

Changes highlighted and italicized

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

CHAPTER 443

STUDENT ATHLETES

§12971. Definitions

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

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

- A. A degree-granting educational institution regulated under chapter 409;
- B. A university in the University of Maine System;
- C. A college in the Maine Community College System; and
- D. The Maine Maritime Academy.

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

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

§12972. Prohibitions

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

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

- (1) Earning compensation for the use of the student athlete's name, image or likeness when the student athlete is not engaged in official team activities; or
- (2) Obtaining professional representation, including representation by an attorney, for contracts or other legal matters relating to the use of the student athlete's name, image or likeness; **or**

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

- (1) Earns compensation from the use of the student athlete's name, image or likeness when the student athlete is not engaged in official team activities; or
- (2) Obtains professional representation, including representation by an attorney, for contracts or other legal matters relating to use of the student athlete's name, image or likeness; or

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

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

2. Construction. Nothing contained in this section may be construed to limit a college or university from adopting or enforcing a policy, requirement or standard that establishes conditions by which a student athlete may monetize the student athlete's name, image or likeness including, but not limited to, prohibitions on a student athlete's use of a college or university trademark, logo or facility and a student athlete's use of the student athlete's name, image or likeness in a manner that is inconsistent with a college or university code of conduct or other college or university policy.

§12973. Autographs

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

§12974. Employment status

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

§12975 §12974. University participation in intercollegiate athletics

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

SUMMARY

This proposed amendment removes an unnecessary definition, a provision prohibiting the disqualification of a student athlete who is participating in an intercollegiate athletic program at a college or university from receiving a scholarship, grant or similar financial assistance awarded by the college or university, and the section of the bill that relates to employment status.

This proposed amendment also clarifies that prohibitions imposed on a university or college in this bill may not be construed to limit a college or university from adopting or enforcing a policy, requirement or standard that establishes conditions by which a student athlete may monetize the student athlete's name, image or likeness including, but not limited to, prohibitions on a student athlete's use of a college or university trademark, logo or facility and a student athlete's use of the student athlete's name, image or likeness in a manner that is inconsistent with a college or university code of conduct or other college or university policy.