

MAINE STATE LEGISLATURE

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1 (New Draft of S.P. 253, L.D. 648)
2 FIRST REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 1606

8 S.P. 613

In Senate, May 24, 1985

9 Reported by Senator Bustin of Kennebec from the Committee on
10 Business and Commerce and printed under Joint Rule 2. Original bill
11 presented by Senator Hichens of York. Cosponsored by Senator Brown of
Washington and Senator Andrews of Cumberland.

JOY J. O'BRIEN, Secretary of the Senate

12
13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-FIVE
17

18 AN ACT to Provide Protections to Boxers.
19

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

22 Sec. 1. 8 MRSA §141, first ¶, as amended by PL
23 1983, c. 812, §54, is further amended to read:

24 The Maine Athletic Commission, established by Title 5,
25 section 12004, subsection 1, and in this chapter
26 called "the commission," shall consist of 5 members
27 appointed by the Commissioner of Business, Occupational
28 and Professional Regulation, with the advice and consent
29 of the Governor. No member may receive any compensation
30 or remuneration for promoting, competing or otherwise
31 engaging in boxing ~~or~~, wrestling or kick boxing. Each
32 member of the commission shall be compensated as provided
33 in Title 5, chapter 379.
34

35 Sec. 2. 8 MRSA §142, as enacted by PL 1983, c.
36 413, §2, is amended to read:

1 §142. Declaration of policy

2 It is declared to be the policy of the State,
3 that professional and amateur boxing ~~and~~, professional
4 and exhibition wrestling and professional and ama-
5 teur kick boxing in this State shall be supervised by
6 the commission in a manner designed to promote these
7 sports in accordance with the public interest, insure
8 the safety of all participants and spectators and
9 achieve uniformity in the rules governing participa-
10 tion in these sports within the State.

11 Sec. 3. 8 MRSA §146, sub-§1, as amended by PL
12 1983, c. 553, §4, is further amended to read:

13 1. Boxing. The commission shall have the sole
14 direction, control and jurisdiction over all boxing
15 contests and exhibitions, except that it shall have
16 no jurisdiction over any amateur intercollegiate, in-
17 terscholastic or intramural boxing contest or exhibi-
18 tion conducted under the direct auspices of a school,
19 college or university, except as provided in section
20 147-A.

21 No boxing contests or exhibitions, except as provided
22 in this chapter, may be held or conducted within this
23 State unless the contest or exhibition is properly
24 licensed by the commission and conducted in accord-
25 ance with this chapter and the rules adopted pursuant
26 to this chapter, nor shall any closed circuit televi-
27 sion showing of a boxing contest or exhibition be
28 conducted, except under a license issued by the com-
29 mission.

30 Sec. 4. 8 MRSA §146, sub-§3 is enacted to read:

31 3. Kick boxing. The commission shall have the
32 sole direction, control and jurisdiction over all
33 kick-boxing contests and exhibitions.

34 No kick-boxing contests or exhibitions, except as
35 provided in this chapter, may be held or conducted
36 within this State, unless the contest or exhibition
37 is properly licensed by the commission and conducted
38 in accordance with this chapter and the rules adopted
39 pursuant to this chapter, nor shall any closed cir-
40 cuit television showing of a kick-boxing contest or

1 exhibition be conducted, except under a license is-
2 ssued by the commission.

3 Sec. 5. 8 MRSA §147, sub-§1, ¶B-1 is enacted to
4 read:

5 B-1. In the exercise of its jurisdiction over
6 kick boxing, as set forth in section 146, subsec-
7 tion 1, the commission may adopt rules governing,
8 among others, referees, judges, kick boxers, sec-
9 onds, promoters, managers, physicians,
10 timekeepers and knockdown timekeepers. These
11 rules may include, but not be limited to: Li-
12 icensing requirements; age limits and physical
13 condition of participants; lengths of contests
14 and rounds; specifications of the facilities and
15 equipment used in kick-boxing contests and uni-
16 forms of contestants and referees; scoring of de-
17 cidions; standards of weight and weighing of con-
18 testants; and the manner of presentation of
19 closed circuit events. Rules governing amateur
20 kick-boxing contests shall conform to tournament
21 regulations of the Amateur Athletic Union or its
22 successor in interest.

23 Sec. 6. 8 MRSA §147, sub-§1, ¶C, as enacted by
24 PL 1983, c. 413, §2, is amended to read:

25 C. The commission may adopt rules requiring
26 health and accident insurance providing coverage
27 in the event of injury or death for persons com-
28 peting in boxing events ~~subject to this chapter~~
29 ~~or for persons competing in,~~ wrestling events or
30 kick-boxing events subject to this chapter, or
31 for ~~both~~ any combination of those events. This
32 insurance, if required, shall comply with stan-
33 dards prescribed by the Superintendent of Insur-
34 ance.

35 Sec. 7. 8 MRSA §147, sub-§2, as enacted by PL
36 1983, c. 413, §2, is amended to read:

37 2. Officials. The officials at all boxing and
38 kick-boxing contests or exhibitions shall be selected
39 or approved by the commission. For purposes of this
40 subsection, the term "officials" includes referees,

1 judges, physicians, timekeepers and knockdown
2 timekeepers.

3 Sec. 8. 8 MRSA §§147-A and 147-B are enacted to
4 read:

5 §147-A. Headgear required; safety equipment

6 1. Headgear. No amateur boxing contests, exhi-
7 bitations or sparring, or amateur kick-boxing contests,
8 exhibitions or sparring may take place in this State,
9 unless the boxers or kick boxers wear protective
10 headgear approved by the commission.

11 2. Other safety equipment. No amateur or pro-
12 fessional boxing contests, exhibitions or sparring,
13 or amateur or professional kick-boxing contests, ex-
14 hibitions or sparring may take place in this State,
15 unless the following safety equipment is used:

16 A. Plastic safety mats;

17 B. Padded corner posts; and

18 C. Such other safety equipment as the commission
19 may consider necessary for the protection of the
20 health and safety of boxers and kick boxers.

21 3. Penalty. Any person, club, association, cor-
22 poration or any member or officer of a club, associa-
23 tion or corporation who promotes, competes or other-
24 wise engages in a boxing or kick-boxing contest, ex-
25 hibition or in sparring without complying with sub-
26 sections 1 and 2, commits a civil violation for which
27 a forfeiture of not more than \$500 may be adjudged.
28 The imposition of such a forfeiture shall in no way
29 limit the commission's right to impose disciplinary
30 sanctions pursuant to section 154 or the State's
31 ability to impose penalties under section 155.

32 §147-B. Head injuries

33 1. Examination. Any boxer or kick boxer who is
34 rendered unconscious or suffers serious head injury
35 during any boxing or kick-boxing contest or exhibi-
36 tion, as determined by the attending ring physician,
37 shall:

- 1 A. Be examined immediately by the attending ring
2 physician;
- 3 B. Undergo neurological and neuropsychological
4 examinations by a neurologist or neurosurgeon,
5 including, but not limited to, a computed
6 tomography or medically equivalent procedure; and
- 7 C. Not participate in any boxing or kick-boxing
8 contest or exhibition until the commission is
9 presented with a written certification of a li-
10 icensed physician that the boxer or kick boxer is
11 fit to take part in competitive boxing or compet-
12 itive kick boxing.

13 2. Results of examination. The results of any
14 examination conducted under subsection 1 and any sub-
15 sequent physician certification shall become part of
16 the boxer's or kick boxer's permanent medical record,
17 as maintained by the commission and shall be used by
18 the commission to determine whether the boxer or kick
19 boxer should be permitted to participate in any fu-
20 ture boxing or kick-boxing contest or exhibition.

21 3. Responsibility for examination. The sole re-
22 sponsibility for any examination required by subsec-
23 tion 1, paragraph B, shall rest with the boxer or
24 kick boxer. Neither the commission, any member of
25 the commission, nor the ringside physician shall be
26 responsible financially or otherwise for the examina-
27 tion.

28 Sec. 9. 8 MRSA §148, as amended by PL 1983, c.
29 553, §5, is further amended to read:

30 §148. Boxing and kick-boxing licenses

31 1. Persons to whom licenses may be issued. The
32 commission may issue, in its discretion, a license
33 for a term of one year from date of issuance to any
34 person, club, association or corporation, who or
35 which is properly qualified, to promote and conduct
36 boxing or kick-boxing contests and exhibitions in ac-
37 cordance with this chapter and the rules adopted pur-
38 suant to this chapter. All persons engaged in such
39 boxing or kick-boxing contests and exhibitions as
40 boxers, kick boxers, seconds, managers, timekeepers,

1 knockdown timekeepers, referees, judges and physi-
2 cians shall be licensed by the commission in a like
3 manner. A closed circuit boxing license may be issued
4 by the commission to any person who is properly qual-
5 ified therefor, which will entitle him to engage in
6 the showing of boxing or kick-boxing contests or ex-
7 hibitions by closed circuit television.

8 2. Application for license. Each applicant for
9 a promoter's license or a closed circuit boxing, kick
10 boxing or wrestling license shall specify the loca-
11 tion for which the license is desired, and each
12 promoter's license, when issued, shall be limited to
13 that specified location. No license issued under
14 this section, other than a promoter's license or a
15 closed circuit event license, may be limited to a
16 specified location.

17 3. Fee for license. The commission may, in its
18 discretion, fix the fee for each promoter's license
19 at a figure between \$25 and \$50 for a license to pro-
20 mote amateur events and a figure between \$50 and \$100
21 for a license to promote professional events, depend-
22 ing upon the probable income of the licensee to be
23 derived from the conducting of the boxing or
24 kick-boxing contests and exhibitions. The fee for a
25 license for closed circuit events shall be \$50. The
26 commission may, by rule, fix the fees for all other
27 licenses issued under this section at a figure be-
28 tween \$5 and \$25. When application by a fraternal,
29 charitable or patriotic organization for a license to
30 promote and conduct amateur boxing or kick-boxing
31 contests or exhibitions is made to the commission, it
32 may grant the license without the requirement of the
33 payment of a license fee.

34 4. Temporary license. Upon application being
35 made for any license under this section, any member
36 of the commission may, in his discretion, temporarily
37 issue or temporarily refuse to issue the license. In
38 the event that such a temporary license is issued,
39 the temporary license shall be valid only until the
40 next meeting of the commission at which a quorum is
41 present. No license, except such a temporary li-
42 cense, may be issued under this section, except by a
43 majority vote taken at a commission meeting at which
44 a quorum is present. All license applications shall

1 be considered in the first meeting of the commission
2 following the receipt of the application, at which a
3 quorum is present.

4 Sec. 10. 8 MRSA §150, first ¶, as amended by PL
5 1983, c. 553, §7, is further amended to read:

6 No foreign copromoter, meaning a promoter who has
7 no place of business within the State, may directly
8 or indirectly participate in the promotion of or re-
9 ceive any remuneration from or render any services in
10 connection with any boxing or kick-boxing contest or
11 exhibition, or any professional wrestling match, show
12 or exhibition held within the State, unless he first
13 has been granted a permit by the commission. No pro-
14 moter may be associated with any foreign copromoter
15 in promoting any boxing or kick-boxing contest or ex-
16 hibition, unless the foreign copromoter has first se-
17 cured a permit. Permits for foreign copromoters
18 shall be issued in the same manner as provided in
19 section 148, subsection 2, and section 149, for li-
20 censes to promote amateur or professional boxing,
21 kick boxing or wrestling, and the fees for these per-
22 mits shall be the same as those established by the
23 commission for these licenses.

24 Sec. 11. 8 MRSA §151, as enacted by PL 1983, c.
25 413, §2, is amended to read:

26 §151. Promoter's reports

27 The commission shall provide to each promoter a
28 printed report form, which shall be completed and re-
29 turned to the commission by registered letter mailed
30 within 48 hours of the conclusion of any boxing or
31 kick-boxing contest or exhibition or any wrestling
32 match, show or exhibition held under this chapter.
33 The completed form shall contain the following:

34 1. Names of contestants. A list of the names of
35 the contestants;

36 2. Physician's statement. The signed statement
37 of a physician that he examined each of the contes-
38 tants within 10 hours of the contest and found them
39 to be in good physical condition, and, in the case of
40 any boxing or kick-boxing contest, further stating
41 what he found each contestant's weight to be; and

1 3. Promoter's statement. The signed statement
2 of the promoter setting forth the results of the con-
3 test, the name of the referee, the names of the
4 judges in the case of a boxing or kick-boxing contest
5 or exhibition and the amount of the gross receipts.

6 Sec. 12. 8 MRSA §152, first ¶, as amended by PL
7 1983, c. 862, §29, is further amended to read:

8 The promoter or promoters of all boxing or
9 kick-boxing contests or exhibitions and all profes-
10 sional wrestling matches, shows or exhibitions held
11 under this chapter shall pay to the Treasurer of
12 State, for credit to the Athletic Commission Fund, a
13 tax of 5% of the gross receipts from the contest or
14 exhibition up to a maximum tax of \$2,500. This sec-
15 tion shall apply to all boxing or kick-boxing con-
16 tests or exhibitions which are shown over closed cir-
17 cuit television.

18 Sec. 13. 8 MRSA §153, sub-§1, as enacted by PL
19 1983, c. 413, §2, is amended to read:

20 1. Boxing or kick boxing. In all boxing or
21 kick-boxing contests or exhibitions conducted under
22 this chapter, there may be a decision as to the win-
23 ner by 2 judges and the referee, or by 3 judges, li-
24 censed under this chapter.

25 Sec. 14. 8 MRSA §155, sub-§1, as enacted by PL
26 1983, c. 413, §2, is amended to read:

27 1. Penalties. Any person, club, association or
28 corporation, or any member or officer of a club, as-
29 sociation or corporation who promotes, competes or
30 otherwise engages in a boxing or kick-boxing contest
31 or exhibition or wrestling match, show or exhibition
32 without first obtaining a license as required by this
33 chapter, or after the license has expired or has been
34 suspended, revoked or temporarily suspended or re-
35 voked, is guilty of a Class E crime.

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STATEMENT OF FACT

Boxing is a dangerous activity that constitutes a severe health hazard to participants, including the risk of serious head injury. Numerous professional studies now document the extent of ocular and brain damage resulting from boxing. The purpose of this new draft is to provide by law for some protections to contestants, including protective headgear and neurological examinations.

This new draft enlarges the Maine Athletic Commission's jurisdiction to include the highly dangerous, but now unregulated, sport of kick boxing.

Section 6 of the new draft allows the commission to require health as well as accident insurance coverage for contestants.

Section 8 of the new draft enacts a requirement that protective headgear be worn in amateur boxing or kick-boxing contests, exhibitions or sparring. The requirement covers sparring as well as contests and exhibitions because many blows to the head occur in these practice sessions. It also contains a penalty provision. This requirement applies to amateur intercollegiate, interscholastic or intramural events which remain otherwise outside the jurisdiction of the Maine Athletic Commission.

Section 8 also requires neurological examination of any boxer or kick boxer rendered unconscious or suffering serious head injury during a contest or exhibition. It is the contestant's responsibility to obtain such an examination and he may not participate in any further events until the commission is presented with a written certification of a licensed physician that the contestant is fit to participate.

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