

MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date August 19, 1975

To Joan Surawski, Executive Secretary Dept. Business Regulation - Boxing Com

From Phillip M. Kilmister, Assistant Dept. Attorney General


Subject Proposed New England Boxing Championship and Rule 3(b) Maximum Age Requirements

In answer to your recent inquiry relating to the promotion of a New England Championship Boxing Match in the State of Maine, in which one of the contestants, the current titlist is 35 years of age, it is my opinion that the Commission may license the proposed bout. It is further my belief that the Commission should, simultaneously give consideration to the abolition or amendment of Rule 3(b) of the Boxing Commission Rules and Regulations which, with certain exceptions relating to current and former world titleholders, prohibits all boxers in excess of 35 years of age from engaging in professional boxing matches.

Keeping in mind that the right to engage in professional boxing is a privilege, and subject to stringent license conditions as imposed by the proper licensing agency, to wit: the Maine Boxing Commission, it is non-the-less my opinion that a Court would rule that the restriction of licensure to boxers under 35 years of age, would be an arbitrary and unreasonable classification, incongruent with any existing statutory authorization.

I am not unmindful of the fact that this Office, under date of November 4, 1974, approved of the adoption of the age requirement rule under discussion, and although said approval was intended only as to form rather than substance, perhaps this Office can be considered partially at fault for the promulgation of said rule.

In summary, as noted above, I would suggest that the Commission consider an amendment of Rule 3(b) to reflect a higher maximum age requirement as a condition for the prohibition of licensure of boxing applicants.


PHILLIP M. KILMISTER
Assistant Attorney General

PMK:jg