

MAINE STATE LEGISLATURE

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Yes ✓
August 18, 1967

William T. Logan, Jr., Commissioner

Education

John W. Benoit, Assistant

Attorney General

Admissions Handbook of Educational Institute; Term "College";
20 M.R.S.A. § 2203.

FACTS:

Recently, an institution entitled "York Harbor Institute" established a place of business at York Harbor, Maine, and circulated a publication designated as an admissions handbook for the school year 1967-68. The reference institute also issued a leaflet comprised of four pages containing certain of the material which is contained within the admissions handbook.

The admissions handbook of the York Harbor Institute contains the following material (inter alia):

- a. "A Four-Year College of Liberal Arts and Sciences.
(Handbook, p. 1)
- b. "The task of the college-bound student is to select the school that will best meet his particular interests and abilities. * * * " (Handbook, p. 9)
- c. " * * * Its purpose is to equip college students both to live effectively in a complex and changing world, * * * ."
(Handbook, p. 9)
- d. "To the usual college experience, York Harbor adds three special opportunities: * * * ." (Handbook, p. 9)
- e. "The introduction to college life includes courses in three fields of knowledge to develop methods of understanding and appreciating the humanities, the social sciences, and the natural sciences. * * * " (Handbook, p. 11)
- f. " * * * , and the student is eligible for a degree with honors, * * * ." (Handbook, p. 13)
- g. "All freshmen admitted are expected to become candidates for the Bachelor of Arts, Bachelor of Science, or Bachelor of Fine Arts degree." (Handbook, p. 16)

The statutes of the State of Maine relating to public school education contain the following provision:

" * * * .

"No person, school, board, association or corporation shall use in any way the term 'junior college' or 'college' or 'university' in connection with an institution, or use any other name, title or descriptive matter tending to designate that it is an institution of higher learning with the power to grant educational, literary or academic degrees unless the institution has been given the right to grant degrees in accordance with this section. This section shall not apply to any person, school, board, association or corporation which was using any said term or terms in connection with any educational institution operated prior to January 1, 1957." 20 M.R.S.A. § 2203, as amended by P. L. 1967, C. 33.

The Legislature has not yet authorized York Harbor Institute to grant degrees pursuant to 20 M.R.S.A. § 2202, et seq.

QUESTION:

Whether certain of the language in the York Harbor Institute's admissions handbook for the school year 1967-68 violates the provisions of 20 M.R.S.A. § 2203, as amended?

ANSWER:

Yes.

REASON:

The York Harbor Institute admissions handbook for the school year 1967-68 describes the Institute as "A Four-Year College of Liberal Arts and Sciences". (Handbook, p. 1) The reference use of the term "college" is clearly prohibited by 20 M.R.S.A. § 2203. Too, the repeated use of the term "college" throughout the handbook

leads the reader to conclude that the Institute is an institution of higher learning with the power to grant educational degrees. 20 M.R.S.A. § 2203. It is a stated fact that the York Harbor Institute has not been given the right to grant degrees in accordance with the provisions of 20 M.R.S.A. § 2202 and § 2203. (The office of the Secretary of State indicates that a corporation entitled York Institute was incorporated on May 19, 1967, said corporation is separate and distinct from York Harbor Institute, i.e., York Harbor Institute is an institution operated and maintained by Granville N. Rideout, d/b/a York Harbor Institute.) Because the York Harbor Institute was not in operation prior to January 1, 1957, it cannot take advantage of the recent amendment by the Maine Legislature to § 2203. P.L. 1967, c. 33.

In conclusion, when the stated facts are read in light of the applicable Maine Statutes, it is clear that the York Harbor Institute's admission handbook for the school year 1967-1968 contains material in violation of the provisions of 20 M.R.S.A. § 2203, as amended.

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JWB/eh