

## 8 §374. COMMISSION; POWERS AND DUTIES

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The commission shall meet with the director, not less than once each month, to promulgate and amend rules, subject to the approval of the commissioner, relating to the lotteries; to make recommendations and set policy for state lotteries and to transact other business that may be properly brought before the commission. Rules adopted by the commission shall be adopted in a manner consistent with the Maine Administrative Procedure Act, Title 5, chapter 375. [1987, c. 505, §2 (NEW).]

**1. Rules.** The rules promulgated by the commission shall include, but not be limited to:

A. The types of lotteries to be conducted; [1987, c. 505, §2 (NEW).]

B. The price of tickets or shares in the lotteries; [1987, c. 505, §2 (NEW).]

C. The number and size of the prizes on the winning tickets or shares; [1987, c. 505, §2 (NEW).]

D. The manner of selecting the winning tickets or shares; [1987, c. 505, §2 (NEW).]

E. The manner of payment of prizes to the holders of winning tickets or shares; [1987, c. 505, §2 (NEW).]

F. The frequency of the drawings or selections of winning tickets or shares; [1987, c. 505, §2 (NEW).]

G. The number or types of locations at which tickets or shares may be sold; [1987, c. 505, §2 (NEW).]

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; [1991, c. 683, §1 (AMD).]

I. The licensing of agents to sell tickets or shares, but a person under the age of 18 shall not be licensed as an agent; [1987, c. 505, §2 (NEW).]

J. The license fee to be charged to agents; [1987, c. 505, §2 (NEW).]

K. The manner and amount of compensation to be paid licensed sales agents necessary to provide for the adequate availability of tickets or shares to prospective buyers and for the convenience of the general public; [1997, c. 301, §1 (AMD).]

L. The apportionment of the total annual revenue accruing from the sale of lottery tickets or shares and from all other sources for the payment of prizes to the holders of winning tickets or shares; for the payment of costs incurred in the operation and administration of the lotteries, including the expenses of the commission and the costs resulting from any contract or contracts entered into for promotional, advertising, consulting or operational services or for the purchase or lease of lottery equipment and materials; for the repayment of the money appropriated to the State Lottery Fund; and for transfer to the General Fund for distribution pursuant to section 387; and [1997, c. 301, §1 (AMD).]

M. The imprinting on all lottery tickets sold in the State of the overall odds of winning a prize for each game. [1997, c. 301, §2 (NEW).]

[1997, c. 301, §§1, 2 (AMD).]

**2. Meeting requirements.** No action of the commission is binding unless taken at a meeting at which at least 3 of the 5 members are present and vote in favor of the action. The minutes of every meeting of the commission, including any rules promulgated by the commission or any amendments, revisions, supplements or repeals, shall be immediately transmitted, by and under the certification of the secretary, to the commissioner and to the Governor.

[1987, c. 505, §2 (NEW).]

**3. Limitation of authority.** The commission and the bureau shall have no authority to regulate, control or otherwise supervise the operation or conduct of the amusement commonly known as "beano" or "bingo," as defined in Title 17, section 311.

[ 1987, c. 505, §2 (NEW) .]

**4. Small businesses.** The commission shall adopt by rule a written plan that includes the placement of lottery machines in small businesses. The plan must be created and implemented by January 15, 1994. The commission shall report to the joint standing committee of the Legislature having jurisdiction over legal affairs before January 15, 1994, so that the committee may approve the plan before it is implemented. No further removals of lottery machines may take place after January 15, 1994 unless the plan is successfully implemented. The removal of a lottery machine and the reason for removal must be reported, within 30 days of the removal, to the joint standing committee of the Legislature having jurisdiction over legal affairs.

[ 1993, c. 397, §1 (NEW) .]

**5. Wildlife lottery game.** No later than January 30, 1996, the commission, in consultation with the Maine Outdoor Heritage Fund Board, shall develop and initiate a wildlife lottery game designed to raise funds for the Maine Outdoor Heritage Fund established pursuant to Title 12, chapter 903, subchapter 6. The sales commission paid to agents for the sale of wildlife lottery game tickets must be one percentage point higher than the sales commission paid to agents for the sale of other instant lottery game tickets. The commission shall provide the net proceeds of this wildlife lottery game to the Maine Outdoor Heritage Fund annually. The commission shall change the wildlife game ticket periodically throughout the year.

[ 2003, c. 516, §1 (AMD); 2003, c. 614, §9 (AFF) .]

SECTION HISTORY

1987, c. 505, §2 (NEW). 1991, c. 683, §1 (AMD). 1993, c. 397, §1 (AMD). 1995, c. 494, §4 (AMD). 1997, c. 301, §§1,2 (AMD). 1997, c. 373, §7 (AMD). 2003, c. 414, §B17 (AMD). 2003, c. 516, §1 (AMD). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF).

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