

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1723

S.P. 561

In Senate, March 20, 2001

An Act to Amend the Maine Athletic Commission Laws.

(EMERGENCY)

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Reference to the Committee on Business and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator SHOREY of Washington.
Cosponsored by Representative RICHARDSON of Brunswick and
Representatives: CLOUGH of Scarborough, HATCH of Skowhegan.

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

4 **Whereas,** current law providing for a 15% gate tax to fund
6 the Maine Athletic Commission has the effect of reducing the
number of events over which the commission has jurisdiction; and

8 **Whereas,** without an immediate reduction in the current gate
10 tax, the commission has no means of supporting its regulatory
program; and

12 **Whereas,** without regulation of boxing, wrestling and
14 kick-boxing, the health, safety and welfare of Maine citizens are
at risk; and

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

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

24 **Sec. 1. 5 MRSA §12004-A, sub-§44,** as amended by PL 1999, c.
26 687, Pt. B, §1, is further amended to read:

28 **44.** Maine \$35/Day 32 MRSA §13501
Athletic Commission Expenses Only

30 **Sec. 2. 32 MRSA §13501,** as amended by PL 1993, c. 600, Pt. A,
32 §267, is further amended to read:

34 **§13501. Commission**

36 The Maine Athletic Commission, established by Title 5,
38 section 12004-A, subsection 44, and in this chapter called "the
commission," consists of 5 members appointed by the Governor. A
40 person who receives any compensation or remuneration for
promoting, competing or otherwise engaging in boxing, wrestling
or kick-boxing is not eligible for appointment. Each member of
42 the commission is entitled to ~~compensation~~ expense reimbursement
as provided in Title 5, chapter 379.

44 Appointments are for 3-year terms. ~~Appointments of members~~
46 ~~must comply with section 60.~~ A member may be removed by the
Governor for cause.

48 **Sec. 3. 32 MRSA §13502, first ¶,** as enacted by PL 1987, c. 395,
50 Pt. A, §212, is amended to read:

2 ~~It is declared to be the policy of the State, that~~ The
4 mission and purpose of the commission is to supervise and oversee
6 professional and amateur boxing, professional and exhibition
8 wrestling and professional and amateur kick-boxing in this State
10 ~~shall be supervised by the commission~~ in a manner ~~designed to~~
12 promote that promotes these sports ~~in accordance with~~ while
14 protecting the public interest, ~~insure~~ ensuring the safety of all
16 participants and spectators and achieve achieving uniformity in
18 the rules governing participation in these sports within the
20 State.

12 **Sec. 4. 32 MRSA §13503, first ¶**, as enacted by PL 1987, c. 395,
14 Pt. A, §212, is amended to read:

16 The commission shall meet at least once a year to conduct
18 its business and to elect a ~~chairman and a secretary~~ chair.
20 Additional meetings shall ~~may~~ be held as necessary to conduct the
22 business of the commission, and may be convened at the call of
24 the ~~chairman~~ chair or a majority of the board members. ~~Three A~~
26 majority of the members of the commission ~~shall constitute~~
28 constitutes a quorum for all purposes. ~~The commission shall keep~~
30 ~~such records and minutes as are necessary to the ordinary~~
32 ~~dispatch of its functions.~~

26 **Sec. 5. 32 MRSA §13506-A** is enacted to read:

28 **§13506-A. Prohibited competitions, exhibitions and events**

30 A professional or amateur "toughman," "badman" or "ultimate
32 fighting" match, which includes a contest or exhibition where
34 participants compete by using a combination of fighting skills,
36 including, but not limited to, boxing, wrestling, kicking and
38 martial arts skills, may not be held in this State. This section
40 may not preclude kick-boxing as regulated by this chapter.

38 A person participating in or promoting a professional or
40 amateur "toughman," "badman" or "ultimate fighting" match is
42 guilty of a Class E crime.

42 **Sec. 6. 32 MRSA §13507, first ¶**, as enacted by PL 1987, c. 395,
44 Pt. A, §212, is amended to read:

44 The commission shall administer, coordinate and enforce this
46 chapter consistent with ~~the declaration of policy~~ its statutory
48 mission and purpose set forth in section 13502, and ~~shall have~~
 has the following powers and duties in addition to those
 otherwise set forth in this chapter.

2 **Sec. 7. 32 MRSA §13507, sub-§1**, as enacted by PL 1987, c. 395,
Pt. A, §212, is amended to read:

4 **1. Rules.** The commission, in accordance with procedures
established by ~~the Maine Administrative Procedure Act~~, Title 5,
6 chapter 375, subchapter II II-A, may adopt rules commensurate
with the authority vested in it by this chapter.

8
10 A. In the exercise of its jurisdiction over boxing as set
12 forth in section 13506, subsection 1, the commission may
14 adopt rules governing, among others, referees, judges,
16 boxers, seconds, promoters, managers, physicians,
18 timekeepers and knockdown timekeepers. These rules may
include, but not be limited to: Licensing requirements; age
limits and physical condition of participants; lengths of
contests and rounds; specifications of the facilities and
equipment used in boxing contests and uniforms of
contestants and referees; scoring of decisions; standards of
weight and weighing of contestants; and the manner of
20 presentation of closed circuit events. Rules governing
amateur boxing contests shall must conform to tournament
22 regulations of the Amateur Athletic Union or its successor
in interest.

24
26 B. In the exercise of its jurisdiction over wrestling as
28 set forth in section 13506, subsection 2, the commission may
adopt rules governing, among others, wrestlers, managers,
seconds, referees, matchmakers, physicians, timekeepers,
trainers and promoters. These rules may include, but not be
30 limited to: Licensing requirements and qualifications of
participants; conduct of contests; specifications of
32 equipment and facilities used in wrestling contests or
exhibitions; and scoring of decisions.

34
36 C. In the exercise of its jurisdiction over kick-boxing, as
38 set forth in section 13506, subsection 3, the commission may
adopt rules governing, among others, referees, judges,
kick-boxers, seconds, promoters, managers, physicians,
40 timekeepers and knockdown timekeepers. These rules may
include, but not be limited to, licensing requirements, age
42 limits and physical condition of participants, lengths of
contests and rounds, specifications of the facilities and
equipment used in contests and uniforms of contestants and
44 referees, scoring of decisions, standards of weight and
weighing of contestants, and the manner of presentation of
46 closed circuit events. Rules governing amateur kick-boxing
contests shall must conform to tournament regulations of the
48 Amateur Athletic Union or its successor in interest.

2 D. The commission may adopt rules requiring health and
3 accident insurance providing coverage in the event of injury
4 or death for persons competing in boxing events, wrestling
5 events or kick-boxing events subject to this chapter, or for
6 any a combination of those events. This insurance, if
7 required, shall must comply with standards prescribed by the
8 Superintendent of Insurance.

9 **Sec. 8. 32 MRSA §13507, sub-§2-A** is enacted to read:

10 **2-A. Report filed by commissioner.** The commissioner
11 supervising an event, exhibit or show subject to the requirements
12 of this chapter shall file an event report with the department
13 within 48 hours of the event. Event reports must include:

14 A. The promoter's identity and license number;

15 B. The participants' identities and license numbers;

16 C. The facility at which the event was held;

17 D. A detailed factual description of any incident that
18 required the immediate intervention of the attending
19 commissioner during an event, including stopping the event
20 or taking disciplinary action;

21 E. A recommendation to the commission regarding any need
22 for disciplinary action; and

23 F. A certification that the officials, participants and
24 event conformed to the requirements of the statutes and
25 rules of the commission.

26 **Sec. 9. 32 MRSA §13507, sub-§5**, as enacted by PL 1999, c. 685,
27 §3, is repealed.

28 **Sec. 10. 32 MRSA §13510**, as amended by PL 1999, c. 685, §20,
29 is further amended to read:

30 **§13510. Boxing, wrestling and kick-boxing licenses**

31 **1. Persons to whom licenses may be issued.** The commission
32 may issue, in its discretion, and upon payment of a required fee,
33 a license for a term of one year from date of issuance to any a
34 person, club, association or corporation that is properly
35 qualified to promote and conduct boxing, wrestling or kick-boxing
36 contests and exhibitions in accordance with this chapter and the
37 rules adopted pursuant to this chapter. All persons engaged in
38 such contests and exhibitions as boxers, wrestlers, kick-boxers,
39 seconds, managers, timekeepers, knockdown timekeepers, promoters,
40

2 referees and judges must be licensed by the commission upon
3 payment of a required fee in a like manner. A closed circuit
4 license may be issued by the commission upon payment of a
5 required fee to any a person who is properly qualified for a
6 closed circuit license, which entitles that person to engage in
7 the showing of boxing, wrestling or kick-boxing contests or
8 exhibitions by closed circuit television.

9
10 **2. Limitation on certain licenses.** Each applicant for a
11 promoter's license or a closed circuit boxing, kick-boxing or
12 wrestling license shall specify the location for which the
13 license is desired, and that promoter's license, when issued,
14 ~~shall be~~ is limited to that specified location. No A license
15 issued under this section, other than a promoter's license or a
16 closed circuit event license, may not be limited to a specified
17 location.

18 ~~3. Fee for license. The Director of the Office of~~
19 ~~Licensing and Registration shall establish, by rule, the fee for~~
20 ~~each promoter's license to promote amateur events and for a~~
21 ~~license to promote professional events, depending upon the~~
22 ~~probable income of the licensee to be derived from the conducting~~
23 ~~of the contests and exhibitions. In addition, the director shall~~
24 ~~establish, by rule, fees for all other licenses issued under this~~
25 ~~section at a figure not to exceed \$200 for a one year license.~~
26 ~~The director shall establish by rule license fees for live events~~
27 ~~and the broadcast of live events. When application by a~~
28 ~~fraternal, charitable or patriotic organization for a license to~~
29 ~~promote and conduct amateur boxing or kick boxing contests or~~
30 ~~exhibitions is made to the commission, it may grant the license~~
31 ~~without the requirement of the payment of a license fee. Rules~~
32 ~~adopted pursuant to this subsection are routine technical rules~~
33 ~~pursuant to Title 5, chapter 375, subchapter II-A.~~

34
35 **3-A. Fee for licenses.** The Director of the Office of
36 Licensing and Registration may establish by rule fees for
37 purposes authorized under this chapter in amounts that are
38 reasonable and necessary for their respective purposes, except
39 that the fee for any one purpose may not exceed \$200 for a
40 one-year license. Rules adopted pursuant to this subsection are
41 routine technical rules as defined in Title 5, chapter 375,
42 subchapter II-A.

43
44 **4. Temporary license.** Upon application being made for any
45 a license under this section, any and upon payment of a required
46 fee, a member of the commission, in his the commissioner's
47 discretion, may temporarily issue or temporarily refuse to issue
48 the license. In the event that such a temporary license is
49 issued, the temporary license ~~shall be~~ is valid only until the
50 next meeting of the commission at which a quorum is present. No A

license, ~~except such~~ other than a temporary license, may not be
2 issued under this section, except by a majority vote taken at a
commission meeting at which a quorum is present. All license
4 applications shall must be considered in the first meeting of the
commission following the receipt of the application, at which a
6 quorum is present.

8 **Sec. 11. 32 MRSA §13511**, as amended by PL 1999, c. 547, Pt.
B, §78 and affected by §80 and amended by c. 685, §21, is further
10 amended to read:

12 **§13511. Wrestling licenses**

14 The commission, in accordance with this chapter and the
rules adopted pursuant to this chapter, may issue a license upon
16 payment of a required fee for a term of one year to any a person,
club, association or corporation that is properly qualified to
18 conduct professional wrestling matches, shows or exhibitions.
~~The commission shall establish by rule fees for promoters'~~
20 ~~licenses issued under this section at levels adequate to carry~~
~~out the purposes of this chapter.~~ A closed circuit wrestling
22 license may be issued by the commission for a term of one year to
any a person who is properly qualified for a closed circuit
24 wrestling license, which entitles that person to engage in the
showing of professional wrestling matches, shows or exhibitions
26 by closed circuit television. The closed circuit wrestling
license may be suspended or revoked by the District Court for any
28 a violation of this chapter or the rules of the commission.

30 All persons, ~~other than wrestlers~~, engaging in professional
wrestling matches, shows or exhibitions of wrestlers must be
32 licensed by the commission in a like manner. The chair of the
commission or the chair's designee may issue or deny temporary
34 licenses. The full commission may review decisions by the chair
or the chair's designee at its next regular meeting.

36 **Sec. 12. 32 MRSA §13512**, as enacted by PL 1987, c. 395, Pt.
38 A, §212, is amended to read:

40 **§13512. Permits for foreign copromoters**

42 No A foreign copromoter, meaning a promoter who has no place
of business within the State, may not directly or indirectly
44 participate in the promotion of or receive any remuneration from
or render any services in connection with any a boxing contest or
46 exhibition, or any a professional wrestling match, show or
exhibition held within the State, unless he the copromoter first
48 has been granted a permit by the commission. No A promoter may
not be associated with any a foreign copromoter in promoting any
50 a boxing contest or exhibition, unless the foreign copromoter has

2 first secured a permit. Permits for foreign copromoters shall
3 must be issued in the same manner as provided in section 13510,
4 ~~subsection 2, and section 13511,~~ for licenses to promote amateur
5 or professional boxing or wrestling, and the required fees for
6 these permits shall ~~be~~ are the same as those established by ~~the~~
7 ~~commission~~ for these licenses.

8 A foreign copromoter, by accepting a permit, agrees to be
9 subject to all the provisions of this chapter and the rules
10 ~~promulgated~~ adopted under this chapter.

11 Any A foreign copromoter who violates any a provision of
12 this chapter or any a rule ~~promulgated~~ adopted under this chapter
13 shall ~~be~~ is guilty of a Class E crime.

14 **Sec. 13. 32 MRSA §13514, first ¶,** as amended by PL 1999, c.
15 685, §22, is further amended to read:

16 The promoter or promoters of all boxing or kick-boxing
17 contests or exhibitions and all professional wrestling matches,
18 shows or exhibitions held under this chapter shall pay to the
19 Treasurer of State, for credit to the Athletic Commission Fund, a
20 tax of ~~15%~~ 5% of the gross receipts from the contest or
21 exhibition. This section applies to all boxing, kick-boxing and
22 wrestling contests or exhibitions ~~which~~ that are shown over
23 closed circuit television.

24 **Emergency clause.** In view of the emergency cited in the
25 preamble, this Act takes effect when approved.

32 SUMMARY

33 This bill amends the laws regarding the Maine Athletic
34 Commission by authorizing the commission to license and regulate
35 professional wrestlers in the interest of public safety, reduces
36 the gate tax on gate receipts from 15% per event to 5% per event
37 and specifies the contents of reports of events filed by
38 commissioners with the Department of Professional and Financial
39 Regulation. In addition, the bill prohibits so-called
40 "toughman," "badman" and "ultimate fighting matches" and events.