the University of Maine System;
- C. A college in the Maine Community College System; and
- D. The Maine Maritime Academy.

**2. Team contract.** "Team contract" means a contract between a student athlete and a college or university and includes any rules or expectations of the college or university's athletic department or head coach that require a student athlete's compliance as a condition under the contract of participation as a member of the intercollegiate athletic program.

**§12972. Prohibitions**

**1. Actions by colleges or universities.** A college or university may not:

- A. Adopt or enforce a policy, requirement, standard or limitation that prohibits or otherwise prevents a student athlete who is participating in an intercollegiate athletic program at the college or university from:
  - (1) Earning compensation for the use of the student athlete's name, image or likeness when the student athlete is not engaged in official team activities; or
  - (2) Obtaining professional representation, including representation by an attorney, for contracts or other legal matters relating to the use of the student athlete's name, image or likeness;

B. Disqualify a student athlete who is participating in an intercollegiate athletic program at a college or university from receiving a full scholarship based on athletics awarded by the college or university because the student athlete:

- (1) Earns compensation from the use of the student athlete's name, image or likeness when the student athlete is not engaged in official team activities; or