

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

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

**4-D.**

	<u>Expenses only</u>	<u>8 MRSA c. 20</u>
<u>Amusements and Sports</u>	<u>Mixed Martial Arts Authority of Maine</u>	

**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>	<hr/> \$500	\$500

**SUMMARY**

This amendment is the majority report of the committee and it replaces the bill. It establishes the Mixed Martial Arts Authority of Maine as a body corporate and politic and a public instrumentality of the State to regulate and promote mixed martial arts competitions, exhibitions and events in the State and removes any criminal prohibition for any such event authorized by the authority. It provides that the authority is governed and its powers exercised by a board of directors that consists of 5 voting members appointed by the Governor. It establishes the Mixed Martial Arts Reserve Fund and allows the board to receive revenue from mixed martial arts competitions, exhibitions and events, as well as from the sale

of goods and merchandise and allows the authority to apply for, solicit and receive grants, donations and gifts and to receive appropriations from the State and funds from other governmental authorities. It requires that all funds received must be spent solely to assist with operational expenses. It requires the State Controller at the close of each fiscal year to transfer from the fund any revenue in excess of operating expenses to the General Fund.

It also requires the authority to adopt rules no later than March 1, 2010 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. The rules must include rules of competition, weighing of participants, scoring of decisions, length of contests and rounds, availability of medical services, age limits, weight limits and classification of participants, physical condition of participants, qualifications of referees and other authorized participants, uniforms, attire, safety gear and equipment of participants, referees and other officials, specifications of facilities and equipment and requirements for health and accident insurance providing coverage in the event of injury or death to authorized participants.

It requires a promoter of a mixed martial arts competition, exhibition or event to pay a fee set by the authority in advance of the mixed martial arts competition, exhibition or event. In the event a promoter fails to pay the required fee, the promoter is prohibited from promoting this competition and any further competitions, exhibitions or events until the fees and any penalties are paid in full or satisfactory arrangements are made with the authority.

It requires the authority to submit an annual report by March 15th of each year beginning in 2010 on its activities to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters, including an evaluation of the authority's success in meeting the goals, outcomes and performance expectations contained in its business plan.

This amendment also allows a mixed martial arts competition, exhibition or event to be held in the State effective March 1, 2010, as long as the authority has adopted the rules required by this chapter. It also adds an appropriations and allocations section.

**FISCAL NOTE REQUIRED**  
**(See attached)**