

Title 8: AMUSEMENTS AND SPORTS

Chapter 14-A: LOTTERY

Table of Contents

Section 371. DEFINITIONS.....	3
Section 372. DIRECTOR.....	4
Section 373. STATE LOTTERY COMMISSION (REPEALED).....	5
Section 374. COMMISSION; POWERS AND DUTIES.....	5
Section 375. LOTTERY SALES; LICENSING; APPEALS.....	7
Section 376. SUSPENSION AND REVOCATION OF LICENSES.....	7
Section 377. AUTHORITY TO ACT.....	8
Section 378. ASSIGNMENT OF PRIZES.....	8
Section 379. SALES ABOVE FIXED PRICE; UNLICENSED SALES; GIFTS.....	8
Section 380. SALES TO PERSONS UNDER 18 YEARS OF AGE; GIFTS.....	9
Section 381. PERSONS PROHIBITED FROM PURCHASING TICKETS OR SHARES.....	9
Section 382. UNCLAIMED PRIZE MONEY.....	9
Section 383. DEPOSIT OF RECEIPTS; REPORTS.....	10
Section 384. OTHER LAWS; APPLICABILITY.....	10
Section 385. PERSONS UNDER 18 YEARS; PAYMENT OF PRIZES.....	10
Section 386. STATE LOTTERY FUND; CREATION.....	11
Section 387. STATE LOTTERY FUND; APPROPRIATION OF MONEY.....	11
Section 388. MAINE STATE INCOME TAX; PRIZES EXEMPT (REPEALED).....	11
Section 389. FORGED LOTTERY TICKETS.....	11

Maine Revised Statutes
Title 8: AMUSEMENTS AND SPORTS
Chapter 14-A: LOTTERY

§371. DEFINITIONS

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings. [1987, c. 505, §2 (NEW).]

1. Bureau. "Bureau" means the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services to carry out the purposes of this chapter.

[1991, c. 780, Pt. Y, §107 (AMD) .]

2. Commission. "Commission" means the State Liquor and Lottery Commission established in Title 5, section 283-A.

[1997, c. 373, §5 (AMD) .]

3. Commissioner. "Commissioner" means the Commissioner of Administrative and Financial Services.

[1991, c. 780, Pt. Y, §107 (AMD) .]

4. Director. "Director" means the Director of Alcoholic Beverages and Lottery Operations.

[1991, c. 780, Pt. Y, §107 (AMD) .]

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.

[2013, c. 352, §1 (NEW) .]

5. Person. "Person" means an individual, association, corporation, limited liability company, limited partnership, limited liability partnership, partnership, club, trust, estate, society, company, receiver, trustee, assignee, referee or other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals. "Person" means all departments, commissions, agencies and instrumentalities of the State, including counties and municipalities and agencies and instrumentalities thereof.

[2011, c. 310, §1 (AMD) .]

6. Agent. "Agent" means a person or that person's representative who has been licensed under this chapter to sell lottery tickets on behalf of the State from the physical premises of the licensee's retail business establishment.

[2011, c. 630, §1 (NEW) .]

SECTION HISTORY

1987, c. 505, §2 (NEW). 1991, c. 780, §Y107 (AMD). 1997, c. 373, §5 (AMD). 2011, c. 310, §1 (AMD). 2011, c. 630, §1 (AMD). 2013, c. 352, §1 (AMD).

§372. DIRECTOR

The executive head of the bureau shall be the director. [1987, c. 505, §2 (NEW).]

1. Appointment; qualifications.

[1991, c. 780, Pt. Y, §108 (RP) .]

2. Powers and duties. The director shall have the following powers and duties:

A. Supervise the operation of lotteries in accordance with this chapter and chapter 16 and with the rules adopted under this chapter and chapter 16; [2011, c. 310, §2 (AMD).]

B. Act as the chief administrative officer, having general charge of the office and records and to employ such personnel as may be necessary to fulfill the purposes of this chapter and chapter 16. The personnel must be employed with the approval of the commissioner and are subject to the Civil Service Law, except for the deputy director who is appointed by and serves at the pleasure of the director; [2011, c. 310, §2 (AMD).]

C. Act as executive secretary of the commission; [1987, c. 505, §2 (NEW).]

D. In accordance with this chapter and chapter 16 and the rules adopted under this chapter and chapter 16, license as agents to sell lottery tickets such persons who, in the director's opinion, will best serve the public convenience and promote the sale of tickets or shares. The director may require a bond from every licensed agent in such amount as provided by rule. Every licensed agent shall prominently display the agent's license, or a copy of the license, as provided by rule; [2011, c. 310, §2 (AMD).]

E. Confer regularly as necessary or desirable and not less than once each month with the commissioner on the operation and administration of the lotteries; make available for inspection by the commissioner, upon request, all books, records, files and other information and documents of the commission; advise the commissioner and recommend such matters as he deems necessary and advisable to improve the operation and administration of the lotteries; [1987, c. 505, §2 (NEW).]

F. [2011, c. 310, §3 (RP).]

G. Subject to the approval of the commission and to any applicable laws relating to public contracts, enter into contracts for the operation of the lotteries, or any part of the lotteries, and into contracts for the promotion of the lotteries. All contracts must be awarded in accordance with rules adopted by the Department of Administrative and Financial Services pursuant to Title 5, chapters 141 to 145 and Title 5, sections 1812 and 1813. A contract awarded or entered into by the director may not be assigned by the holder of the contract, except by specific approval of the commission. [2007, c. 466, Pt. A, §28 (AMD).]

H. Certify monthly to the Treasurer of State, the commission and the commissioner a full and complete statement of lottery revenues, prize disbursements and other expenses for the preceding month; submit an annual report, subject to the approval of the commission, that must include a full and complete statement of lottery revenues, prize disbursements and expenses, to the Governor and the Legislature, together with recommendations for changes in this chapter; [1991, c. 780, Pt. Y, §109 (AMD).]

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 [2003, c. 673, Pt. MM, §1 (AMD).]

J. Assign duties as necessary to a designee. [1991, c. 780, Pt. Y, §112 (NEW).]

[2011, c. 310, §§2, 3 (AMD) .]

SECTION HISTORY

1987, c. 505, §2 (NEW). 1989, c. 879, §§1,2,4 (AMD). 1991, c. 780, §§Y108-112 (AMD). 1991, c. 796, §1 (AMD). 1991, c. 796, §§4,5 (AFF). 1993, c. 349, §23 (AMD). 2003, c. 673, §MM1 (AMD). 2007, c. 466, Pt. A, §28 (AMD). 2011, c. 310, §§2, 3 (AMD).

§373. STATE LOTTERY COMMISSION

(REPEALED)

SECTION HISTORY

1987, c. 505, §2 (NEW). 1989, c. 503, §B49 (AMD). 1997, c. 373, §6 (RP).

§374. COMMISSION; POWERS AND DUTIES

The commission shall meet with the director, not less than once each month, to adopt 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. A lottery under this section may include, but is not limited to, a draw game in which the prize paid to a winning player is calculated as a share of the prize pool. A lottery may not include a draw game that has more than 5 daily drawings and that pays a player a set prize amount based on the wager made by the player and in which the operator keeps all losing wagers, as with the draw game commonly known as keno. Rules adopted by the commission must be adopted in a manner consistent with Title 5, chapter 375. [2015, c. 96, §1 (AMD) .]

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

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; [2013, c. 352, §2 (AMD) .]

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 or the director's designee; [2011, c. 310, §4 (AMD) .]

I. The issuing of licenses to sell tickets or shares to qualified persons who are at least 18 years of age and the denial, suspension and revocation of those licenses; [2011, c. 310, §5 (AMD).]

J. The license fee to be charged to persons applying for a license; [2011, c. 310, §6 (AMD).]

K. The manner and amount of compensation to be paid to persons licensed to sell lottery tickets or shares necessary to provide for the adequate availability of tickets or shares to prospective buyers and for the convenience of the general public; [2011, c. 310, §7 (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).]

[2013, c. 352, §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.

[2011, c. 310, §8 (RP) .]

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. 414, §D7 (AFF). 2003, c. 516, §1 (AMD). 2003, c. 614, §9 (AFF). 2011, c. 310, §§4-8 (AMD). 2013, c. 352, §2 (AMD). 2015, c. 96, §1 (AMD).

§375. LOTTERY SALES; LICENSING; APPEALS

1. Factors. A license to sell lottery tickets or shares may be issued by the director or the director's designee to any qualified person. Before issuing the license, the director or the director's designee shall consider at least the following factors:

- A. The financial responsibility and security of the person and the person's business or activity; [1993, c. 641, §1 (AMD).]
- B. The accessibility of the person's place of business or activity to the public; [1993, c. 641, §1 (AMD).]
- C. The sufficiency of existing licensees to serve the public convenience; and [1987, c. 505, §2 (NEW).]
- D. The volume of expected sales. [1987, c. 505, §2 (NEW).]

[2011, c. 310, §9 (AMD) .]

2. Appeals. If the director or the director's designee denies a person a license to sell lottery tickets or shares, the person may appeal the decision to the commission by filing a written appeal with the commission within 15 days of the mailing of the decision. A person aggrieved by a decision of the commission may appeal the commission's decision by filing a complaint with the District Court and serving a copy of the complaint upon the commission. The complaint must be filed and served within 30 days of the mailing of the commission's decision.

[2011, c. 310, §9 (AMD) .]

SECTION HISTORY

1987, c. 505, §2 (NEW). 1993, c. 641, §1 (AMD). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF). 2011, c. 310, §9 (AMD).

§376. SUSPENSION AND REVOCATION OF LICENSES

1. Reasons for suspension or revocation. The director or the director's designee may suspend or revoke, after notice and hearing in a manner consistent with the Maine Administrative Procedure Act, any license issued pursuant to this chapter. The license may be temporarily suspended by the director or the director's designee, pending any prosecution, investigation or hearing. A license may be suspended or revoked by the director or the director's designee for just cause, including actions inconsistent with those considered appropriate for an agent operating a business on behalf of the State, or one or more of the following reasons:

- A. Failure to account for tickets received or the proceeds of the sale of tickets or to file a bond, if required, or to comply with provisions of this chapter or rules adopted under this chapter concerning the licensed activity; [2011, c. 310, §10 (AMD).]
- B. Conviction of any criminal offense; [1987, c. 505, §2 (NEW).]
- C. Failure to file any return or report, to keep records or to pay any tax; [1987, c. 505, §2 (NEW).]
- D. Engaging in fraud, deceit, misrepresentation or conduct prejudicial to public confidence; [1987, c. 505, §2 (NEW).]
- E. Insufficiency of the number of tickets sold by a person licensed to sell lottery tickets or shares; or [2011, c. 310, §10 (AMD).]

F. A material change, since issuance of the license, with respect to any of the matters required to be considered by the director under section 375 or as defined by rules adopted under this chapter. [2011 , c. 310, §10 (AMD).]

[2011, c. 310, §10 (AMD) .]

2. Suspension; state license.

[2011, c. 310, §11 (RP) .]

SECTION HISTORY

1987, c. 505, §2 (NEW). 2011, c. 310, §§10, 11 (AMD).

§377. AUTHORITY TO ACT

Notwithstanding any other provision of law, any person licensed as provided in this chapter may act as a lottery sales agent. [1987, c. 505, §2 (NEW).]

SECTION HISTORY

1987, c. 505, §2 (NEW).

§378. ASSIGNMENT OF PRIZES

No right of any person to a prize drawn may be assignable, except that payment of any prize drawn may be paid to the estate of a deceased prize winner, and except that any person pursuant to an appropriate judicial order or an administrative order relating to child support may be paid the prize to which the winner is entitled. The bureau is discharged of all further liability upon payment of a prize pursuant to this section. [1991, c. 295, §1 (AMD).]

SECTION HISTORY

1987, c. 505, §2 (NEW). 1991, c. 295, §1 (AMD).

§379. SALES ABOVE FIXED PRICE; UNLICENSED SALES; GIFTS

No person may sell a ticket or share at a price greater than that fixed by rule of the commission. No person other than a licensed lottery sales agent may sell lottery tickets or shares, except that nothing in this section prevents any person from giving lottery tickets or shares to another as a gift. [1987, c. 505, §2 (NEW).]

Nothing in this section may be construed to prohibit a person from transferring tickets or shares as part of a sales promotion provided the promotion has been approved in advance by the commission or director pursuant to rules adopted under section 374, subsection 1, paragraph H. [1991, c. 683, §2 (NEW).]

Any person who violates this section commits a civil violation for which a forfeiture of not more than \$200 may be adjudged. [1987, c. 505, §2 (NEW).]

SECTION HISTORY

1987, c. 505, §2 (NEW). 1991, c. 683, §2 (AMD).

§380. SALES TO PERSONS UNDER 18 YEARS OF AGE; GIFTS

1. Sale to person under 18 years of age. A ticket or a share may not be sold to a person under 18 years of age. This does not prohibit a person 18 years of age or older from purchasing a ticket or a share for the purpose of making a gift to a person less than 18 years of age. A licensee who knowingly sells or offers to sell a lottery ticket or share to a person under 18 years of age commits a civil violation for which a forfeiture of not more than \$200 may be adjudged.

[1991, c. 683, §3 (NEW) .]

2. Transfer of ticket or share as part of sales promotion. A person authorized by the commission or the director to conduct a sales promotion may not transfer a lottery ticket or share to a person under 18 years of age as part of that sales promotion. This does not prohibit a person who receives a ticket or a share in an authorized sales promotion from transferring the ticket or the share to a person under 18 years of age as a gift. A person who knowingly transfers or offers to transfer a lottery ticket or share to a person under 18 years of age as part of a sales promotion commits a civil violation for which a forfeiture of not more than \$200 may be adjudged.

[1991, c. 683, §3 (NEW) .]

SECTION HISTORY

1987, c. 505, §2 (NEW). 1991, c. 683, §3 (RPR).

§381. PERSONS PROHIBITED FROM PURCHASING TICKETS OR SHARES

A ticket or share may not be purchased by and a prize may not be paid to any of the following persons:
[1995, c. 158, §1 (RPR).]

1. Commission officers. An officer of the commission;

[1995, c. 158, §1 (NEW) .]

2. Senior supervisory personnel. Senior supervisory employees of the commission, as determined by the commission officers; and

[1995, c. 158, §1 (NEW) .]

3. Household member. Any spouse, child, brother, sister, parent or person residing as a member of the same household in the principal place of abode of any of the persons identified in subsections 1 and 2.

[1995, c. 158, §1 (NEW) .]

SECTION HISTORY

1987, c. 505, §2 (NEW). 1995, c. 158, §1 (RPR).

§382. UNCLAIMED PRIZE MONEY

Unclaimed prize money for the prize on a winning ticket or share must be retained by the director for the person entitled to it for one year after the drawing in which the prize was won. If no claim is made for the money within that year, the prize money must be transferred to the General Fund as undedicated revenue.
[1993, c. 6, Pt. B, §2 (AMD).]

Unclaimed prize money for a game for which there is no drawing must be retained by the director for a reasonable period of time and may be transferred to the General Fund if the director determines that adequate funds have been retained to pay anticipated delayed claims. [1997, c. 24, Pt. C, §3 (NEW).]

SECTION HISTORY

1987, c. 505, §2 (NEW). 1993, c. 6, §B2 (AMD). 1997, c. 24, §C3 (AMD).

§383. DEPOSIT OF RECEIPTS; REPORTS

The director may require any lottery sales agents to deposit to the credit of the State Lottery Fund in banks designated by the Treasurer of State all money received by the agents from the sale of lottery tickets or shares, less the amount, if any, retained as compensation for the sale of tickets or shares and to file with the director or his designated agents reports of their receipts and transactions in the sale of lottery tickets in such form and containing such information as he may require. The director may make such arrangements for any person, including a bank, to perform the functions, activities or services in connection with the operation of the lottery as he may deem advisable pursuant to this chapter and the rules of the commission and those functions, activities or services shall constitute lawful functions, activities and services of that person. [1987, c. 505, §2 (NEW).]

SECTION HISTORY

1987, c. 505, §2 (NEW).

§384. OTHER LAWS; APPLICABILITY

No other law providing any penalty or disability for the sale of lottery tickets or any acts done in connection with a lottery applies to the sale of tickets or shares performed pursuant to this chapter. [1987, c. 505, §2 (NEW).]

SECTION HISTORY

1987, c. 505, §2 (NEW).

§385. PERSONS UNDER 18 YEARS; PAYMENT OF PRIZES

If the person entitled to a prize on any winning ticket is under 18 years of age, the director or the director's designee may make payment in the amount of the prize to the minor by 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 financial institution to 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 the minor's family," "custodian" and "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. [2013, c. 352, §3 (AMD).]

SECTION HISTORY

1987, c. 505, §2 (NEW). RR 1993, c. 1, §18 (COR). 2013, c. 352, §3 (AMD).

§386. STATE LOTTERY FUND; CREATION

There is created and established a separate fund to be known as the "State Lottery Fund," to be deposited in such depositories as the Treasurer of State may select. These funds shall consist of all revenue received from the sale of lottery tickets or shares, agents' license fees and all other money credited or transferred to that fund from any other fund or source pursuant to law. [1987, c. 505, §2 (NEW).]

SECTION HISTORY

1987, c. 505, §2 (NEW).

§387. STATE LOTTERY FUND; APPROPRIATION OF MONEY

1. Appropriation. The money in the State Lottery Fund may be appropriated only:

A. For the payment of prizes to the holders of winning lottery tickets or shares; [1987, c. 505, §2 (NEW).]

B. For the expense of the division in its operation of the lottery; [1995, c. 494, §5 (AMD).]

C. For payment to the General Fund; and [1995, c. 494, §5 (AMD).]

D. For payment to the Maine Outdoor Heritage Fund pursuant to Title 12, section 10302. [2003, c. 414, Pt. B, §18 (AMD); 2003, c. 614, §9 (AFF).]

[2003, c. 414, Pt. B, §18 (AMD); 2003, c. 614, §9 (AFF) .]

2. Apportionment. The money in the State Lottery Fund shall be apportioned so that not less than 45% of the total ticket sales received in the lottery will be disbursed as prizes to holders of winning tickets. All other money, less reasonable costs for the proper administration of the State Lottery, shall be the State's share.

[1987, c. 505, §2 (NEW) .]

SECTION HISTORY

1987, c. 505, §2 (NEW). 1995, c. 494, §5 (AMD). 2003, c. 414, §B18 (AMD). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF).

§388. MAINE STATE INCOME TAX; PRIZES EXEMPT

(REPEALED)

SECTION HISTORY

1987, c. 505, §2 (NEW). 1987, c. 546, (RP).

§389. FORGED LOTTERY TICKETS

1. Forge, counterfeit or alter ticket. A person may not forge or counterfeit a Maine State Lottery ticket, alter a Maine State Lottery ticket prepared by the Director of the State Lottery or cause such alteration or forgery.

[2003, c. 452, Pt. C, §8 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

2. Publish, pass or tender as true ticket. A person may not intentionally or knowingly publish, pass or tender as true a forged, altered or counterfeited Maine State Lottery ticket.

[2003, c. 452, Pt. C, §8 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

3. Secure or manufacture. A person may not, with intent to defraud, secure, manufacture or cause to be secured or manufactured a counterfeit Maine State Lottery ticket.

[2003, c. 452, Pt. C, §8 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

4. Possess counterfeit ticket or counterfeiting device. A person may not, with intent to defraud, possess a counterfeit Maine State Lottery ticket or a counterfeiting device.

[2003, c. 452, Pt. C, §8 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

5. Penalty. A person who violates this section commits a Class D crime.

[2003, c. 452, Pt. C, §8 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

SECTION HISTORY

1999, c. 176, §1 (NEW). 2003, c. 452, §X2 (AFF). 2003, c. 452, §C8 (RPR) .

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