

MAINE STATE LEGISLATURE

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NINTH REVISION

REVISED STATUTES

OF THE

STATE OF MAINE

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THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA

Revised Statutes of Maine

Chapter 88.

Boxing Commission.

Sec. 1. State boxing commission.—The Maine state boxing commission, as heretofore established and hereinafter in this chapter called the “commission,” shall consist of 3 members who shall be appointed for terms of 3 years and may be for cause removed by the governor with the advice and consent of the council. Each member of the commission shall receive a salary of \$850 a year and his reasonable expenses, including transportation, incurred in the performance of his duties. Any vacancy shall be filled by appointment for the unexpired term. The members shall serve until their successors are appointed and qualified. So far as is practicable they shall be persons interested in and familiar with boxing. (R. S. c. 78, § 1. 1949, c. 392.)

See c. 16, § 2, re bond of state officials.

Sec. 2. Organization.—The commissioners shall select one of their members to be secretary of the commission. Two of the members of the commission shall constitute a quorum to do business. It shall be the duty of the secretary to keep a record of all proceedings of the commission and to preserve all books, maps, documents, papers and records entrusted to its care. (R. S. c. 78, § 2. 1953, c. 244, § 1.)

Sec. 3. Office.—The commission shall have an office in Augusta. (R. S. c. 78, § 4.)

Sec. 4. Disbursements.—The compensation of the commissioners, reasonable transportation expenses of the chairman incurred in the performance of his duties and other necessary expenses of the commission, including suitable furniture, equipment, supplies and office expenses shall be charged to and paid out of such amount as the legislature may appropriate. (R. S. c. 78, § 5. 1945, c. 297, § 28.)

Sec. 5. Report.—The commission shall make an annual report to the governor on or before the 1st day of December in each year, including therein an account of its actions, receipts derived under the provisions of this chapter, the practical effects of the application of this chapter and any recommendation for legislation which the commission deems advisable. (R. S. c. 78, § 6.)

See c. 16, § 5, re uniform fiscal year.

Sec. 6. Jurisdiction. — The commission shall have the sole direction, control and jurisdiction over all boxing contests or exhibitions and is empowered to institute and promulgate all rules and regulations necessary therefor. No boxing contests or exhibitions, except as herein provided, shall be held or conducted within this state except under a license and permit issued by the state boxing commission in accordance with the provisions of this chapter and the rules and regulations adopted in pursuance thereof. (R. S. c. 78, § 7. 1953, c. 244, § 2.)

See c. 136, §§ 12-14, re prize fights and boxing contests.

Sec. 7. Licenses. — The commission may issue in its discretion under the name and seal of the commission, a license in writing to extend for 1 year, unless revoked by the commission for cause, to any person, club, association or corporation who or which is properly qualified, which will entitle him or it to conduct boxing contests and exhibitions for a period of 1 year from date of issuance, in accordance with the provisions of this chapter and the rules and regulations adopted in pursuance thereof. Such license may be revoked or suspended by the

commission upon hearing and proof that the holder of such license has violated any of the provisions of this chapter or of any rule, regulation or order of the commission. The commission may in its discretion fix the fee of such license at a figure between \$10 and \$100, depending upon the probable income of the licensee to be derived from the conducting of such boxing contests and exhibitions.

All persons engaging in such boxing contests and exhibitions as boxers, seconds, managers, timekeepers, knock-down timekeepers, referees, judges and physicians must have been licensed by the commission in a like manner, such licenses to be subject to revocation or suspension for cause. The yearly fees shall be as follows: boxers, \$6; managers, \$5; seconds, \$5; referees, \$5; judges, timekeepers, knock-down timekeepers and physicians, no fee.

Upon the application for any such license as enumerated above, the chairman of the commission shall in his discretion temporarily issue or refuse to issue the license or he may upon information of violation of the provisions of this chapter or the rules of the commission temporarily suspend or revoke a license for cause. Upon written request of the applicant, licensee, chairman of the commission or of any 3 citizens of the state, or of the athletic commissions or boxing commissions of any other state, or of the national boxing association, the commission shall, after written notice to the interested parties sent to them by registered letter mailed postpaid at least 7 days before the hearing, consider the matter at its regular meeting and rule upon the issuance, suspension, rejection or revocation of said license, but when application by a well reputed fraternal, charitable or patriotic organization for holding amateur boxing contests or exhibitions is made to the commission, it may grant such license and without the requirement of the payment of the fees hereinbefore enumerated.

Any person, club, association or corporation, or any officer of such club, association or corporation who conducts such a boxing contest, or any boxer, manager, timekeeper, knock-down timekeeper, second, referee, judge or physician who engages in or in any way takes part in such a contest without first obtaining such a license, or when such license has expired or has been suspended or revoked by the commission or temporarily suspended or revoked by the chairman, shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$10 nor more than \$1,000. (R. S. c. 78, § 8. 1945, c. 213. 1949, c. 111, §§ 1, 2. 1953, c. 244, §§ 3, 4.)

Sec. 8. Accident insurance for boxers.—The commission shall have the authority, in its discretion, to make and promulgate rules requiring coverage by accident insurance in the event of injury or death for persons competing in properly licensed boxing or sparring matches or exhibitions, as defined in this chapter. Such insurance, if required, shall comply with standards prescribed by the insurance commissioner. (1953, c. 245.)

Sec. 9. Hearings.—Any hearing by the commission shall be at its office after notice in writing sent postpaid by registered mail to all interested parties at least 7 days before the date of the hearing. The commission in conducting such hearing shall not be bound by technical rules of evidence. The secretary of the commission shall preserve the petition, exhibits and the findings of the commission which shall constitute the record in each case. Any person, club, association or corporation interested in such hearing may be represented by counsel and shall have the right to introduce evidence. The attorney general of the state may assist in the conduct of such hearing. Every member of the commission shall have power to administer oaths and affirmations, certify to all official acts, issue subpoenas, compel the attendance and testimony of witnesses, and the production of papers, books, accounts and documents for the purposes of administering the provisions of this chapter. If any person served with a subpoena to appear and testify, or to produce books, papers, accounts or documents issued by the commission or any member thereof in the course of an inquiry or hearing conducted under the provisions of this chapter, shall, in disobedience of such sub-

poena, refuse, neglect or fail to appear or to testify, or to produce such books, papers, accounts or documents, then any member of the commission may apply to a justice of any of our superior courts, in term time or in vacation, and thereupon the said justice shall issue a subpoena requiring such person to appear and to testify and to produce such books, papers, accounts or documents before the said commission. Any person failing or refusing to obey a subpoena of such justice shall be liable for proceedings as for contempt.

Any person who shall swear falsely to any matter before the commission shall be guilty of perjury and shall be punished accordingly.

The commission or any member thereof may in hearings before said commission cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil cases in the courts of this state.

All hearings shall be held before at least 2 members of said commission and the concurrence of at least 2 members of the commission shall be necessary to any finding or order.

The findings of the commission shall be the basis for suspension, revocation or rejection of a license but such findings shall not be admissible in evidence in any criminal prosecution.

Any person, club, association or corporation aggrieved by the findings of the commission may, by petition, take an appeal within 60 days to the superior court in the county where the hearing was held. Such petition shall, in substance, state the findings of the commission and the grounds for appeal, and said court shall consider said proceeding de novo and the parties thereto shall have right of exception and appeal as in civil matters. In the event the final judgment of the court reverses the finding of the commission, the court finding and order shall be conclusive upon the commission. (R. S. c. 78, § 9.)

Cited in *In re Hadlock*, 142 Me. 116, 48 A. (2d) 628.

Sec. 10. Rules and regulations. — The commission shall issue to each promoter a printed form, which shall be returned to the commission by registered letter mailed within 48 hours of the completion of a boxing contest or exhibition held under the provisions of this chapter, on which there shall be a list of the names of the contestants with the signed statement of a licensed physician stating that he examined them within 10 hours of the contest or exhibition and found them to be in good physical condition and that he weighed them and what he found their various weights to be. It shall also contain the signed statement of the promoter stating the results of each contest or exhibition, the names of the referee and judges and the gross receipts. (R. S. c. 78, § 10. 1953, c. 244, § 5.)

Sec. 11. Tax.—The promoter or promoters of all boxing contests or exhibitions held under the provisions of this chapter shall pay to the treasurer of state, for credit to the general fund, a tax of 3% of the gross receipts from such contest or exhibition. This tax shall have been paid to the treasurer of state by the last day of the month following the month in which such contest or exhibition is held. Upon failure to pay such tax to the treasurer of state, such promoter or promoters shall be liable to pay a penalty of 25% of the amount of the tax due, which penalty shall be recovered by an action on the case brought in the name of the said commission, and the said penalty if recovered shall be paid to the treasurer of state to be credited to the general fund. On the failure of any promoter or promoters to pay such a tax, the commission shall revoke the promoter's license. (R. S. c. 78, § 11. 1945, c. 297, § 29. 1953, c. 244, § 6.)

Sec. 12. Decisions.—In all boxing contests or exhibitions conducted under the provisions of this chapter, there may be a decision as to the winner by 2 judges and the referee, licensed under the provisions of this chapter. (R. S. c. 78, § 12. 1953, c. 244, § 7.)