



130th MAINE LEGISLATURE

SECOND REGULAR SESSION-2022

Legislative Document

No. 1893

S.P. 663

In Senate, January 5, 2022

An Act Regarding the Use of a Student Athlete's Name, Image, Likeness or Autograph

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator LUCHINI of Hancock.
Cosponsored by Representative: BRENNAN of Portland.

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

2 **Sec. 1. 20-A MRSA c. 443** is enacted to read:

3 **CHAPTER 443**

4 **STUDENT ATHLETES**

5 **§12971. Definitions**

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

8 **1. College or university.** "College or university" means a postsecondary educational
9 institution in the State, including:

10 A. A degree-granting educational institution regulated under chapter 409;

11 B. A university in the University of Maine System;

12 C. A college in the Maine Community College System; and

13 D. The Maine Maritime Academy.

14 **2. Institutional contract.** "Institutional contract" means a contract between a college
15 or university or its designated representative and an external party that includes a
16 sponsorship agreement governing the use of the college or university's trademarks in
17 connection with athletics.

18 **3. Team contract.** "Team contract" means a contract between a student athlete and a
19 college or university and includes any rules or expectations of the college or university's
20 athletic department or head coach that require a student athlete's compliance as a condition
21 under the contract of participation as a member of the intercollegiate athletic program.

22 **§12972. Prohibitions**

23 **1. Actions by colleges or universities.** A college or university may not:

24 A. Adopt or enforce a policy, requirement, standard or limitation that prohibits or
25 otherwise prevents a student athlete who is participating in an intercollegiate athletic
26 program at the college or university from:

27 (1) Earning compensation for the use of the student athlete's name, image or
28 likeness when the student athlete is not engaged in official team activities; or

29 (2) Obtaining professional representation, including representation by an attorney,
30 for contracts or other legal matters relating to the use of the student athlete's name,
31 image or likeness;

32 B. Disqualify a student athlete who is participating in an intercollegiate athletic
33 program at a college or university from receiving a scholarship, grant or similar
34 financial assistance awarded by the college or university because the student athlete:

35 (1) Earns compensation from the use of the student athlete's name, image or
36 likeness when the student athlete is not engaged in official team activities; or

1 (2) Obtains professional representation, including representation by an attorney,
2 for contracts or other legal matters relating to use of the student athlete's name,
3 image or likeness; or

4 C. Prescribe a team contract for an intercollegiate athletic program that prohibits or
5 otherwise prevents a student athlete from using the student athlete's name, image or
6 likeness for a commercial purpose when the student athlete is not engaged in official
7 team activities.

8 For the purposes of this subsection, a college or university determines what behavior
9 constitutes official team activities at that college or university.

10 **§12973. Autographs**

11 A student athlete may earn compensation from selling the student athlete's autograph
12 in a manner that does not otherwise conflict with a provision of this chapter.

13 **§12974. Employment status**

14 A student athlete may not be considered an employee of the college or university that
15 the student athlete attends based on the student athlete's participation in the intercollegiate
16 athletic program and may not receive any benefits accruing to a college or university
17 employee.

18 **§12975. University participation in intercollegiate athletics**

19 An athletic association, conference or other group or organization with authority over
20 intercollegiate athletics may not prevent in this State a college or university from
21 participating in intercollegiate athletics as a result of the compensation of a student athlete
22 for the use of the student's athlete's name, image or likeness.

23 **SUMMARY**

24 This bill prohibits a college or university from preventing a student athlete from making
25 certain contracts regarding or earning money from the use of the student athlete's name,
26 image or likeness or providing compensation for a prospective student athlete's name,
27 image or likeness. The bill also permits the student athlete to earn compensation from the
28 sale of the student athlete's autograph. The bill stipulates that a student athlete may not be
29 considered an employee of a college or university based on the student athlete's
30 participation in athletics. The bill prohibits a group or organization with authority over
31 intercollegiate athletics from preventing a college or university from participating in
32 intercollegiate athletics in this State as a result of student athletes at the college or university
33 earning compensation for the use of their name, image or likeness.