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VETERANS AND LEGAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " " to H.P. 662, L.D. 938, Bill, "An Act To Update the Laws Relating to the Tri-state Lotto and the Payment of Prizes to Minors"

Amend the bill by striking out all of section 1 and inserting the following:

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

COMMITTEE AMENDMENT

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

3 Amend the bill by adding after section 2 the following:

4 '**Sec. 3. 8 MRSA §404, sub-§2-A** is enacted to read:

5 **2-A. Electronic funds transfer.** "Electronic funds transfer" means a transaction
6 using an electronic device for the purpose of ordering, instructing or authorizing a
7 financial institution to debit or credit an account.

8 **Sec. 4. 8 MRSA §409, sub-§1-A** is enacted to read:

9 **1-A. Rules; exemption.** Rules adopted under subsection 1 are not subject to the
10 Maine Administrative Procedure Act.'

11 Amend the bill in section 3 in paragraph B in the first line (page 1, line 29 in L.D.) by
12 striking out the following: "in the lotteries" and inserting the following: 'sold under the
13 authority of this chapter or chapter 14-A'

14 Amend the bill in section 4 in paragraph E in the first line (page 1, line 32 in L.D.) by
15 inserting after the following: "tickets" the following: 'for lottery games administered
16 under this chapter or chapter 14-A'

17 Amend the bill in section 5 in subsection 2 in the 2nd line (page 1, line 36 in L.D.) by
18 inserting after the following: "tickets" the following: 'sold under the authority of this
19 chapter or chapter 14-A'

20 Amend the bill by adding after section 5 the following:

21 '**Sec. 6. 8 MRSA §416, sub-§2**, as enacted by PL 1983, c. 732, §1, is amended to
22 read:

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

38 Amend the bill in section 6 in subsection 10 in the first line (page 2, line 5 in L.D.) by
39 striking out the following: "**Other**" and inserting the following: '**Child support and**
40 **other**'

1 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
2 section number to read consecutively.

3 **SUMMARY**

4 This amendment establishes a definition of "electronic funds transfer" as it applies to
5 payment of prizes and provides that a check or electronic funds transfer may be provided
6 to a minor's family or guardian for payment of a prize issued by the Maine State Lottery
7 or under the Tri-state Lotto Compact. The amendment also clarifies the bill with regard
8 to authorizing administration of instant ticket games under the Tri-state Lotto Compact by
9 inserting appropriate references.