

MAINE STATE LEGISLATURE

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August 22, 1975

Joan Surawski, Executive Secretary

Boxing Commission

Phillip M. Kilmister, Assistant

Attorney General

Legal Opinion on Female Boxers

Your request for an opinion of this office relating to the right of the Boxing Commission to deny licensure to female applicants has been called to my attention. Your letter under date of August 1, 1975, addressed to the potential promoter of female boxing in the State of Maine accurately reflects the issues involved.


In the absence of any Legislative declaration specifically dealing with the prohibition or allowance of participation of females in boxing matches in the State of Maine, and the absence of any rule or regulation promulgated by the Commission in reference thereto, it is my conclusion that the Commission lacks the authority to deny licensure to female applicants.

Rule 93 of the Boxing Commission governing the physical and mental condition of boxers is, at best, a very fragile basis upon which to deny licensure to female applicants.

The language of Rule 93 reads as follows:

"The Commission may deny, revoke, or suspend the license of any boxer for physical or mental cause. For the purpose of this rule, the Commission shall be deemed to have acted for cause if the Commission shall by personal observation, medical reports, mental reports, past records, or from other information bearing on his physical or mental condition, determine that it would be injurious to the boxer's physical or mental health to participate in a boxing contest."

The above-quoted language in no manner refers to the sex of applicants, or duly licensed boxers, and it certainly cannot be indisputably concluded that a person's sex constitutes, per se, a physical or mental infirmity which would render one unable to engage in the sport of boxing.


PHILLIP M. KILMISTER
Assistant Attorney General

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