

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

Sec. 2. 28-A MRSA §2053, sub-§4, as amended by PL 1987, c. 342, §120, is further amended to read:

4. Penalty. The ~~penalty~~ penalties provided in this section ~~is the exclusive penalty for violating~~ and section 2052, ~~and is~~ are not in conflict with Title 15, Part 6, ~~but is additional to the civil violation defined in section 2051.~~

See title page for effective date.

CHAPTER 338

H.P. 703 - L.D. 1007

An Act to Address Budgetary Concerns of the Maine Athletic Commission and to Deregulate Certain Aspects of the Sport of Wrestling

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

Whereas, it is vital that the funds provided for in this bill be available for the beginning of fiscal year 1991-92; and

Whereas, that fiscal year will begin before the expiration of the 90-day period; and

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

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

Sec. 1. 5 MRSA §12004-A, sub-§44, as enacted by PL 1987, c. 786, §5, is amended to read:

44. Maine Athletic Commission \$35/Day Plus Expenses 32 MRSA ~~13501~~ §13501

~~A. The total per diem compensation for each member shall not exceed \$1,000 per year.~~

Sec. 2. 32 MRSA §13501, first ¶, as amended by PL 1989, c. 503, Pt. B, §157, is further amended to read:

The Maine Athletic Commission, established by Title 5, section 12004-A, subsection 44, and in this chapter called "the commission," ~~shall consist~~ consists of 5 members appointed by the ~~Commissioner of Professional and Financial Regulation, with the advice and consent of the Governor.~~ A 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 the commission ~~shall be compensated~~ is entitled to compensation as provided in Title 5, chapter 379.

Sec. 3. 32 MRSA §13507, sub-§5 is enacted to read:

5. Establish medical advisory committee. The commission may establish a medical advisory committee and appoint the committee's members. The committee must consist of 6 members and each member is appointed for a term of not less than 3 years. If a position is vacated, the chair of the commission shall appoint a qualified person to replace the member for the remainder of the unexpired term. Each member of the committee must be a physician currently licensed in this State and have at least 5 years of experience in the practice of medicine at the time of the appointment. The chair of the commission shall select the initial chair of the committee. The committee shall annually select a chair from its members. The committee shall assist the commission as necessary.

Sec. 4. 32 MRSA §13510, sub-§§1 and 3, as enacted by PL 1987, c. 395, Pt. A, §212, are amended to read:

1. Persons to whom licenses may be issued. The commission may issue, in its discretion, a license for a term of one year from date of issuance to any person, club, association or corporation, ~~who or which~~ that is properly qualified to promote and conduct boxing or kick-boxing contests and exhibitions in accordance with this chapter and the rules adopted pursuant to this chapter. All persons engaged in such contests and exhibitions as boxers, kick-boxers, seconds, managers, timekeepers, knockdown timekeepers, promoters, referees, and judges ~~and physicians shall~~ must be licensed by the commission in a like manner. A closed circuit license may be issued by the commission to any person who is properly qualified ~~therefor for a closed circuit license, which will entitle him~~ entitles that person to engage in the showing of boxing or kick-boxing contests or exhibitions by closed circuit television.

3. Fee for license. The commission may, in its discretion, ~~fix~~ set the fee for each promoter's license at ~~a figure between \$25 and \$50 for a license to promote amateur events and a figure between \$50 and \$100 for a license to promote professional events, depending upon the probable income of the licensee to be derived from the conducting of the contests and exhibitions. The fee for a license for closed circuit events shall be \$50.~~ The commission ~~may~~ shall establish, by rule, ~~fix~~ the fees for all other licenses issued under this section at a figure ~~between \$5 and \$25 not to exceed \$50.~~ The commission shall establish by rule license fees for live events and the broadcast of live events. When application by a fraternal, charitable or patriotic organization for a license to promote and conduct amateur boxing or kick-boxing con-

tests or exhibitions is made to the commission, it may grant the license without the requirement of the payment of a license fee.

Sec. 5. 32 MRSA §13511, as enacted by PL 1987, c. 395, Pt. A, §212, is amended to read:

§13511. Wrestling licenses

The commission, in accordance with this chapter and the rules adopted pursuant to this chapter, may issue a license for a term of one year; to any person, club, association or corporation ~~who or which~~ that is properly qualified; to conduct professional wrestling matches, shows or exhibitions. The commission, ~~in its discretion, may fix the fee shall establish by rule fees for the license at a figure between \$50 and \$100, depending upon the probable income of the licensee to be derived from the conducting of professional wrestling matches, shows or exhibitions~~ promoters' licenses issued under this section at levels adequate to carry out the purposes of this chapter. A closed circuit wrestling license may be issued by the commission for a term of one year to any person who is properly qualified ~~therefor~~ for a closed circuit wrestling license, which will ~~entitle him~~ entitles that person to engage in the showing of professional wrestling matches, shows or exhibitions by closed circuit television. The ~~fee for a~~ closed circuit wrestling license shall be \$50, and the license may be suspended or revoked by the Administrative Court for any violation of this chapter or the rules of the commission.

All persons, other than wrestlers, engaging in professional wrestling matches, shows or exhibitions as of wrestlers shall must be licensed by the commission in a like manner. The commission ~~may~~ shall by rule establish a ~~fee~~ fees for the licenses in an amount not to exceed \$25 ~~\$50~~ a year. ~~Upon the application for a license as enumerated, the chairman~~ The chair of the commission shall in his discretion temporarily or the chair's designee may issue or refuse to issue the license deny temporary licenses. The full commission shall ~~consider the matter~~ may review decisions by the chair or the chair's designee at its next regular meeting and rule upon the issuance ~~or denial of the license.~~

Sec. 6. 32 MRSA §13514, last ¶, as enacted by PL 1987, c. 395, Pt. A, §212, is amended to read:

On the day ~~on which~~ the contest or exhibition is held, the promoter or promoters shall either tender the tax to the commissioner in attendance; or provide a surety bond acceptable to the commission in the amount of \$5,000 ~~\$10,000~~ payable to the Treasurer of State and conditioned for payment of the tax and any penalties imposed under this section. In its discretion, the commission may require that the bond be posted at a time prior to a contest or exhibition that the commission determines adequate. This tax ~~shall have been~~ must be paid to the Treasurer of State within 15 days of the date

on which the contest or exhibition is held, in the event a bond is provided. Upon failure to pay the tax to the Treasurer of State, the promoter or promoters ~~shall be~~ are liable to pay a penalty of 25% of the amount of the tax due, ~~which~~ the penalty and the tax due shall must be recovered by a civil action upon the bond brought in the name of the commission, and the penalty and the tax due shall must be paid to the Treasurer of State to be credited to the Athletic Commission Fund.

Sec. 7. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

1991-92

**PROFESSIONAL AND FINANCIAL
REGULATION, DEPARTMENT OF**

Maine Athletic Commission

All Other	\$2,000
Provides funds necessary to adopt rules establishing licensing fees.	

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

Effective June 18, 1991.

CHAPTER 339

H.P. 915 - L.D. 1312

An Act to Revise Certain Provisions of the Medical Examiner Act and Provide for the Collection and Retention of Records to Identify Certain Missing Persons

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

Sec. 1. 22 MRSA §3022, sub-§8, as repealed and replaced by PL 1987, c. 329, §2, is amended to read:

8. Certain information confidential. When in the custody of a medical examiner, ~~contents of suicide notes;~~ reproductions of medical reports and reports compiled by the police incorporated into the file, communications with the Department of the Attorney General, death certificates and any amendments made to the certificates, except for the information for which the medical examiner is responsible, as listed in section 2842, subsection 3, and not ordered "withheld" by the Attorney General, and reports pertaining to cases under investi-