

MAINE STATE LEGISLATURE

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(EMERGENCY)
(After Deadline)
SECOND REGULAR SESSION

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1955

H. P. 1898

Office of the Clerk of the House

The Committee on State Government suggested. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 25.

EDWIN H. PERT, Clerk

Presented by Mrs. Boudreau of Portland

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

AN ACT to Exempt the Maine Athletic Commission from the Maine Administrative Procedures Act.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 90-day period may not terminate until after the beginning of the fiscal year; and

Whereas, implementation of the Maine Administrative Procedure Act would take away the limited power of suspension of licenses and seriously hamper the Maine Athletic Commission in carrying out its duties; and

Whereas, in the sports of boxing and wrestling there is often licensing of a single event or exhibition and it is imperative that in regard to not only the denial or renewal of licensure, but also in the area of suspension or revocation of licenses, that the Maine Athletic Commission be able to act on its own, without resort to seeking relief through the judicial system; and

Whereas, the efficient regulation of boxing and wrestling does not lend itself to a complete abdication of the power of suspension of licensure by the Maine Athletic Commission to the Administrative Court; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine, as follows:

Sec 1. 4 MRSA § 1151, sub-§ 2, as enacted by PL 1977, c. 551, § 1, is amended to read:

2. Licensing jurisdiction. Except as provided in Title 5, section 10004, **section 10051, subsection 3**, and Title 29, chapter 17, the Administrative Court shall have exclusive jurisdiction upon complaint of any agency or, if the licensing agency fails or refuses to act within a reasonable time, upon complaint of the Attorney General, to revoke or suspend licenses issued by the agency.

Sec. 2. 5 MRSA § 10051, sub-§ 3 is enacted to read:

3. Exemption. The provisions of subsection 1 shall not apply to the Maine Athletic Commission nor to the provisions of Title 8, chapters 5 and 6. The Maine Athletic Commission may continue to use the procedure contained within Title 8, chapters 5 and 6, in suspending and revoking licenses. An appeal from a decision of the Maine Athletic Commission suspending or revoking a license shall be made in accordance with section 1157 and for the purpose of that section the decision of the Maine Athletic Commission shall be deemed to be a decision by the Maine Administrative Court.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

The purpose of this bill is to give relief to the Maine Athletic Commission from the strict exclusive disciplinary sanctions of suspension and revocation which rest solely in the Administrative Court.

There are many suspensions of 30, 60 or 90 days which boxing or athletic commissions countrywide render for many reasons. If here in Maine, we have to await such initial suspensions and revocations from the Administrative Court, the Maine Athletic Commission would be derelict in its duties to insure the safety of all participants and spectators and to achieve uniformity in the rules governing boxing and wrestling contests and exhibitions.