

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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**Legislative Document**

**No. 1007**

H.P. 703

House of Representatives, March 11, 1991

Received by the Clerk of the House on March 7, 1991. Referred to the Commiee on Business Legislation and 1400 ordered printed pursuant to Joint Rule 14.

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative BAILEY of Township 27.

Cosponsored by Representative TAMMARO of Baileyville, Senator WEBSTER of Franklin and Representative GURNEY of Portland.

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STATE OF MAINE

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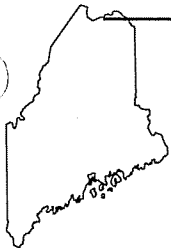
IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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**An Act to Address Budgetary Concerns of the Maine Athletic  
Commission and to Deregulate Certain Aspects of the Sport of Wrestling.**

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(EMERGENCY)



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

4  
Whereas, it is vital that the funds provided for in this  
6 bill be available for the beginning of fiscal year 1991-92; and

8  
Whereas, that fiscal year will begin before the expiration  
of the 90-day period; and

10  
Whereas, in the judgment of the Legislature, these facts  
12 create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
14 necessary for the preservation of the public peace, health and  
safety; now, therefore,

16  
**Be it enacted by the People of the State of Maine as follows:**

18  
**Sec. 1. 5 MRSA §12004-A, sub-§44, as enacted by PL 1987, c.**  
20 **786, §5, is amended to read:**

22       44. Maine Athletic       \$35/Day Plus   32 MRSA 13501  
Commission                   Expenses                   \$13501

24  
~~A. The total per diem compensation for each member shall~~  
26 ~~not exceed \$1,000 per year.~~

28  
**Sec. 2. 32 MRSA §13501, first ¶, as amended by PL 1989, c. 503,**  
Pt. B, §157, is further amended to read:

30  
The Maine Athletic Commission, established by Title 5,  
32 section 12004-A, subsection 44, and in this chapter called "the  
commission," ~~shall consist~~ consists of 5 members appointed by the  
34 ~~Commissioner of Professional and Financial Regulation, with the~~  
~~advice and consent of the~~ Governor. ~~No member may receive~~ A  
36 person who receives any compensation or remuneration for  
promoting, competing or otherwise engaging in boxing, wrestling  
38 or kick-boxing is not eligible for appointment. Each member of  
the commission ~~shall be compensated~~ is entitled to compensation  
40 as provided in Title 5, chapter 379.

42  
**Sec. 3. 32 MRSA §13507, sub-§5 is enacted to read:**

44  
5. Establish medical advisory committee. The commission  
may establish a medical advisory committee and appoint the  
46 committee's members. The committee must consist of 6 members and  
each member is appointed for a term of not less than 3 years. If  
48 a position is vacated, the chair of the commission shall appoint  
a qualified person to replace the member for the remainder of the  
50 unexpired term. Each member of the committee must be a physician  
currently licensed in this State and have at least 5 years of  
52 experience in the practice of medicine at the time of the

2 appointment. The chair of the commission shall select the  
3 initial chair of the committee. The committee shall annually  
4 select a chair from its members. The committee shall assist the  
5 commission as necessary.

6 **Sec. 4. 32 MRSA §13510, sub-§§1 and 3, as enacted by PL 1987,**  
7 **c. 395, Pt. A, §212, are amended to read:**

8  
9 **1. Persons to whom licenses may be issued.** The commission  
10 may issue, in its discretion, a license for a term of one year  
11 from date of issuance to any person, club, association or  
12 corporation, ~~who or which~~ that is properly qualified to promote  
13 and conduct boxing or kick-boxing contests and exhibitions in  
14 accordance with this chapter and the rules adopted pursuant to  
15 this chapter. All persons engaged in such contests and  
16 exhibitions as boxers, kick-boxers, seconds, managers,  
17 timekeepers, knockdown timekeepers, promoters, referees, and  
18 judges and physicians shall must be licensed by the commission in  
19 a like manner. A closed circuit license may be issued by the  
20 commission to any person who is properly qualified ~~therefor~~ for a  
21 closed circuit license, which will entitle him entitles that  
22 person to engage in the showing of boxing or kick-boxing contests  
23 or exhibitions by closed circuit television.

24  
25 **3. Fee for license.** The commission may, ~~in its discretion,~~  
26 ~~fix the fee for each promoter's license at a figure between \$25~~  
27 ~~and \$50 for a license to promote amateur events and a figure~~  
28 ~~between \$50 and \$100 for a license to promote professional~~  
29 ~~events, depending upon the probable income of the licensee to be~~  
30 ~~derived from the conducting of the contests and exhibitions. The~~  
31 ~~fee for a license for closed circuit events shall be \$50. The~~  
32 ~~commission may, shall establish~~ by rule, ~~fix the~~ fees for all  
33 other licenses issued under this section at a figure between \$5  
34 and \$25 levels adequate to carry out the purposes of this  
35 chapter. The commission shall establish by rule license fees for  
36 live events and the broadcast of live events. When application  
37 by a fraternal, charitable or patriotic organization for a  
38 license to promote and conduct amateur boxing or kick-boxing  
39 contests or exhibitions is made to the commission, it may grant  
40 the license without the requirement of the payment of a license  
41 fee.

42  
43 **Sec. 5. 32 MRSA §13511, as enacted by PL 1987, c. 395, Pt. A,**  
44 **§212, is amended to read:**

45 **§13511. Wrestling licenses**

46  
47 The commission, in accordance with this chapter and the  
48 rules adopted pursuant to this chapter, may issue a license for a  
49 term of one year, to any person, club, association or corporation  
50 ~~who or which~~ that is properly qualified, to conduct professional  
51 wrestling matches, shows or exhibitions. The commission, ~~in its~~

2 ~~discretion, may fix the fee shall establish by rule fees for the~~  
3 ~~license at a figure between \$50 and \$100, depending upon the~~  
4 ~~probable income of the licensee to be derived from the conducting~~  
5 ~~of professional wrestling matches, shows or exhibitions licenses~~  
6 ~~issued under this section at levels adequate to carry out the~~  
7 ~~purposes of this chapter.~~ A closed circuit wrestling license may  
8 be issued by the commission for a term of one year to any person  
9 who is properly qualified therefor for a closed circuit wrestling  
10 license, which will entitle that person to engage in  
11 the showing of professional wrestling matches, shows or  
12 exhibitions by closed circuit television. The fee for a closed  
13 circuit wrestling license shall be \$50, and the license may be  
14 suspended or revoked by the Administrative Court for any  
violation of this chapter or the rules of the commission.

16 All persons, other than wrestlers, engaging in professional  
17 wrestling matches, shows or exhibitions as of wrestlers shall  
18 must be licensed by the commission in a like manner. The  
19 commission may shall by rule establish a fee fees for the  
20 licenses ~~in an amount not to exceed \$25 a year .~~ Upon the  
21 ~~application for a license as enumerated, the chairman~~ The chair  
22 of the commission shall in his discretion temporarily or the  
23 chair's designee may issue or refuse to issue the license deny  
24 temporary licenses. The full commission shall ~~consider the~~  
25 matter may review decisions by the chair or the chair's designee  
26 at its next regular meeting and rule upon the issuance or denial  
27 of the license.

28  
29 **Sec. 6. 32 MRSA §13514, last ¶,** as enacted by PL 1987, c. 395,  
30 Pt. A, §212, is amended to read:

32 On the day ~~on which~~ the contest or exhibition is held, the  
33 promoter or promoters shall either tender the tax to the  
34 commissioner in attendance, or provide a surety bond acceptable  
35 to the commission in the amount of \$5,000 \$10,000 payable to the  
36 Treasurer of State and conditioned for payment of the tax and any  
37 penalties imposed under this section. In its discretion, the  
38 commission may require that the bond be posted at a time prior to  
39 a contest or exhibition that the commission determines adequate.  
40 This tax shall ~~have been~~ must be paid to the Treasurer of State  
41 within 15 days of the date on which the contest or exhibition is  
42 held, in the event a bond is provided. Upon failure to pay the  
43 tax to the Treasurer of State, the promoter or promoters shall ~~be~~  
44 are liable to pay a penalty of 25% of the amount of the tax due,  
45 which the penalty and the tax due shall must be recovered by a  
46 civil action upon the bond brought in the name of the commission,  
47 and the penalty and the tax due shall must be paid to the  
48 Treasurer of State to be credited to the Athletic Commission Fund.

50 **Emergency clause.** In view of the emergency cited in the  
51 preamble, this Act takes effect when approved.  
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**STATEMENT OF FACT**

This bill:

1. Changes the authority under which members of the Maine Athletic Commission are appointed;
2. Authorizes the commission to establish a medical advisory committee to alleviate the problem of obtaining adequate medical staff for events and to provide medical advice to the commission;
3. Allows the commission to set adequate fees for athletes and promoters to reflect more appropriately the cost of the commission's activities;
4. Eliminates licensing requirements and fees for wrestling participants to reflect more adequately industry and event structure;
5. Revises the advance bond requirements to ensure tax payments by promoters; and
6. Restructures the payment schedule for commissioners by changing the reimbursement to a per diem basis rather than a salary basis.