

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 1306

H.P. 909

House of Representatives, March 31, 2009

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**An Act To Require Interscholastic Athletic Organizations To  
Comply with Freedom of Access Laws**

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Reference to the Committee on Judiciary suggested and ordered printed.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND  
Clerk

Presented by Representative PRESCOTT of Topsham.  
Cosponsored by Senator NUTTING of Androscoggin and  
Representatives: AUSTIN of Gray, BEAUDOIN of Biddeford, BEAULIEU of Auburn,  
BICKFORD of Auburn, BUTTERFIELD of Bangor, CLARK of Easton, CLEARY of Houlton,  
COTTA of China, CROCKETT of Bethel, DILL of Cape Elizabeth, DUCHESNE of Hudson,  
EATON of Sullivan, FOSSEL of Alna, GILES of Belfast, HARLOW of Portland, HILL of  
York, KNIGHT of Livermore Falls, KRUGER of Thomaston, LEWIN of Eliot, MacDONALD  
of Boothbay, McKANE of Newcastle, MILLER of Somerville, PENDLETON of Scarborough,  
RICHARDSON of Warren, SARTY of Denmark, STRANG BURGESS of Cumberland,  
TARDY of Newport, TILTON of Harrington, WEAVER of York, WEBSTER of Freeport,  
Senators: COURTNEY of York, DAMON of Hancock, GOODALL of Sagadahoc, NASS of  
York, SIMPSON of Androscoggin.

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

2 Sec. 1. 13-B MRSA §408 is enacted to read:

3 **§408. Interscholastic athletic organizations**

4 An interscholastic athletic organization, as a condition of incorporation in this State,  
5 shall comply with the freedom of access provisions of Title 1, chapter 13. If the  
6 Secretary of State determines that the corporation has failed to comply with the  
7 provisions of Title 1, chapter 13, the Secretary of State shall commence a proceeding  
8 under section 1113 to administratively dissolve the corporation.

9 For purposes of this section, "interscholastic athletic organization" means an  
10 organization that:

11 **1. Members.** Has as its members public or private secondary schools; and

12 **2. Athletic activities.** Promotes, organizes or regulates interscholastic athletic  
13 activities in this State.

14 Sec. 2. 13-B MRSA §1112, sub-§5, as amended by PL 2007, c. 323, Pt. B, §9  
15 and affected by Pt. G, §4, is further amended to read:

16 **5. Failure to notify of change of registered agent or address.** The corporation  
17 does not notify the Secretary of State that its registered agent has changed as required by  
18 Title 5, section 108, subsection 1 or the address of its registered agent has been changed  
19 as required by Title 5, section 109 or 110 or that its registered agent has resigned as  
20 required by Title 5, section 111; or

21 Sec. 3. 13-B MRSA §1112, sub-§6, as enacted by PL 2003, c. 631, §3, is  
22 amended to read:

23 **6. Filing of false information.** An incorporator, director, officer or agent of the  
24 corporation signed a document with the knowledge that the document was false in a  
25 material respect and with the intent that the document be delivered to the Secretary of  
26 State for filing; or

27 Sec. 4. 13-B MRSA §1112, sub-§7 is enacted to read:

28 **7. Compliance with other law.** An incorporator, director, officer or agent of the  
29 corporation fails to comply with any other applicable law.

30 **SUMMARY**

31 This bill requires an interscholastic athletic organization that is incorporated in this  
32 State, such as the Maine Principals' Association, to comply with the freedom of access  
33 laws, such as having public meetings and making its records available to the public. If  
34 the Secretary of State determines that the corporation is not complying, the Secretary of  
35 State is allowed to commence dissolution proceedings against that corporation.