

MAINE STATE LEGISLATURE

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Yes ✓
September 22, 1967

E. B. Stevens

Boxing Commission

Warren E. Winslow, Jr., Assistant

Attorney General

Supervision of Amateur Boxing by the Boxing Commission.

FACTS:

We have been asked to advise the Boxing Commission as to its responsibility in supervising boxing at fraternal clubs or educational institutions where there might be no set fee charged for admission. There is also a question regarding the distribution of proceeds from these contests.

QUESTION #1:

Whether the Boxing Commission is charged with supervising such amateur boxing contests?

ANSWER #1:

Yes.

QUESTION #2:

Whether the Boxing Commission, when licensing such groups, should determine where the proceeds from such a contest are going?

ANSWER #2:

No.

OPINION:

According to 8 M.R.S.A. § 106:

"§ 106. 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 provided, shall be held or conducted within this State except under a license and permit issued by the commission in accordance with this chapter and the rules and regulations adopted in pursuance thereof."

The nature of the contests, i.e., amateur or professional, has nothing to do with the supervisory position of the Boxing Commission. The Commission has the sole direction, control and jurisdiction over all boxing contests or exhibitions. (Emphasis added) This, of course, includes supervisory functions.

Under S.M.R.S.A. § 107, the part dealing with "well reputed fraternal, charitable or patriotic organizations" refers to a waiver of the requirement of payment of fees for obtaining a license. This is the only exemption under the statute given to such organization; otherwise they are treated as any other group to be licensed and supervised by the Boxing Commission.

The fact that fees are limited to donations or that there are no fees at all doesn't change this result.

As to your second question, it doesn't appear that the language of S.M.R.S.A. § 106, quoted in full above, is broad enough to include determining where proceeds go. 1 Am. Jur. 2d 72;

"The powers of administrative agencies are measured and limited by the statutes or acts creating them or granting their powers, to those conferred expressly or by necessary or fair implication."

The Boxing Commission is charged with issues directly relating to the administration of boxing itself. It is not charged with issues so ancillary as this.

Warren E. Winslow, Jr.
Assistant Attorney General

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