

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1145

H. P. 2168

House of Representatives, April 5, 1939.

Reported by a majority from Committee on Legal Affairs. On motion of Mr. Richardson of Strong both reports tabled pending motion of Mr. Buzzell of Belfast that the majority report be accepted and new draft ordered printed.

HARVEY R. PEASE, Clerk.

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

**IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-NINE**

AN ACT to Create a State Boxing Commission.

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

Sec. 1. State boxing commission. There shall be, and hereby is, created a state boxing commission, which shall be known as the Maine State Boxing Commission, consisting of 3 members who shall be appointed for terms of 3 years and may be for cause removed by the governor with the advice and consent of the council. The chairman shall receive an annual salary of \$1500. The second member of the commission shall be an officer of the state police and shall serve without salary. The third member shall receive a compensation of \$10 per regular meeting which he attends. Any vacancy shall be filled by appointment for the unexpired term. The members shall serve until their successors are appointed and qualified. So far as is practicable they shall be persons interested in and familiar with boxing.

Sec. 2. Organization. The commissioners shall select one of their members to be secretary of the commission. Two of the members of the commission shall constitute a quorum to do business. It shall be the duty of the secretary to keep a record of all proceedings of the commission and to preserve all books, maps, documents, papers and records entrusted to its

care. The commission will hold meetings every second week on a day to be selected.

Sec. 3. Boxing fund. The treasurer of state shall keep a separate account, to be known as the state boxing fund, to which shall be credited all money received from the license fees and tax on attendance, as provided for in this act, to be used; first for the expense of administering this commission and second any surplus over said expense of administration shall be credited to the general fund. It is hereby declared to be the intent of the legislature that the license fees received under this act when in excess of the costs of administration of the act shall be reduced so that they will be sufficient only for the said costs of administration. The commission is hereby directed and authorized to determine when such excess occurs and to change the fees accordingly for the following fiscal year and is further directed and authorized to raise such fees for the following fiscal year to an amount not in excess of those provided herein, when the income therefrom is not sufficient to provide for the said costs of administration.

Sec. 4. Bond. The chairman of the commission shall give bond to the state in the sum of \$2000, with sureties, to be approved by the governor and council, for the faithful performance of his duties.

Sec. 5. Office. The commission shall have an office in Augusta.

Sec. 6. Disbursements. The compensation of the commissioners, reasonable transportation expenses of the chairman, incurred in the performance of his duties, and other necessary expenses of the commission, including suitable furniture, equipment, supplies, and office expenses shall be charged to and paid out of the fund received under the provisions of this act, when audited and approved by the governor and council. Provided, however, that no administrative expense of said commission shall be allowed in excess of the income derived from the operation of this act.

Sec. 7. Report of the commission. The commission shall make an annual report to the governor on or before the 1st day of December in each year, including therein an account of its actions, receipts derived under the provisions of this act, the practical effects of the application of this act, and any recommendation for legislation which the commission deems advisable.

Sec. 8. Jurisdiction of the commission. The commission shall have and hereby is vested with the sole direction, control and jurisdiction over all boxing contests and is hereby empowered to institute and promulgate all rules and regulations necessary therefor. No boxing contest, except as

herein provided, shall be held or conducted within this state except under a license and permit issued by the state boxing commission in accordance with the provisions of this act and the rules and regulations adopted in pursuance thereof.

Sec. 9. Licenses; penalties. The commission may issue, in its discretion, under the name and seal of the state boxing commission, a license in writing to extend for one year unless revoked by the commission for cause, to any person, club, association or incorporation who or which is properly qualified, which will entitle him or it to conduct boxing contests for a period of one year from date of issuance, in accordance with the provisions of this act and the rules and regulations adopted in pursuance thereof. Such license may be revoked or suspended by the commission upon hearing and proof that the holder of such license has violated any of the provisions of this act or of any rule, regulation or order of the commission. The commission may in its discretion fix the fee of such license at a figure between \$10 and \$100, depending upon the probable income of the licensee to be derived from the conducting of such boxing contests.

All persons engaging in such boxing contests as boxers, seconds, managers, referees, judges and physicians must have been licensed by the commission in a like manner, such licenses to be subject to revocation or suspension for cause. The yearly fees shall be as follows: boxers, \$3; managers, \$5; seconds, \$2; referees, \$5; judges and physicians, no fee.

Upon the application for any such license as enumerated above, the chairman of the commission shall in his discretion temporarily issue or refuse to issue the license, or he may upon information of violation of the provisions of this act or the rules of the commission temporarily suspend or revoke a license for cause. Upon written request of the applicant, licensee, chairman of the commission, or of any 3 citizens of the state or of the athletic commissions or boxing commissions of any other state or of the National Boxing Association, the commission shall, after written notice to the interested parties sent to them by registered letter mailed post-paid at least 7 days before the hearing, consider the matter at its regular meeting, and rule upon the issuance, suspension, rejection or revocation of said license.

Any person, club, association or corporation, or any officer of such club, association or corporation who conducts such a boxing contest, or any boxer, manager, second, referee, judge or physician who engages in or in any way takes part in such a contest, without first obtaining such a license, or when such license has expired or been suspended or revoked by the com-

mission, or temporarily suspended or revoked by the chairman, shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$10 nor more than \$1000.

Sec. 10. Rules governing hearings. Any hearing by the commission shall be at its office after notice in writing sent postpaid by registered mail to all interested parties at least 7 days before the date of the hearing. The commission in conducting such hearing shall not be bound by technical rules of evidence. The secretary of the commission shall preserve the petition, exhibits and the findings of the commission which shall constitute the record in each case. Any person, club, association or corporation interested in such hearing may be represented by counsel and shall have the right to introduce evidence. The attorney-general of the state may assist in the conduct of such hearing. Every member of the commission shall have power to administer oaths and affirmations, certify to all official acts, issue subpoenas, compel the attendance and testimony of witnesses, and the production of papers, books, accounts and documents for the purposes of administering the provisions of this act. If any person served with a subpoena to appear and testify, or to produce books, papers, accounts or documents issued by the commission or any member thereof in the course of an inquiry or hearing conducted under the provisions of this act, shall, in disobedience of such subpoena, refuse, neglect or fail to appear or to testify, or to produce such books, papers, accounts or documents, then any member of the commission may apply to a justice of any of our superior courts, in term time or in vacation, and thereupon the said justice shall issue a subpoena requiring such person to appear and to testify and to produce such books, papers, accounts or documents before the said commission. Any person failing or refusing to obey a subpoena of such justice shall be liable for proceedings as for contempt.

Any person who shall swear falsely to any matter before the commission shall be guilty of perjury and shall be punished accordingly.

The commission or any member thereof may in hearings before said commission cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil cases in the courts of this state.

All hearings shall be held before at least 2 members of said commission and the concurrence of at least 2 members of the commission shall be necessary to any finding or order.

The findings of the commission shall be the basis for suspension, revocation or rejection of a license, but such findings shall not be admissible in evidence in any criminal prosecution.

Any person, club, association or corporation aggrieved by the findings of the commission may, by petition, take an appeal within 60 days to the superior court in the county where the hearing was held. Such petition shall, in substance, state the findings of the commission and the grounds for appeal, and said court shall consider said proceeding de novo and the parties thereto shall have right of exception and appeal as in civil matters. In the event the final judgment of the court reverses the finding of the commission, the court finding and order shall be conclusive upon the commission.

Sec. 11. Rules and regulations. The commission shall issue to each promoter a printed form, which shall be returned to the commission by registered letter mailed within 48 hours of the completion of a boxing contest held under the provisions of this act, on which there shall be a list of the names of the contestants with the signed statement of a licensed physician stating that he examined them within 10 hours of the contest and found them to be in good physical condition and that he weighed them and what he found their various weights to be. It shall also contain the signed statement of the promoter stating the results of each contest, the names of the referee and judges and the gross receipts.

Sec. 12. Tax. The promoter or promoters of all boxing contests held under the provisions of this statute shall pay to the treasurer of the state, as provided in section 3 of this act, a tax of 3% of the gross receipts from such contest. This tax shall have been paid to the treasurer of the state by the last day of the month following the month in which such contest is held. Upon failure to pay such tax to the treasurer of the state, such promoter or promoters shall be liable to pay a penalty of 25% of the amount of the tax due, which penalty shall be recovered by an action on the case brought in the name of the said commission, and the said penalty if recovered shall be paid to the treasurer of the state to be credited to the state boxing fund. On the failure of any promoter or promoters to pay such a tax the commission shall revoke the promoters license.

Sec. 13. Decisions. In all boxing contests conducted under the provisions of this act, there may be a decision as to the winner by 2 judges and the referee, licensed under the provisions of this act.

Sec. 14. Saving clause. If any portion of this act shall be held to be unconstitutional such decision shall not affect the validity of the remaining portion thereof.

Sec. 15. Repealing clause. All laws or parts of laws in conflict with this act are hereby repealed, or amended to conform herewith.