

STATE OF MAINE

—

IN THE YEAR OF OUR LORD

TWO THOUSAND AND THIRTEEN

—

H.P. 662 - L.D. 938

An Act To Update the Laws Relating to the Tri-state Lotto and the Payment of Prizes to Minors

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

Sec. 1. 8 MRSA §371, sub-§4-A is enacted to read:

4-A. Electronic funds transfer. "Electronic funds transfer" means a transaction using an electronic device for the purpose of ordering, instructing or authorizing a financial institution to debit or credit an account.

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

A. The types of lotteries to be conducted and which, if any, will be sold as part of the Tri-state Lotto Compact under chapter 16;

Sec. 3. 8 MRSA §385, as corrected by RR 1993, c. 1, §18, is amended to read:

§385. Persons under 18 years; payment of prizes

~~If the person entitled to a prize or any winning ticket is under the age of 18 years and the prize is less than \$5,000, the director may direct payment of the prize by delivery of a check or draft payable to the order of the minor to an adult member of the minor's family or a guardian of the minor. If the person entitled to a prize or on any winning ticket is under the age of 18 years and the prize is \$5,000 or more of age, the director or the director's designee may direct make payment in the amount of the prize to the minor by depositing the amount of the prize in a check made payable to an adult member of the minor's family or a guardian as custodian of the minor or by an electronic funds transfer to any bank financial institution to the credit an account in the name of an adult member of the minor's family or guardian as custodian for the minor. The person named as custodian has the same duties and powers as a person designated as a custodian in a manner prescribed by the "Maine Uniform Transfers to Minors Act." For purposes of this section, the terms "adult member of a the minor's family," "guardian of a minor" "custodian" and "bank" "financial institution" have the same meanings as set out in that~~

Act. The director or the director's designee is relieved of all further liability upon payment of a prize to a minor pursuant to this section.

Sec. 4. 8 MRSA §403, as enacted by PL 1983, c. 732, §1, is amended to read:

§403. Statement of purpose

This compact is enacted to implement the operation of Tri-state Lotto for the purpose of raising additional revenue for each of the party states. Tri-state Lotto is not intended to replace any existing lottery games in the party states but, rather, to be run in addition to those games. Tri-state Lotto tickets will be sold in each of the party states and processed in a central area to be determined by the commission. ~~Fifty percent~~ Not less than 50% of the gross sales from each state will be aggregated in a common prize pool, and operating costs will be charged proportionally, according to sales, to the party states. The remaining revenues generated within each state ~~will~~ remain in that particular state.

Sec. 5. 8 MRSA §404, sub-§2-A is enacted to read:

2-A. Electronic funds transfer. "Electronic funds transfer" means a transaction using an electronic device for the purpose of ordering, instructing or authorizing a financial institution to debit or credit an account.

Sec. 6. 8 MRSA §409, sub-§1, ¶B, as enacted by PL 1983, c. 732, §1, is amended to read:

B. The price of the tickets sold under the authority of this chapter or chapter 14-A;

Sec. 7. 8 MRSA §409, sub-§1, ¶E, as enacted by PL 1983, c. 732, §1, is amended to read:

E. The frequency of the drawings or selections of winning tickets for lottery games administered under this chapter or chapter 14-A;

Sec. 8. 8 MRSA §409, sub-§1-A is enacted to read:

1-A. Rules; exemption. Rules adopted under subsection 1 are not subject to the Maine Administrative Procedure Act.

Sec. 9. 8 MRSA §415, sub-§2, as amended by PL 1999, c. 64, §1, is further amended to read:

2. Tri-state Lotto Prize Account. Within one week after a Tri-state Lotto drawing ~~has been held~~ or selection of winning tickets sold under the authority of this chapter or chapter 14-A, the party state lottery or commission shall pay to the commission, who in turn shall promptly pay to an account known as the Tri-state Lotto Prize Account, such money as is necessary for the payment of prizes, less actual prizes paid by the respective party state in the preceding week, but not ~~to exceed 60%~~ less than 50% of the total amount for which tickets have been sold.

Sec. 10. 8 MRSA §416, sub-§2, as enacted by PL 1983, c. 732, §1, is amended to read:

2. Payment; persons under 18 years of age. ~~If the person entitled to a prize on any winning ticket is under 18 years of age and the prize is less than \$5,000, the commission may make payment by delivery to an adult member of the minor's family or a guardian of the minor of a check or draft payable to the order of the minor. If the person entitled to a prize on any winning ticket is under 18 years of age and if the prize is \$5,000 or more, the commission may make payment in the amount of the prize to the minor by depositing the amount of the prize in a check made payable to an adult member of the minor's family or a guardian as custodian of the minor or by an electronic funds transfer to any bank financial institution to the credit an account in the name of an adult member of the minor's family or a guardian of the minor as custodian for the minor. The person named as custodian has the same duties and powers as a person designated as a custodian in a manner prescribed by the Maine Uniform Transfers to Minors Act. For purposes of this subsection, "adult member of the minor's family," "custodian" and "financial institution" have the same meanings as set out in that Act.~~ The commission ~~shall be~~ is discharged of all further liability upon payment of a prize to a minor pursuant to this subsection.

Sec. 11. 8 MRSA §416-A, sub-§10, as enacted by PL 1995, c. 652, §2 and affected by §4, is amended to read:

10. Child support and other state debts. This compact recognizes that each party state has enacted laws authorizing a party state agency to ~~collect~~ offset against lottery winnings debts owed for child support debts and arrearages, unemployment overpayment and tax liability. Upon receipt of notice from a party state agency, the commission shall suspend payment of winnings in the amount of the ~~child support debt or arrearage~~ and notify the winner. ~~Child support~~ Any debts and arrearages of a winner under this subsection must be offset by the commission in the manner in which the state lottery or commission of a party state is required by law to offset those debts ~~and arrearages.~~

Sec. 12. 8 MRSA §417, as enacted by PL 1983, c. 732, §1, is amended to read:

§417. Unclaimed prize money

Unclaimed prize money for the prize on a winning ticket ~~shall~~ must be retained by the commission for payment to the person entitled ~~hereto~~ to the prize money for one year after the drawing or selection of a winning ticket in which the prize was won. If ~~no~~ a claim is not made for the prize within one year from the date of the drawing or selection of a winning ticket, the prize money ~~shall~~ must be credited to the prize pool. Upon the expiration of a one-year time period from the drawing date or selection of a winning ticket, the ticket holder ~~shall forfeit~~ forfeits any claim or entitlement to the prize ~~moneys~~ money.