

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 221

H. P. 168

House of Representatives, January 12, 1981

Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24.

Referred to the Committee on Education. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Ms. A. Brown of Gorham.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Amend the Law Relating to the Regulation of Privately Owned Correspondence Schools.

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

Sec. 1. 20 MRSA §§ 2651 to 2656, as amended, are repealed.

Sec. 2. 20 MRSA §§ 2651-A to 2654-A are enacted to read:

§ 2651-A. Certificate of approval; exemptions

1. Requirement for certificate of approval. Any privately owned correspondence school located either within or outside of the State shall obtain a certificate of approval from the commissioner before soliciting or selling in Maine any correspondence course or collecting any tuition, fee or other charge. In addition, each correspondence school shall supply a listing of solitictors authorized by it to recruit in Maine.

2. Exceptions. Public institutions which are exempt from property taxation under Maine laws and courses or programs of instruction conducted under contract with an employer for employees exclusively are exempt from the requirements of this chapter.

§ 2652-A. Application form; fee; bond

1. Application requirements; certification period; bonding and revocation of certificate. The application for a certificate of approval required in section 2651-A shall be made on forms furnished by the commissioner and shall be accompanied by a fee of \$50 and a surety bond in the penal sum of \$1,000.

A. A certificate shall be valid for the calendar year in which it is issued.

B. The bond shall be continuous and shall provide indemnification to any student suffering loss as a result of any fraud or misrepresentation by the school. The bond shall provide for written notification by the surety to the department in the event of cancellation. Cancellations of the bond by the surety shall result in the revocation of the certificate of approval.

2. Renewal. A fee of \$25 shall be charged for the renewal of a certificate.

3. General Fund. All fees collected for the issuance or renewal of a certificate shall be deposited in the State Treasury.

§ 2653-A. Penalty

Operating or conducting a private correspondence school by any firm, association or corporation, except by authority of a valid certificate of approval as required by this chapter, is a civil violation for which a forfeiture of not more than \$1,000 may be adjudged.

§ 2654-A. Rules and regulations

The commissioner is authorized in accordance with chapter 2 to adopt rules and regulations for the administration and enforcement of this chapter.

STATEMENT OF FACT

This bill would increase the application fee to reflect more adequately the increased costs of issuing certificates and would eliminate the required permits for out-of-state solicitors by requiring schools to assume responsibility for their actions, thus eliminating needless correspondence relative to obtaining references for solicitors.