

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 28, 2011

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

Augusta, Maine
2011

amend the Maine Revised Statutes, Title 38, section 341-C take effect on September 16, 2011.

Effective June 13, 2011, unless otherwise indicated.

**CHAPTER 305
H.P. 656 - L.D. 889**

**An Act To Regulate Boxing
and Prizefighting in Maine**

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

Sec. 1. 5 MRSA §12004-G, sub-§4-D, as enacted by PL 2009, c. 352, §1, is amended to read:

4-D.

Amusements and Sports	Mixed Martial Arts Com- bat Sports Authority of Maine	<u>Legislative Per Diem and Ex- penses only</u> <u>Only</u>	8 MRSA c. 20
--------------------------	--	---	-----------------

Sec. 2. 8 MRSA §521, sub-§1, as enacted by PL 2009, c. 352, §2, is amended to read:

1. Authority. "Authority" means the ~~Mixed Martial Arts~~ Combat Sports Authority of Maine created under section 522.

Sec. 3. 8 MRSA §521, sub-§3-A is enacted to read:

3-A. Boxing. "Boxing" means a combative sport for compensation that features the use of gloved fists in attack and defense.

Sec. 4. 8 MRSA §522, as amended by PL 2009, c. 582, §1, is further amended to read:

§522. Combat Sports Authority of Maine

1. Establishment. The ~~Mixed Martial Arts~~ Combat Sports 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 and boxing competitions, exhibitions and events in the State as set forth in this chapter. A mixed martial arts or boxing 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~~ 7 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.

5-A. Compensation. Members of the authority may be compensated for per diem and expenses as provided in the board's bylaws from money received under subsection 7.

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 and boxing 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. Funds may be used to compensate members of the authority for per diem and expenses in accordance with the board's bylaws. The board may enter into contracts to obtain the assistance of staff sufficient to support operations of the board.

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.

Sec. 5. 8 MRSA §523, sub-§1, as amended by PL 2009, c. 582, §2 and affected by §9, is further amended to read:

1. Rules. Adopt rules to protect the health and safety of authorized participants and the integrity of competition, as well as to establish a certification process authorizing participation in a mixed martial arts or boxing competition, exhibition or event and set the fee schedules for all authorized participants. A certificate authorizing participation in a mixed martial arts or boxing competition, exhibition or event may be issued for one year or such other time period as may be fixed by rule under this chapter. The board may establish requirements to ensure that a mixed martial arts or boxing competition, exhibition or event is not conducted unless a promoter's fee has been paid and that each competitor has been examined by a physician who has certified the competitor's fitness to participate in the mixed martial arts or boxing competition, exhibition or event. Rules adopted pursuant to this subsection are routine technical rules, as defined in Title 5, chapter 375, subchapter 2-A. Notwithstanding this subsection, rules establishing fees, including promotion fees pursuant to section 524, are major substantive 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, including a requirement that a physician be present during a mixed martial arts or boxing competition, exhibition or event;
- 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.

Sec. 6. 8 MRSA §524, as enacted by PL 2009, c. 352, §2, is amended to read:

§524. Promotion fees

In addition to the requirements set by rule pursuant to section 523, a promoter of a mixed martial arts or boxing competition, exhibition or event authorized under this chapter must pay a fee set by the authority in advance of the mixed martial arts or boxing 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.

Sec. 7. 8 MRSA §525, as enacted by PL 2009, c. 352, §2, is amended to read:

§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~~ Combat Sports 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.

Sec. 8. 8 MRSA §526, as enacted by PL 2009, c. 352, §2, is amended to read:

§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 or boxing activities if ownership or employment is made known to the authority and the director abstains from voting on matters relating to that participation. A director of the authority must comply with the requirements of Title 5, section 18.

Sec. 9. 8 MRSA §529, as enacted by PL 2009, c. 582, §4, is amended to read:

§529. Powers of board

1. Inspections and investigations. The board may enter and inspect the premises where a mixed martial arts or boxing competition, exhibition or event is to be conducted and question persons present and review documents to the extent it considers necessary to determine whether the event is in accordance with this chapter and rules adopted under this chapter.

2. Other action. The board may take all reasonable steps to ensure that a mixed martial arts or boxing competition, exhibition or event is conducted in accordance with this chapter and rules adopted under this chapter and take all other lawful action necessary and incidental to its purposes.

Sec. 10. 8 MRSA §532, as enacted by PL 2009, c. 582, §7, is amended to read:

§532. Fines; enforcement

The board may, after a hearing under Title 5, chapter 375, subchapter 4, impose a fine of not more than \$500 for each violation against a person who violates this chapter or rules adopted pursuant to this chapter or who participates in a mixed martial arts or boxing competition, exhibition or event without the certificate described under section 523, subsection 1. The Attorney General may bring an action in Superior Court to enjoin a mixed martial arts or boxing competition, exhibition or event from occurring for which the promoter's fee has not been paid or a participant who does not meet the qualifications of this chapter from participating in the competition, exhibition or event.

Sec. 11. 17-A MRSA §515, sub-§2, ¶A, as enacted by PL 1975, c. 499, §1, is repealed.

Sec. 12. 17-A MRSA §515, sub-§2-A, as amended by PL 2009, c. 582, §8, is further amended to read:

2-A. This section does not apply to any mixed martial arts or boxing competition, exhibition or event authorized pursuant to Title 8, chapter 20 as long as rules have been adopted by the ~~Mixed Martial Arts~~ Combat Sports Authority of Maine pursuant to Title 8, chapter 20.

Sec. 13. 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 Combat Sports Authority of Maine after September 1, 2011, 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. 14. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 8, chapter 20, in the chapter headnote, the words "mixed martial arts" are amended to read "mixed martial arts and boxing" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

**CHAPTER 306
H.P. 103 - L.D. 121**

**An Act To Amend the Laws
Regarding Public Health
Infrastructure**

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

Sec. 1. 22 MRSA §411, as enacted by PL 2009, c. 355, §5, is amended to read:

§411. Definitions

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

1. Accreditation. "Accreditation" means a national federally recognized credentialing process resulting in the approval of a public health system or a municipal health department by a national federally recognized review board certifying that a public health system or a municipal health department has met specific performance requirements and standards. Accreditation provides quality assurance, credibility and accountability to the public, to government officials and to public health fund sources. As applicable to a tribal health department or health clinic, "accreditation" means a recognized credentialing process by a national federally recognized review board for Indian health.

2. Comprehensive community health coalition. "Comprehensive community health coalition" means a multisector coalition that serves a defined local geographic area and is composed of designated organizational representatives and interested community members who share a commitment to improving their communities' health and quality of life and that includes public health in its core mission.

3. District coordinating council for public health. "District coordinating council for public health" means a representative districtwide body of local public health stakeholders working toward collaborative public health planning and coordination to ensure effectiveness and efficiencies in the public health system.

4. District public health unit. "District public health unit" means a unit of public health staff set up whenever possible in a district in department offices. A staff must include when possible public health nurses, field epidemiologists, drinking water engineers, health inspectors and district public health liaisons.

5. District. "District" means one of the 8 districts of the department, including Aroostook District, composed of Aroostook County; Penquis District, com-