

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 3, 2008 to June 13, 2009**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 12, 2009**

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

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**Augusta, Maine**  
**2009**

Development for advice to the superintendent regarding the proposed rule.

**4. Rulemaking.** The superintendent may adopt rules to implement this section. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

### PART C

**Sec. C-1. 22 MRSA §1819-A, 2nd ¶**, as enacted by PL 2005, c. 249, §1, is amended to read:

Information required to be disclosed under this section must be submitted by the hospital to the department within 5 months after the end of the hospital's fiscal year or within 5 months after the date on which the entity files the applicable form with the Internal Revenue Service. The department shall make available for public inspection and photocopying copies of all documents required by this section and shall post those documents on the department's publicly accessible website. The department shall post a chart on the website listing each hospital and providing a link to the documents filed pursuant to subsection 1.

**Sec. C-2. Posting of documents.** Within 30 days of the effective date of this Act, the Department of Health and Human Services shall post the federal Internal Revenue Service Form 990 and all related disclosable schedules for each hospital licensed in the State and filed with the department as required in the Maine Revised Statutes, Title 22, section 1819-A.

See title page for effective date.

## CHAPTER 351

### H.P. 292 - L.D. 385

#### An Act To Ensure a Uniform Comprehensive State Policy Regarding Residency Restrictions for Sex Offenders

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

**Sec. 1. 30-A MRSA §3013** is enacted to read:

#### **§3013. Ordinances regarding residency restrictions for sex offenders**

**1. Application and scope.** The State intends to occupy and preempt the entire field of legislation concerning the regulation of persons convicted of a sex offense in this State or in another jurisdiction. Except as provided in this section, a municipality may not adopt or enforce any ordinance or bylaw addressing persons who have been convicted of a sex offense in this State or in another jurisdiction that would impose on them restrictions or requirements not imposed on other persons who have not been convicted of a sex

offense in this State or in another jurisdiction. As used in this section, "convicted of a sex offense in this State or in another jurisdiction" means a conviction for any current or former Maine crime listed in former Title 17, sections 2922 to 2924 or Title 17-A, chapter 11 or 12 or Title 17-A, section 556; a conviction for an attempt or solicitation of those listed crimes; or any conviction for any former or current crime in any other jurisdiction in which the person engaged in substantially similar conduct to that of the earlier specified current or former Maine crimes.

**2. Residency restriction ordinance.** A municipality may adopt an ordinance regarding residency restrictions for persons convicted of Class A, B or C sex offenses committed against persons who had not attained 14 years of age at the time of the offense. Any such ordinance is limited as follows.

A. An ordinance may restrict only residence. It may not impose additional restrictions or requirements, including, but not limited to, registration and fees.

B. A municipality may prohibit residence by a sex offender up to a maximum distance of 750 feet surrounding the real property comprising a public or private elementary, middle or secondary school or up to a maximum distance of 750 feet surrounding the real property comprising a municipally owned property where children are the primary users.

C. An ordinance may not restrict the residence of a person who lived in an area restricted pursuant to paragraph B prior to the adoption or amendment of the ordinance.

D. An ordinance may not be premised on a person's obligation to register pursuant to Title 34-A, chapter 15.

See title page for effective date.

## CHAPTER 352

### H.P. 751 - L.D. 1089

#### An Act To Regulate Mixed Martial Arts Competitions, Exhibitions and Events

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

**Sec. 1. 5 MRSA §12004-G, sub-§4-D** is enacted to read:

#### **4-D.**

<u>Amusements and Sports</u>	<u>Mixed Martial Arts Authority of Maine</u>	<u>Expenses only</u>	<u>8 MRSA c. 20</u>
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**Sec. 2. 8 MRSA c. 20** is enacted to read:

### **CHAPTER 20**

### **MIXED MARTIAL ARTS**

#### **§521. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Authority.** "Authority" means the Mixed Martial Arts Authority of Maine created under section 522.

**2. Authorized participants.** "Authorized participants" means competitors, officials, referees, judges, promoters, managers, physicians, timekeepers and knock-down timekeepers.

**3. Board.** "Board" means the board of directors of the authority.

**4. Mixed martial arts.** "Mixed martial arts" means a combative sport for compensation that features a mixture of karate, jiu-jitsu, muay thai, tae kwon do, boxing, kick boxing, wrestling, judo and striking and grappling techniques.

#### **§522. Mixed Martial Arts Authority of Maine**

**1. Establishment.** The Mixed Martial Arts Authority of Maine, as established in Title 5, section 12004-G, subsection 4-D, is a body corporate and politic and a public instrumentality of the State. The exercise by the authority of the powers conferred by this chapter constitutes the performance of essential governmental functions.

**2. Purpose.** The authority is established to regulate and promote mixed martial arts competitions, exhibitions and events in the State as set forth in this chapter. A mixed martial arts competition, exhibition or event may not be held in the State prior to the adoption of rules pursuant to this chapter.

**3. Board of directors.** The authority is governed and its powers exercised by a board of directors. The board consists of 5 voting members appointed by the Governor. Immediately after their appointments, the members of the authority shall assume their duties. All board members serve as agents of the authority for purposes of service of process.

**4. Officers.** The board shall elect a chair, a secretary and a treasurer from among its members.

**5. Terms; vacancy.** Members of the authority are appointed to 3-year terms. A vacancy in the authority does not impair the right of a quorum of the

members to exercise all the rights and perform all the duties of the authority. In the event of vacancy occurring in the membership, the Governor shall appoint a replacement member for the remainder of that term. Each member of the authority serves until that member's successor is appointed and qualified. A member of the authority is eligible for reappointment.

**6. Bylaws and business plan.** The board shall adopt bylaws for the governance of the authority and the conduct of its affairs and may amend and revoke the bylaws as necessary. The board shall adopt a business plan setting forth goals, desired outcomes and performance expectations for the authority and shall update the business plan on an annual basis.

**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.

**8. Annual report.** By March 15th of each year, beginning in 2010, the authority shall provide an annual report on its activities to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters. The report must include an evaluation of the authority's success in meeting the goals, outcomes and performance expectations contained in its business plan, as well as a summary of the revenue and expenditures of the authority pursuant to subsection 7 and section 525.

#### **§523. Powers of authority**

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

**1. Rules.** Adopt rules to protect the health and safety of participants and the integrity of competition, as well as to set the fee schedules for all authorized participants. Rules adopted pursuant to this subsection are routine technical rules, as defined in Title 5, chapter 375, subchapter 2-A. The authority's rules must include, but are not limited to, the following:

**A. Rules of competition, weighing of participants and scoring of decisions;**

**B. Length of contests and rounds;**

**C. Availability of medical services;**

**D. Age limits, which must include a minimum age of not less than 18 years;**

**E. Weight limits and classification of participants;**

F. Physical condition of participants;

G. Qualifications of referees and other authorized participants;

H. Uniforms, attire, safety gear and equipment of authorized participants;

I. Specifications of facilities and equipment; and

J. Requirements for health and accident insurance providing coverage in the event of injury or death to authorized participants. This coverage must comply with standards prescribed by the Superintendent of Insurance; and

**2. Other action.** Take all other lawful action necessary and incidental to its purposes.

#### **§524. Promotion fees**

In addition to the requirements set by rule pursuant to section 523, a promoter of a mixed martial arts competition, exhibition or event authorized under this chapter must pay a fee set by the authority in advance of the mixed martial arts competition, exhibition or event. A promoter who fails to pay the fee required pursuant to this section is prohibited from promoting the competition as well as any further competitions, exhibitions or events held under this chapter until the fee and any penalties are paid in full or satisfactory arrangements are made with the authority.

#### **§525. Fund established; excess revenue to be deposited into General Fund**

The authority shall establish and maintain a reserve fund called the "Mixed Martial Arts Reserve Fund" and shall deposit in the fund all money received pursuant to section 522, as well as any other money or funds from any other sources. At the close of each fiscal year, the State Controller shall transfer from the fund any revenue in excess of operating expenses to the General Fund.

#### **§526. Prohibited interests of officers, directors and employees**

A director of the authority or a spouse, domestic partner or dependent child of a director of the authority may not receive any direct personal benefit from the activities or undertakings of the authority. This section does not prohibit corporations or other entities with which a director is associated by reason of ownership or employment from participating in mixed martial arts activities if ownership or employment is made known to the authority and the director abstains from voting on matters relating to that participation.

#### **§527. Limitations of powers**

The authority may not enter into contracts, obligations or commitments of any kind on behalf of the State or any of its agencies. No contract, obligation, commitment, agreement, debt, act or undertaking of

the authority of any nature binds the State or any of its agencies.

#### **§528. Penalty**

A person who fails to comply with the rules adopted by the authority may be subject to disqualification from participation in, or promotion of, mixed martial arts events.

**Sec. 3. 17-A MRSA §515, sub-§2-A** is enacted to read:

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

**Sec. 4. Staggered terms.** Notwithstanding the Maine Revised Statutes, Title 8, section 522, subsection 5, in making the original appointments to the board of directors of the Mixed Martial Arts Authority of Maine, the Governor shall appoint members to terms of less than 3 years in order to stagger the terms. A successor's term is 3 years from the date of the expiration of the original term, regardless of the date of appointment.

**Sec. 5. Appropriations and allocations.** The following appropriations and allocations are made.

#### **MIXED MARTIAL ARTS AUTHORITY OF MAINE**

##### **Mixed Martial Arts Reserve Fund N079**

Initiative: Provides a base allocation in the event that funds are received to support the operating expenses of the Mixed Martial Arts Authority of Maine.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2009-10</b>	<b>2010-11</b>
All Other	\$500	\$500
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$500</b>	<b>\$500</b>

See title page for effective date.

## **CHAPTER 353**

### **S.P. 526 - L.D. 1442**

#### **An Act To Create the Advisory Committee on Bias-based Profiling by Law Enforcement Officers and Law Enforcement Agencies**