

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 1305

H. P. 898

House of Representatives, February 13, 1963

Referred to Committee on Education. Sent up for concurrence and 800 ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Plante of Old Orchard Beach.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

AN ACT Providing State Scholarships for Education.

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

R. S., c. 41-B, additional. The Revised Statutes are amended by adding a new chapter 41-B, as follows:

'Chapter 41-B.

State Scholarships.

Sec. 1. State scholarships established. State scholarships are established in the several counties of the State. Scholarships shall be maintained by the State and awarded as provided by this chapter.

Scholarships shall be awarded each county annually for each representative district therein and shall be awarded to the county at large without regard to representative district boundaries. Additional scholarships shall be awarded each county for each representative district therein in accordance with this section in such number as may be fixed and determined by the State Board of Education with the approval of the Commissioner of Finance and Administration.

Each scholarship shall entitle the holder thereof to the sum of \$1,400 while in attendance upon an approved college in this State during a period of not to exceed 4 years of undergraduate study, to be paid upon the warrant of the Controller issued with the approval of the Commissioner of Education to or for the benefit of such holder at the rate of \$175 per term, but not to exceed 3 terms in any calendar year under regulations prescribed by the Commissioner of Education out of the fund referred to in section 2. Such approval shall be

given upon vouchers or other evidence showing that the person named therein is entitled to receive the sum specified, either directly or for his or her benefit. Payments may be made directly to the college attended by the person named in such certificate, in behalf of and for the benefit of such person under regulations prescribed by the Commissioner of Education. But a person who completed the requirements for a State scholarship in the month of January or June immediately prior to the actual award of the scholarship and who in the interim entered upon a course of study in a college may, on application, have such certificate become effective at the time when he began his regular college course.

Sec. 2. State Scholarship Fund. There is created within the General Fund of the State a special State Scholarship Fund. Such fund shall consist of all money appropriated therefor by the Legislature and all money and property received by the State or the Commissioner of Education by gift, grant, devise or bequest for the purpose of providing funds for the payment of such scholarships and of all income or revenue derived from any trust created for such purpose.

Such fund shall be kept separate and distinct from the other State funds and payment shall be made therefrom to the persons entitled thereto in the same manner as from other State funds, except as otherwise provided by this chapter.

Whenever any such gift, grant, devise or bequest shall have been made or any trust shall have been created for the purpose of providing funds for such scholarships, the incomes or revenues derived therefrom shall be applied in maintaining scholarships in addition to those to be maintained by appropriations made by the State Legislature, as provided herein, and no part of such income or revenue shall be applied for the maintenance of State Scholarships established for each county. Such additional scholarships shall be equitably apportioned by the Commissioner of Education among the several counties, unless it be provided in the will, deed or other instrument making such gift, grant, devise or bequest, or creating such trust that the incomes or revenues derived therefrom be applied to the establishment and maintenance of additional scholarships in a specified county.

Sec. 3. State Board of Education to make rules. The State Board of Education shall make rules governing the award of such scholarships, the issuance and cancellation of certificates entitling persons to the benefits thereof, the use of such scholarships by the persons entitled thereto, and the rights and duties of such State scholars, and the colleges which they attend, in respect to such scholarships, and providing generally for carrying into effect the provisions of this chapter.

Sec. 4. List of candidates; award of scholarships. The Commissioner of Education shall cause to be prepared for each county of the State annually, not later than the month of August, from the records of the Education Department, a list of the names of all pupils residing therein who are citizens and became entitled to State scholarships under State Board of Education rules during the preceding school year. Such lists shall also show the average standing

of the pupils in the several subjects on which each of such scholarships was issued.

The Commissioner of Education shall also cause the names of all pupils on the foregoing lists of the several counties, who are not appointed to scholarships in such county of their residence, to be arranged upon a State list in the order of their merit as shown by their average standings on the several county lists, from which unclaimed vacant scholarships shall be filed as hereinafter provided.

The scholarships to which each county is entitled shall be awarded by the Commissioner of Education annually not later than the month of August to those pupils residing therein who are citizens and became entitled to State scholarships, under State Board of Education rules, during the preceding school year and in the order of their merit as shown by the list prepared as provided in this section.

In case a pupil who is entitled to a scholarship shall fail to apply for such scholarship within 15 days after being notified that he is entitled thereto or shall fail to comply with the rules of the State Board of Education as to such scholarships and the same shall have been revoked or cancelled on account thereof, or, if for any other reason such scholarship shall become vacant, then the pupil standing next highest to those pupils on such list for such county who have received scholarships, shall be entitled to receive appointment to such vacant scholarship.

If any person entitled to a scholarship or a holder of the same shall have become or shall hereafter become a member of the armed forces of the United States, his scholarship shall not be deemed vacant and he shall be entitled to reinstatement and to the unused benefits of his scholarship, if he resumes his college education within 18 months after honorable discharge. A pupil entitled to a scholarship under State Board of Education rules who failed to apply therefor within the time required by such rules to entitle him to a scholarship, and a pupil whose name would have been included in the list of names of candidates to be considered in the award of scholarships as provided herein except for errors or inadvertencies in the preparation of such list, may apply to the State Board of Education for a scholarship and if it shall appear to the satisfaction of the State Board of Education that there was reasonable cause for the failure of such pupil to apply for such scholarship as required by State Board of Education rules, or that an error or inadvertency occurred in the preparation of the list of candidates for such scholarships and it shall appear that except for such failure, error or inadvertency the applicant would have received a scholarship, the State Board of Education may award a scholarship to such pupil and such scholarship shall be issued and payments shall be made thereon out of moneys available therefor in the same manner as other scholarships are issued and paid.

In case a scholarship belonging to a county shall not be claimed by a resident of such county, or if there be no resident of the county entitled to appointment to the vacant scholarship in such county, the Commissioner of Education shall fill such vacancy by appointing from the State list the person entitled to such vacancy as provided in this section.

The Commissioner of Education shall cause such person entitled to receive appointment to a scholarship to be notified of his rights thereto and of his forfeiture of such rights by failure to make the application for such scholarship required under section 5.

The Commissioner of Education may grant a leave of absence for a period of not to exceed 12 months to any holder of such a scholarship who is temporarily unable to avail himself of the benefits of such scholarship because of illness or other cause satisfactory to the commissioner. Notwithstanding the time limitation contained in section one, the granting of such leave shall operate to extend the period of time during which the holder of such scholarship shall be entitled to the benefits thereof and shall not operate to reduce the total amount of such benefits.

Sec. 5. Issuance of scholarship certificate. Upon the application of a pupil duly notified of his right to a State scholarship, the Commissioner of Education shall issue to such pupil a scholarship certificate. Such application and such certificate shall be in the form prescribed by the Commissioner of Education and such certificate shall specify the college for which it is valid. Said commissioner may also require such additional statements and information to accompany such application as he may deem necessary.

Sec. 6. Revocation of scholarship. If a person holding a State scholarship shall fail to comply with the rules of the State Board of Education in respect to the use of such scholarship, or shall fail to observe the rules, regulations or conditions prescribed or imposed by such college on students therein, or shall for any reason be expelled or suspended from such college, or shall absent himself therefrom without leave, the Commissioner of Education may, upon evidence of such fact deemed by him sufficient, make an order under the seal of the Department of Education, revoking such scholarship and thereupon such scholarship shall become vacant and the person holding such scholarship shall not thereafter be entitled to further payment or benefits under the provisions of this chapter and the vacancy caused thereby shall be filled as provided in section 4.

Sec. 7. Courses of Study. A person entitled to a scholarship shall not be restricted as to the choice of the college which he desires to attend or the course of study which he proposes to pursue; provided that no such scholarship shall include professional instruction in theology, or in any graduate courses following the receiving of a bachelor's degree; and provided that the college selected by the person entitled to such scholarship is situated within the State of Maine, and is incorporated as a college and authorized under the laws of this State and the rules of the State Board of Education to confer degrees. The term "college" as used in this section includes universities, professional and technical schools and other institutions for higher education authorized to confer degrees, requiring 4 years of undergraduate study to obtain a degree and approved by the State Board of Education; also "junior college" provided the person entitled to the scholarship pursues a course therein approved by the Commissioner of Education for 2 years of credit toward a degree in a college authorized by the State Board of Education to confer degrees.'