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An Act To Enhance Opportunities for the Sale of Lottery Tickets

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, a recent opinion of the United States Department of Justice clarified that intrastate sale of lottery tickets over the Internet is not in violation of the federal Interstate Wire Act of 1961; and

Whereas, the State needs to establish the authority and procedure for the sale of lottery tickets over the Internet as soon as possible in order to secure the State's ability to sell lottery tickets in that manner; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 8 MRSA §372, sub-§2, ¶I, as amended by PL 2003, c. 673, Pt. MM, §1, is further amended to read:

I. Carry on a continuous study and investigation of the lotteries throughout the State and the operation and administration of similar laws that may be in effect in other jurisdictions. The director, subject to the prior approval of the commission, may enter into a written agreement with a multijurisdictional lottery association for the operation, marketing and promotion of a joint lottery or joint lottery games with other jurisdictions.

Any final agreement entered into with a multijurisdictional lottery association must provide that the director has the authority to terminate the agreement upon the provision of reasonable notice, not to exceed 6 months. The final agreement must further provide that the director may terminate the agreement at any time, without prior notice, in the event that the director's authority is withdrawn or limited by law; and

Sec. 2. 8 MRSA §372, sub-§2, ¶J, as enacted by PL 1991, c. 780, Pt. Y, §112, is amended to read:

J. Assign duties as necessary to a designee; and

Sec. 3. 8 MRSA §372, sub-§2, ¶K is enacted to read:

K. No sooner than September 1, 2013, develop and implement a system, as approved by the commissioner, for the sale of tickets or shares for lottery draw games using a publicly accessible website. For purposes of this paragraph, "lottery draw game" means a game of chance in which a

player selects numbers that are compared to those numbers drawn at random at a future specified time and is determined to be a winner if some or all of the numbers chosen by the player match some or all of the numbers drawn at the corresponding random number drawing.

Sec. 4. 8 MRSA §379, as amended by PL 1991, c. 683, §2, is further amended by adding after the 2nd paragraph a new paragraph to read:

Nothing in this section may be construed to prohibit the sale from a publicly accessible website administered by the bureau of tickets or shares for lottery draw games as defined in section 372, subsection 2, paragraph K.

Sec. 5. Director of Alcoholic Beverages and Lottery Operations to develop a system for lottery draw games over the Internet. The Director of Alcoholic Beverages and Lottery Operations shall develop a proposal for a system for the sale, from a publicly accessible website administered by the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations, of tickets or shares for lottery draw games, as defined in the Maine Revised Statutes, Title 8, section 372, subsection 2, paragraph K. The proposal developed pursuant to this section must include the following:

1. A description of the means by which the system can verify that players are located in this State and are at least 18 years of age;
2. A provision to allow a person to have that person's name placed on a list that prohibits a person on that list from playing any lottery draw game when the tickets or shares were purchased over the Internet;
3. Suggestions for a daily purchase limit for lottery draw games;
4. Consideration of the role of existing lottery agents in the administration of the system with the goal of minimizing, to the greatest extent possible, any negative financial effects on lottery agents;
5. An estimate of the cost to implement the sale of tickets or shares for lottery draw games and a determination of whether implementation of a program to sell tickets or shares for lottery draw games would require a bidding process for contracts to facilitate sales of tickets or shares for lottery draw games over the Internet;
6. Consideration and analysis of the experience of other states that have implemented the sale of tickets or shares for lottery draw games over the Internet; and
7. Consideration and analysis of whether lottery draw games conducted over the Internet may affect the Tri-state Lotto Compact and what changes would be necessary to that compact.

The director shall submit the proposal, including recommendations for legislation to implement the sale of tickets or shares for lottery draw games over the Internet, to the joint standing committee of the Legislature having jurisdiction over lottery matters no later than December 15, 2012. The joint standing committee may report out a bill implementing the recommendations of the director.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This bill allows the State to engage in sales of lottery tickets over the Internet, beginning no sooner than September 1, 2013. Prior to that date, the Director of Alcoholic Beverages and Lottery Operations is required to develop a proposal for a system that will allow the sale, from a publicly accessible website administered by the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations, of lottery tickets.