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Testimony of Rep. Michael Brennan introducing
**LD 1893, An Act Regarding the Use of a Student Athlete's Name,
Image, Likeness or Autograph.**
before the Joint Standing Committee on Education

Senator Rafferty and esteemed colleagues of the Education Committee, my name is Michael Brennan, and I represent District 36, part of the City of Portland. I am pleased to present **LD 1893, An Act Regarding the Use of a Student Athlete's Name, Image, Likeness, or Autograph.**

The purpose of this bill is to ensure that college athletes in Maine are allowed to earn compensation from the usage of their names, images and likeness (NIL). It is important for the state to take action on this issue given the recent (June 21, 2021) Supreme Court ruling in NCAA vs Alston. The Court decided that the NCAA rules restricting compensation for student-athletes violated anti-trust laws.

Shortly following the ruling, the NCAA approved an interim NIL policy allowing college athletes to be compensated for the use of their name, image and likeness. It also allowed college athletes to engage with NIL management companies and agencies. Because the NCAA has only adopted an interim NIL policy, twenty-nine (29) states have enacted legislation.

This bill would protect the rights of student-athletes in statute and join the majority of states that have already passed legislation. It will also protect colleges and universities in Maine from capricious actions by the NCAA if it were to significantly change its rules.

In the Supreme Court decision, Justice Kavanaugh wrote: "The bottom line is that the NCAA and its member colleges are suppressing the pay of student-athletes who collectively generate billions of dollars in revenues for colleges every year. These enormous sums of money flow to seemingly everyone except the student-athletes. College presidents, athletic directors, coaches, conference commissioners, and the NCAA executives take in six-and-seven-figure salaries. Colleges build lavish new facilities. But the student-athletes who generate the revenues, many of whom are African Americans from lower-income backgrounds, end up with little or nothing."

An article last month in the New York Times noted that a wide range of opportunities for willing college athletes has recently emerged including endorsements on their social media platforms, autograph signings, cameo messages, review of game film for high school prospects, motivational speeches and meet and greets with children.

The vast majority of student-athletes will not derive significant income from becoming professional athletes. However, they may be able to offset their academic costs during the short time they are student-athletes. For those athletes who are able to secure income, it is also important that they have access to appropriate representation and legal expertise.

I have discussed this legislation with the UMS and I am generally supportive of the amendments that will be offered by their staff. I look forward to working with them, other interested parties and the Committee to have Maine become the next state to adopt NIL legislation.

I would be more than happy to answer any questions, and I plan to have a final amendment for the work session.