

MAINE STATE LEGISLATURE

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Date: 3/19/10

BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1186, L.D. 1685, Bill, "An Act To Clarify the Enforcement Role of the Mixed Martial Arts Authority of Maine"

Amend the bill by striking out everything after the enacting clause and inserting the following:

Sec. 1. 8 MRSA §522, sub-§7, as enacted by PL 2009, c. 352, §2, is amended to read:

7. Revenue and expenditures. The board may receive revenue from mixed martial arts competitions, exhibitions and events, as well as from the sale of goods and merchandise, in accordance with rules adopted pursuant to sections 523 and 524. The authority may apply for, solicit and receive grants, donations and gifts and may receive appropriations from the State and funds from other governmental authorities. All funds received must be spent solely to assist with operational expenses in furtherance of the purpose of the authority. The board may enter into contracts to obtain the assistance of staff sufficient to support operations of the board.

Sec. 2. 8 MRSA §523, as enacted by PL 2009, c. 352, §2, is amended to read:

§523. Powers of authority

In furtherance of its purpose, the authority shall, no later than ~~March 1~~ October 15, 2010:

1. Rules. Adopt rules to protect the health and safety of authorized participants and the integrity of competition, as well as to establish a certification process authorizing participation in a mixed martial arts competition, exhibition or event and set the fee schedules for all authorized participants. A certificate authorizing participation in a mixed martial arts competition, exhibition or event may be issued for one year or such other time period as may be fixed by rule under this chapter. The board may establish requirements to ensure that a mixed martial arts competition, exhibition or event is not conducted unless a promoter's fee has been paid and that each competitor has been examined by a physician who has certified the competitor's fitness to participate in the mixed martial arts competition, exhibition or event. Rules adopted pursuant to this

COMMITTEE AMENDMENT

1 subsection are routine technical rules, as defined in Title 5, chapter 375, subchapter 2-A.
2 The authority's rules must include, but are not limited to, the following:

- 3 A. Rules of competition, weighing of participants and scoring of decisions;
4 B. Length of contests and rounds;
5 C. Availability of medical services, including a requirement that a physician be
6 present during a mixed martial arts competition, exhibition or event;
7 D. Age limits, which must include a minimum age of not less than 18 years;
8 E. Weight limits and classification of participants;
9 F. Physical condition of participants;
10 G. Qualifications of referees and other authorized participants;
11 H. Uniforms, attire, safety gear and equipment of authorized participants;
12 I. Specifications of facilities and equipment; and
13 J. Requirements for health and accident insurance providing coverage in the event of
14 injury or death to authorized participants. This coverage must comply with standards
15 prescribed by the Superintendent of Insurance; and,

16 ~~2. Other action. Take all other lawful action necessary and incidental to its~~
17 ~~purposes.~~

18 **Sec. 3. 8 MRSA §528**, as enacted by PL 2009, c. 352, §2, is repealed.

19 **Sec. 4. 8 MRSA §529** is enacted to read:

20 **§529. Powers of board**

21 **1. Inspections and investigations.** The board may enter and inspect the premises
22 where a martial arts competition, exhibition or event is to be conducted and question
23 persons present and review documents to the extent it considers necessary to determine
24 whether the event is in accordance with this chapter and rules adopted under this chapter.

25 **2. Other action.** The board may take all reasonable steps to ensure that a mixed
26 martial arts competition, exhibition or event is conducted in accordance with this chapter
27 and rules adopted under this chapter and take all other lawful action necessary and
28 incidental to its purposes.

29 **Sec. 5. 8 MRSA §530** is enacted to read:

30 **§530. Refusal, suspension or revocation of certificate; grounds**

31 The board may, after notice of an opportunity for hearing in accordance with Title 5,
32 chapter 375, subchapter 4, refuse to issue or renew and may suspend or revoke a
33 certificate described under section 523, subsection 1. The following are grounds for an
34 action to refuse to issue, suspend, revoke or refuse to renew a certificate issued under
35 section 523, subsection 1:

36 **1. Fraud or deceit.** The practice of fraud or deceit in obtaining a certificate under
37 section 523, subsection 1;

1 2. Violation of chapter or rule. Any violation of this chapter or any rule adopted
2 by the authority;

3 3. Failure to maintain insurance. Failure to maintain health and accident insurance
4 required by section 523, subsection 1, paragraph J; and

5 4. Conviction of certain crimes. Conviction of a crime that involves dishonesty or
6 false statement that relates directly to the practice for which the applicant is certified or
7 requesting certification or that relates directly to an applicant's qualifications for a
8 certificate under section 523, subsection 1. The board shall consider such a conviction in
9 the same manner as a licensing agency pursuant to Title 5, chapter 341.

10 Sec. 6. 8 MRSA §531 is enacted to read:

11 §531. Complaint investigation; confidentiality

12 Complaints and investigative records of the authority relating to a violation of this
13 chapter or any rule adopted by the authority are confidential to the same extent provided
14 for licensing boards and commissions under Title 10, section 8003-B.

15 Sec. 7. 8 MRSA §532 is enacted to read:

16 §532. Fines; enforcement

17 The board may, after a hearing under Title 5, chapter 375, subchapter 4, impose a fine
18 of not more than \$500 for each violation against a person who violates this chapter or
19 rules adopted pursuant to this chapter or who participates in a mixed martial arts
20 competition, exhibition or event without the certificate described under section 523,
21 subsection 1. The Attorney General may bring an action in Superior Court to enjoin a
22 martial arts competition, exhibition or event from occurring for which the promoter's fee
23 has not been paid or a participant who does not meet the qualifications of this chapter
24 from participating in the competition, exhibition or event.

25 Sec. 8. 17-A MRSA §515, sub-§2-A, as enacted by PL 2009, c. 352, §3, is
26 amended to read:

27 ~~2-A. Effective March 1, 2010, this~~ This section does not apply to any mixed martial
28 arts competition, exhibition or event authorized pursuant to Title 8, chapter 20 as long as
29 rules have been adopted by the Mixed Martial Arts Authority of Maine pursuant to Title
30 8, chapter 20.

31 Sec. 9. **Retroactivity.** That section of this Act that amends the Maine Revised
32 Statutes, Title 8, section 523 is retroactive to March 1, 2010.'

33 **SUMMARY**

34 This amendment replaces the bill, which was a concept draft. It authorizes the board
35 of directors of the Mixed Martial Arts Authority of Maine to conduct specific inspections
36 of mixed martial arts competitions, exhibitions or events and enhances enforcement
37 mechanisms of the board. The amendment requires the authority to adopt rules regarding
38 the certification process for authorized participants and a requirement that a physician be
39 present during each mixed marital arts competition, exhibition or event. It allows the

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COMMITTEE AMENDMENT "A" to H.P. 1186, L.D. 1685

1 board to discipline authorized participants if they fail to adhere to the rules adopted by the
2 authority and allows for fines up to \$500 for each violation. It extends the deadline for
3 the authority to adopt rules from March 1, 2010 to October 15, 2010.

4 **FISCAL NOTE REQUIRED**

5 **(See attached)**



124th MAINE LEGISLATURE

LD 1685

LR 2054(02)

An Act To Clarify the Enforcement Role of the Mixed Martial Arts Authority of Maine

Fiscal Note for Bill as Amended by Committee Amendment "A"
Committee: Business, Research and Economic Development
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund
Minor cost increase - Other Special Revenue Funds
Minor revenue increase - Other Special Revenue Funds

Correctional and Judicial Impact Statements

Increases the number of civil suits.

The collection of additional filing fees may also increase General Fund revenue by minor amounts.

Fiscal Detail and Notes

Additional costs to the Mixed Martial Arts Authority of Maine associated with implementing the provisions of this legislation can be absorbed within existing budgeted resources. Allowing for the assessment of up to \$500 in fines for each violation of rules adopted by the board of directors of the authority will increase the amount of dedicated revenues received by the authority. The increase in fine revenue is not expected to be significant.