

# MAINE STATE LEGISLATURE

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H. P. 858      House of Representatives, February 6, 1929.

Referred to Committee on Legal Affairs and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Locke of Biddeford.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND TWENTY-NINE

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AN ACT in Relation to Athletic Exhibitions, Creating a Commission, Prescribing Its Powers and Duties, Providing Penalties for Violation of the Provisions Thereof and Repealing Sections of an Act Therein Named.

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

### CREATION—APPOINTMENT—COMPENSATION

Section 1. That there is hereby created an athletic commission to be known as the state athletic commission, consisting of three persons, to be appointed by the governor. One of said persons shall be appointed for a period of one year from and after the second Monday in January, following his appointment, one for a period of two years from and after the second Monday in January, following his

8 appointment, and one for a period of three years from and  
9 after the second Monday in January, following his appoint-  
10 ment, and upon the expiration of the terms of such re-  
11 spective commissioners, the governor shall appoint their  
12 successors, each to serve until their successors are appointed  
13 and qualified. The members of the commission shall each  
14 serve without pay.

#### SECRETARY—APPOINTMENT—SALARY

Sect. 2. The commission may appoint, and at pleasure  
2 remove, a secretary to the commission, whose duty it shall  
3 be to keep a full and true record of all its proceedings, and  
4 keep the books and records in the general office of the com-  
5 mission, and to perform such other duties as the commis-  
6 sion may prescribe. The salary of the secretary shall be  
7 arranged by the full commission.

#### ORGANIZATION OF COMMISSION

Sect. 3. The commission shall, within thirty days after  
2 its appointment, and on or before the first day of October  
3 of each year thereafter, organize by appointing one mem-  
4 ber as its chairman, and shall adopt a seal for the commis-  
5 sion and shall make such rules and regulations for the ad-  
6 ministration of the commission not inconsistent herewith,  
7 as they may deem expedient, and may, from time to time,  
8 amend such rules and regulations.

#### QUORUM

Sect. 4. Two members of said commission shall constitute  
2 a quorum for the transaction of business, and the concur-

3 rence of at least two commissioners shall be necessary to  
4 render a determination or decision by the commission.

#### REPORT TO GOVERNOR

Sect. 5. On or before the thirty-first day of December, in  
2 each year, the commission shall make to the governor a full  
3 report of its proceedings for the year ending the first day  
4 of December in each year, and may submit with such re-  
5 port such recommendations pertaining to its affairs as to it  
6 shall seem desirous.

#### WHEN MATCHES OR EXHIBITIONS MAY BE HELD —WHEN LICENSE NOT REQUIRED

Sect. 6. Boxing, sparring, and wrestling matches or ex-  
2 hibitions for prizes or purses, or where an admission fee  
3 is charged or received, may be held within the State of  
4 Maine, except on Sunday, subject to the direction, manage-  
5 ment and control of the state athletic commission, which  
6 is hereby vested with the sole jurisdiction over all boxing,  
7 sparring, and wrestling matches and exhibitions to be con-  
8 ducted in this state, provided, however, that any such box-  
9 ing, sparring, or wrestling matches or exhibitions which  
10 are conducted by any school, college, or university within  
11 any building or upon any ground owned or occupied by  
12 said school, college or university, within the State of Maine,  
13 shall not be subject to the provisions of this act, requiring  
14 licenses, as herein provided, even though an admission fee  
15 is charged. However, the term "school, college, university"  
16 does not include a school or other institution for the princi-

17 pal purpose of furnishing instruction in boxing, wrestling  
18 or other athletics.

#### LICENSE REQUIRED

Sect. 7. No boxing, sparring, or wrestling match or ex-  
2 hibition, except as herein provided, shall be held or con-  
3 ducted within this state, except under a license and permit  
4 issued by the state athletic commission, in accordance with  
5 the provisions of this act, and the rules and regulations  
6 adopted in pursuance hereof.

#### ANNUAL LICENSE—PERMIT PENALTY

Sect. 8. The commission may, in its discretion, issue, un-  
2 der the name and seal of the state athletic commission, an  
3 annual license in writing for holding such boxing, sparring,  
4 and wrestling matches or exhibitions, to any person, club,  
5 corporation, or association, who, or which, in the discre-  
6 tion of the state athletic commission, is properly qualified  
7 for the holding of such exhibitions, and shall have the right  
8 to, and are hereby put under obligation of, adopting reason-  
9 able rules and regulations, to establish the qualifications of  
10 the applicants for such license, which rules and regulations  
11 shall be such as to carry out the spirit of this act and shall  
12 not be inconsistent herewith.

In addition to the license herein required, every person,  
2 club, corporation, or association, before conducting any  
3 particular boxing, sparring, or wrestling match or exhibi-  
4 tion, where one or more contests are to be held, shall ob-  
5 tain a permit therefor from the state athletic commission,

6 such permit so issued shall authorize the conducting of one  
7 such boxing, sparring, or wrestling match or exhibition, and  
8 any number of contests may be held hereat.

Any person, club, corporation, or association, or any offi-  
2 cer of such club, corporation, or association conducting a  
3 boxing, sparring, or wrestling match or exhibition, without  
4 first obtaining such license and permit, as provided in this  
5 act, shall be deemed guilty of misdemeanor, and shall be  
6 punished by a fine of not less than one thousand (\$1,000.00)  
7 dollars, and not more than five thousand (\$5,000.00) dol-  
8 lars, and, in addition thereto, in the discretion of the court,  
9 in the case of such an individual or officer, shall be sentenced  
10 not to exceed six months in the county jail.

#### APPLICATION FOR LICENSE

Sect. 9. Applications for a license or permit to conduct  
2 a boxing, sparring, or wrestling match or exhibition shall  
3 be made in writing upon forms prescribed by the state ath-  
4 letic commission, and shall be addressed to and filed with  
5 such commission, and shall be verified by the applicant, if  
6 an individual, or by some officer of the club, corporation,  
7 or association in whose behalf the application is made.

The application for a permit to conduct a boxing, sparring,  
2 or wrestling match or exhibition shall, among other things  
3 state the time and exact place at which the boxing, sparring,  
4 or wrestling match or exhibition is proposed to be held,  
5 the name of the contestants who will participate therein and  
6 their seconds, the seating capacity of the building or the

7 hall in which such exhibition is proposed to be held, the  
8 admission charge or charges which it is proposed to make,  
9 the name of the referee who will act at such match or ex-  
10 hibition, and the amount of his fee or compensation, the  
11 amount of the compensation or percentage of gate receipts  
12 which it is proposed to pay to each of the participants there-  
13 in, the name and address of the person, club, corporation,  
14 or association making the application, and the names and  
15 addresses of all the officers of such club, corporation or  
16 association.

Any person who in swearing to such application, makes,  
2 or causes to be made, therein, any statement which is  
3 knowingly and wilfully false, shall be deemed guilty of per-  
4 jury and punished accordingly.

#### WHO NOT ENTITLED TO LICENSE

Sect. 10. No boxing, sparring, or wrestling match or ex-  
2 hibition shall be conducted by any person, club, corporation,  
3 or association, except by and in accordance with a license  
4 and permit issuing to such person, club, corporation, or  
5 association by the state athletic commission of the State  
6 of Maine, and no club, corporation, or association shall be  
7 entitled to receive a license or permit from the state ath-  
8 letic commission unless it has been incorporated under the  
9 laws of the State of Maine with a membership of not less  
10 than fifty persons, who have been continuous residents of  
11 the State of Maine not less than one year prior to the appli-  
12 cation for such license or permit.

RULES AND REGULATIONS—BOND—LICENSE  
NOT TRANSFERABLE

Sect. 11. The state athletic commission may, in its discretion, issue a license to conduct boxing, sparring, or wrestling matches or exhibitions to any person, club, corporation, or association, who, or which, complies with the provisions of this act, and the rules and regulations of the commission and who or which comply with the following conditions: (a) who, or which, shall file with the state treasurer a bond provided for in section twenty-one of this act; (b) who, or which, prior to the application, obeyed every valid rule, regulation, or order of the state athletic commission, and shall not be guilty of violating any of the provisions of this act; (c) which, in the case of a club, corporation, or association, does not have among its officers or members any person who belonged to a club, corporation, or association which has been guilty of a violation of this act, or of any valid rule, regulation, or order of the state athletic commission; (d) which, in case of a club, corporation, or association, shall have officers, matchmakers, and other officials of the club, corporation, or association, all of whom must be bona fide residents of the State of Maine, who having resided in the State of Maine three years prior to the application of such license and permit under this act.

The license when issued shall recite that the person, club, corporation, or association, to whom it is granted, has com-



3 plied with the conditions of this section, and the license shall  
4 not be transferable.

### COMMISSION MAY LIMIT ISSUANCE OF LICENSES

Sect. 12. The commission shall have full power and au-  
2 thority to limit the number of clubs or the sparring, boxing  
3 and wrestling matches and exhibitions to be held or given  
4 by any club, organization or corporation in any city in this  
5 state, wherein such boxing contests are conducted in the  
6 manner herein provided. No boxing, sparring or wrestling  
7 matches or exhibitions shall be conducted by any club, or-  
8 ganization or corporation having a license to conduct spar-  
9 ring, boxing or wrestling matches or exhibitions in this  
10 state except by a sanction or permit from the state athletic  
11 commission. Every license shall be subject to such rules  
12 and regulations and amendments thereof as the commission  
13 may prescribe.

No license or permit shall be issued to any person, club,  
2 corporation or association to conduct sparring, boxing or  
3 wrestling matches or exhibitions at any place other than in  
4 a city, village or incorporated town.

### RULES GOVERNING LICENSEE—PENALTY FOR VIOLATION

Sect. 13. Any person, club, corporation or association to  
2 whom a license is issued, shall not:

(a) Hold such match or exhibition at any other time, or  
2 place, or

(b) Permit any other contestants or referee to participate therein, or

(c) Charge a greater rate or rates of admission; or

(d) Pay a greater fee, compensation or percentage to contestants or referee than was specified in the application made and filed prior to the issuance of such permit.

Provided, however, that in case of an emergency, the commission may, upon application, allow a person, club, corporation, or association to hold such boxing, sparring, or wrestling show or contests wherever it may deem fit, within the city in which such person, club, corporation, or association is located, and substitute contestants, seconds, or referee, as circumstances may require.

Any corporation or officer of any club, or association, violating the provision of this section, is guilty of misdemeanor and shall be punished by a fine of not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00).

#### REFUSAL TO GRANT LICENSE—HEARING

Sect. 14. In case the state athletic commission refuses to grant a license to an applicant, the applicant, at his, or its option, shall be entitled to a hearing in the manner hereinafter provided; but, if the state athletic commission, prior to such refusal after a hearing, has found, by a valid finding, the applicant has been guilty of disobeying any rule, regulation or order of the state athletic commission, or has been guilty of violating any of the provisions of this act,

9 such applicant shall not again be heard, and in case any  
10 boxing, sparring, or wrestling match or exhibition has been  
11 conducted by any person, club, corporation, or association,  
12 under the provisions of this act, the state athletic commis-  
13 sion, on its own motion, or on the petition of any resident  
14 of the state of Maine, may conduct a hearing to determine  
15 whether such person, club, corporation, or association has  
16 disobeyed any rule, regulation, or order of the state ath-  
17 letic commission, or has been guilty of any violation of the  
18 provisions of this act.

#### NOTICE OF HEARING—RULES FOR HEARINGS BEFORE COMMISSION

Sect. 15. Any hearing by the commission shall be held  
2 at any of its offices, which the commission may designate,  
3 after at least ten days' notice in writing, addressed to the  
4 person, club, corporation or association affected, at its ad-  
5 dress, as stated in the last application filed with the com-  
6 mission. Such notice shall be served by mailing the same,  
7 postage prepaid, by registered mail, to such person, club,  
8 corporation or association at such address.

The commission, in conducting such hearing, shall not be  
2 bound by technical rules of evidence, but all evidence of-  
3 fered before the commission shall be reduced to writing and  
4 shall with the petition and exhibits, if any, and the find-  
5 ings of the commission, be permanently preserved and shall  
6 constitute the record of the commission in such case.

Any person, club, corporation or association interested in

2 such hearing, may be represented by counsel and shall have  
3 the right to introduce evidence. The attorney-general, at  
4 the request of the commission, shall assist in the conduct  
5 of such hearing.

Every member of the state athletic commission shall have  
2 power to administer oaths and affirmations, certify to all  
3 official acts, issue subpoenas, compel the attendance and  
4 testimony of witnesses and the production of papers, books,  
5 accounts, and documents. Any person who shall be served  
6 with a subpoena to appear and testify, or to produce books,  
7 papers, accounts or documents, issued by the commission,  
8 or any member thereof, in the course of an inquiry or hear-  
9 ing conducted under the provisions of this act, and who  
10 shall refuse and neglect to appear or to testify, or to pro-  
11 duce books, papers, accounts and documents relative to said  
12 hearings, as commanded in such subpoena, shall be guilty  
13 of a misdemeanor.