

MAINE STATE LEGISLATURE

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E I G H T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 202

H. P. 631

House of Representatives, Jan. 31, 1933.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Boyle of Sumner.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED THIRTY-
THREE

AN ACT Establishing a State Athletic Commission.

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

Section 1. **State athletic commission established.** There is hereby established a commission which shall be known as the "state athletic commission" and the said commission shall have full charge and complete control of all boxing, sparring and wrestling matches or exhibitions held within the boundaries of the state.

Sec. 2. **Appointment and powers of commission.** The state athletic commission shall consist of three persons, one of whom shall be the chief of the state highway police, who shall act as chairman of the commission and the remaining two members of the commission shall be appointed by the governor with the advice of the council, one from the attorney-general's department and one from the department of health and welfare; all of the members of the commission to serve for a term of two years or until a successor is appointed, and no member of the state athletic commission shall receive any compensation for his service as a member of the commission under the provisions of this act, except that they may receive actual travelling expenses when actually and necessarily incurred in the discharge of their duties when called upon to represent the commission at any boxing, sparring or wrestling match or exhibition or in

conducting any investigation relating to any violation of any of the provisions of this act, and they shall have the power to summons witnesses and hear testimony in regard to said violations and the board of commissioners shall meet at least once in each week to transact any business that may come under their supervision according to the provisions of this act.

Sec. 3. **Secretary of commission; appointment and duties.** The commission shall be furnished with suitable offices in the state house or elsewhere in the city of Augusta and the governor with the advice of the council shall appoint a secretary for the commission whose duties shall consist of keeping a true and accurate record of all business transacted by the commission and shall perform such duties as the commission may direct and shall represent the commission at any boxing, sparring or wrestling match or exhibition when instructed to do so by the commission and when not actually engaged in his duties as secretary of the state athletic commission as prescribed by the provisions of this act he shall perform such other duties as the governor with the advice of the council may direct and the salary of the secretary of the state athletic commission shall not exceed fifteen hundred dollars per year, nor be less than twelve hundred dollars per year, as the governor with the advice of the council may specify, and he shall be allowed actual traveling expenses when actually and necessarily incurred in the discharge of his duties or when called upon to represent the commission at any boxing, sparring or wrestling match or exhibition authorized to be held as hereinafter provided.

The secretary of the state athletic commission may be removed by the governor with the advice of the council for such cause as they shall deem sufficient which shall be stated in the order of removal.

The secretary of the state athletic commission shall be appointed for a term of two years and shall serve until his successor is appointed.

Sec. 4. **Licenses for athletic exhibitions.** No boxing, sparring or wrestling match or exhibition for a prize or a purse or at which an admission fee is charged, either directly or indirectly, in the form of dues or otherwise shall take place or be conducted in this state except in pursuance of a license granted by the commission as hereinafter provided. In no case shall any boxing, sparring or wrestling match or exhibition occur on Sunday.

Applications for the license shall be accompanied by such fee, not less than fifteen nor more than five hundred dollars, as the commission may establish on the basis of the population of the city or town in which the match or exhibition is to be held. Any person or persons holding, conducting, participating in or attending a match or exhibition held without

a license as provided in this act, shall be punished by a fine not exceeding one hundred dollars or imprisonment for a term not exceeding three months or by both fine and imprisonment. In the case of exhibitions or bouts or matches held in accordance with the rules and regulations of such amateur organizations as may be approved by the commission, the commission may issue special licenses without requirement of a bond as required in section 6 or of the annual fee.

Sec. 5. **Issuance of licenses.** The commission may, subject to the provisions of this act, issue licenses to conduct boxing, sparring or wrestling matches or exhibitions either collectively boxing and wrestling, or separately, which shall expire on the thirty-first day of December of the year of issue.

Sec. 6. **Bond.** No license as aforesaid shall be granted unless the licensee has executed and filed with the commission a bond in a penal sum of \$1000 with such surety or sureties as shall be satisfactory to the commission, running to the commission, conditioned upon payment to the state of the sums mentioned in section 7 and upon the faithful compliance by the licensee with the provisions of this act, the rules and regulations of the commission and with such other laws of the state as may be applicable to anything done by the licensee in pursuance of the license. The bond shall also provide for a forfeiture to the state, recoverable at the suit of the attorney-general, of such sum, not exceeding \$1000, as may be stipulated in the bond for each case of non-compliance.

Sec. 7. **Fees to state.** Every licensee holding or conducting any such boxing, sparring or wrestling match or exhibition shall, within 72 hours after its conclusion, pay to the state treasurer a sum equal to 5% of the gross receipts from the sale of tickets or from admission fees, except where the gross receipts are more than \$200, \$10, and provided that if such match or exhibition is conducted as an incidental feature in an event or entertainment of a different character, such portion of the total receipts shall be paid to the state as the commission may determine or as may be fixed by rules under section 19. Within said time the licensee shall furnish to the commission a report duly verified by the treasurer and secretary, showing the exact number of tickets sold and admission fees collected for the contest and gross receipts thereof and such other data as the commission may require.

Sec. 8. **Fees for amateur matches.** No person shall act, except at a purely amateur match or exhibition, directly or indirectly, as physician, referee, judge, timekeeper, professional boxer or wrestler or as manager, trainer or second of such boxer or wrestler at a boxing, sparring or wrestling match or exhibition unless licensed by the commis-

sion upon receipt of such classified fee, not exceeding twenty-five dollars, as the commission may fix. For the purpose of this act a boxer or wrestler is defined as one who competes for a money prize, or teaches or pursues or assists in the practice of boxing or wrestling as a means of obtaining a livelihood or pecuniary gain.

Physicians who desire to officiate without charge at amateur boxing, sparring or wrestling matches or exhibitions shall be licensed without charge.

Sec. 9. **Referees.** At every boxing, sparring or wrestling match or exhibition there shall be in attendance a referee, duly licensed under the provisions of this act who shall direct and control the same.

The referee shall have full power to stop the match whenever he deems it advisable because of the physical condition of the contestants or one of them or when one of the contestants is clearly outclassed by his opponent or for other sufficient reason. The referee shall have power in his discretion to declare forfeited any prize, remuneration or purse or any part thereof belonging to the contestants or one of them if, in his judgment such contestant or contestants are not or were not competing in good faith. The fees of the referee and the other licensed officials as established by this act shall be paid by the licensed organization prior to the match or exhibition.

Sec. 10. **Physician to be present at matches.** At any boxing, sparring or wrestling match or exhibition there shall be in attendance a duly licensed physician, whose duty it shall be to observe the physical condition of the boxers or wrestlers and advise the referee with regard thereto. Any competent physician who has had not less than three years experience as a medical practitioner may be licensed.

No boxer or wrestler shall be permitted to enter a contest unless, not more than three hours before, a physician licensed under this act shall certify in writing that the boxer or wrestler is physically fit to engage in the proposed contest. The physician's fee as fixed by the commission shall be paid by the licensee conducting the match or exhibition.

Sec. 11. **Duration of matches.** Boxing or sparring matches or exhibitions shall not exceed ten rounds in length and no round shall exceed three minutes and the contestants shall wear during the contest, gloves weighing at least six ounces each.

No contestant in a boxing or sparring match or exhibition shall participate in more than ten such rounds during any period of twenty-four hours.

Wrestling matches or exhibitions shall consist of not more than three periods. A period shall be held to mean that portion of time that it shall

require for one of the contestants to secure a "fall" and the match or exhibition shall end when one of the contestants has secured two "falls" and the match or exhibition shall end when one of the contestants has secured two "falls" unless stopped sooner by the referee and the commission shall make such rules and regulations as are necessary to govern wrestling matches or wrestling exhibitions and they shall explain in their rules what constitutes a "fall".

Sec. 12. **Age of contestants regulated.** No contestant under 18 years of age shall be permitted to engage in any boxing, sparring or wrestling match or exhibition.

No person under the age of 16 shall be admitted to or be present at any boxing, sparring or wrestling match or exhibition.

Sec. 13. **Overcrowding capacity of hall forbidden.** It shall be unlawful for any licensee hereunder to sell or cause to be sold or issued more tickets or invitations purporting to admit to any such match or exhibition, or otherwise to admit to same, more persons than are admissible according to authorized capacity of the building or part thereof actually used therefor.

Sec. 14. **Revocation of licenses.** Any license granted hereunder may be revoked or suspended by the commission for a violation of the provisions of this act or of any other law of the state or any rule or regulation adopted by the commission or whenever the licensee has, in the judgment of the commission, been guilty of any act or offense detrimental to the public interest.

Sec. 15. **Promoter not to have financial interest in contestant; contestants to be paid only if exhibition is honest.** No licensee hereunder shall have, directly or indirectly, any financial interest in a boxer or wrestler competing on premises owned or leased by the licensee, or in which the licensee is otherwise interested. No contestant in such match or exhibition shall be paid for services before the same are rendered and should it be determined by the referee that a contestant did not give an honest exhibition of his skill, his services shall not be remunerated.

Sec. 16. **Penalty for wagering on contests.** Whoever bets or wagers or sells pools on any boxing, sparring or wrestling match or exhibition shall be punished by a fine of not less than \$50 or by imprisonment for not less than 3 months or by both such fine and imprisonment.

Sec. 17. **Commission may summons, etc. witnesses.** The commission shall have the same authority to summons and require the attendance and testimony of witnesses as to all matters within its jurisdiction as is conferred upon city councils or governing bodies of cities as is contained in

the revised statutes and all amendments thereof; and the same shall apply to witnesses so summoned.

Sec. 18. **Jurisdiction of superior court.** The superior court shall have jurisdiction in equity upon any information filed by the state athletic commission, the attorney-general of the state, the county attorney, the police authorities of the city or town in which the boxing, sparring or wrestling match or exhibition is held is announced to be held, or of any five voters of the state, stating that a certain building, tenement or place is used for boxing, sparring or wrestling matches or exhibitions by an individual, group, partnership, club, corporation or association which is not licensed under this act or contrary to the terms of this act or that a boxing, sparring or wrestling match or exhibition is being advertised or announced or has been advertised or announced to take place in a certain building or place or that a certain individual, club, corporation or association is selling, exchanging or giving away tickets, tokens or symbols purporting to entitle the holder to the right or privilege of attending a certain boxing, sparring or wrestling match or exhibition which is not licensed by the state athletic commission and is contrary to this act, to enjoin and abate the same as a common nuisance.

Sec. 19. **Rules and regulations; report of commission.** The commission may make such rules and regulations for the administration and enforcement of this act as they may deem necessary, subject to the approval of the governor and council. Such rules and regulations may provide for and regulate the granting of a special permit for exhibitions where no decision is to be rendered and when a skilled boxer or boxers, or wrestler or wrestlers, merely demonstrate the science of boxing or wrestling and all professional boxers, wrestlers, managers, seconds, referees, timekeepers and physicians shall be licensed by the state and the commission shall establish and fix the amount of such annual fee which in no case shall exceed \$25 or be less than \$5 and all licenses issued under this section shall expire on December 31st of the year of issue.

The chairman of the commission shall make a report to the governor and council annually not later than December 31st, together with any recommendations for legislation which may seem desirable.

Sec. 20. **Surplus funds to be credited to health and welfare department.** The remainder of the sums received under the provisions of this act, shall, on or before the first day of January of each year be transferred by the treasurer of the state to the credit of the department of health and welfare.

Sec. 21. **Local option.** This act shall take effect for the current year

in any city or town upon its acceptance by the mayor and city council or like body exercising similar powers in cities and upon its acceptance by the selectmen of a town.

Sec. 22. **Submission to voters.** In any city or town, the governing body having accepted this act as above provided, the act shall be submitted to the voters at the municipal election held in any year subsequent to the year in which the act was accepted as aforesaid, provided that a petition to that effect, signed by not less than 10% of the legal voters is filed with the city or town clerk not less than 30 days before the election. If upon such submission a majority of the legal voters, voting thereon vote against the act, it shall cease to have effect in that city or town until accepted by the voters as provided in this section.

Sec. 23. **Repealing clause.** All of the provisions of previous laws to regulate and control boxing, sparring and wrestling matches or exhibitions as included in the revised statutes and amendments to same shall not apply to any boxing, sparring or wrestling match or exhibition licensed under this act and conducted under and in accordance with the terms and provisions of this act and the rules and regulations thereunder.