

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

---

---

ONE HUNDRED AND SEVENTH LEGISLATURE

---

---

Legislative Document

No. 1160

S. P. 344

In Senate, March 19, 1975

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Katz of Kennebec.

---

---

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

---

---

**AN ACT Creating the Post-secondary Education Commission of Maine.**

---

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

**Sec. 1.** 20 MRSA § 1-A, last sentence, as last amended by PL 1973, c. 169, § 1, is further amended to read:

The department shall include the following as heretofore or hereafter created and established: The Department of Educational and Cultural Services, the State Board of Education, the Maine Education Council, ~~the Maine Commission for the Higher Education Facilities Act of 1965~~ the Maine Advisory Council on Vocational Education, ~~the Maine Representatives to the New England Board of Higher Education~~ the Maine School Building Authority, the Governor Baxter School for the Deaf, the Maine State Commission on the Arts and the Humanities, the State Museum, the Maine State Museum Commission, the State Historian, the Maine State Library and the Maine Historic Preservation Commission.

**Sec. 2.** 20 MRSA § 51, sub-§ 3, ¶ B, as enacted by PL 1971, c. 610, § 4, is amended to read:

**B.** It shall be the responsibility of the State Board of Education to exercise the following specific powers and to perform the following duties in accordance with the statutes: Make recommendations to the Legislature for the efficient conduct of the public schools of the State; approve the formation of School Administrative Districts; establish, maintain and operate state technical and vocational institutes and schools of practical nursing; act upon applications for additions to and dissolutions of School Administrative Districts; establish requirements for approval and accredita-

tion of elementary and secondary schools; adjust subsidy to an administrative unit when the expenditures for education in such unit show evidence of manipulation to gain an unfair advantage or are adjudged excessive; grant permission for administrative units to enter into agreements for cooperative educational purposes; act upon articles of agreement for creation of an Interstate School District; develop and adopt a plan for the establishment of regional technical and vocational centers; approve standards for school construction; approve projects for state construction aid; approve the formation of community school districts; approve isolated secondary schools; ~~obtain information regarding applications for granting degrees and make a recommendation to the Legislature~~ recommend funds to the Bureau of the Budget for equalization of educational opportunity; ~~establish a student loan insurance program~~ serve as state agency for administering federal funds for elementary, secondary and vocational education, and serve as an appeals board for unclassified personnel.

Sec. 3. 20 MRSA c. 4 is enacted to read:

#### CHAPTER 4

#### POST-SECONDARY EDUCATION COMMISSION OF MAINE

##### § 71. Establishment

There is created and established a state agency to be called the Post-secondary Education Commission of Maine, heretofore and hereafter in this Title called the "Post-secondary Education Commission," which shall exercise such powers and perform such duties as are set forth in this Title.

##### § 72. Short title

This chapter may be cited as the PECOM Act.

##### § 73. Powers and duties

PECOM shall have the following powers and duties:

1. **Comprehensive planning.** To conduct comprehensive planning for post-secondary education in Maine, including planning in cooperation with the New England Board of Higher Education and other New England states, to assure the development, maintenance and accessibility of diversified post-secondary educational opportunities of high quality for Maine citizens, and to seek efficient use of limited resources through promotion of voluntary coordination and cooperation among institutions and educational sectors and through encouragement of efforts to avoid unnecessary duplication of institutions, programs and facilities. Such comprehensive planning shall take into consideration the educational, cultural, social and economic contributions to Maine of all of the post-secondary educational institutions in the State. It is the intent of the Legislature that such comprehensive planning shall lead to a cohesive system of post-secondary education involving all of the public, private non-profit and proprietary post-secondary educational institutions in the State.

2. **Administration of certain post-secondary education programs.** To serve as the state agency for the administration of certain state post-sec-

ondary education programs including, but not limited to, the student loan insurance program, the tuition equalization program, the Maine delegation to the New England Board of Higher Education, obtaining information regarding applications for granting degrees and making recommendations to the Legislature, the program of loans for candidates for practice of osteopathic medicine, payments by the State through the New England Board of Higher Education for certain contract post-graduate professional programs, permits for privately owned correspondence schools and permits for privately owned business, trade and technical schools.

3. State commission under § 1202 of Higher Education Act. To serve as the state commission as required under section 1202 of the Higher Education Act of 1965, as amended (20 U. S. C. 1142a), as a condition for participation by the State in certain federal programs of assistance to post-secondary education students and institutions.

4. Federal State Student Incentive Grants Program. To serve as the single state agency authorized to make application for and to administer the Federal State Student Incentive Grants Program authorized by Subpart 3, Part A, Title IV of the Higher Education Act of 1965, as amended (20 U.S.C. 1070c).

5. Community service and continuing education programs. To serve as the single state agency to administer the community service and continuing education programs authorized by the Higher Education Act of 1965, as amended, under Title I, Part A, Section 105(a) (20 U.S.C. 1005).

6. Construction of academic facilities. To serve as the single state agency authorized to administer the construction of academic facilities programs authorized by the Higher Education Act of 1965, as amended under Title VII, Part A, Section 704(a) (20 U.S.C. 1132a-3).

7. Financial assistance for improvement of undergraduate instruction programs. To serve as the single state agency authorized to administer the financial assistance for the improvement of undergraduate instruction programs authorized by the Higher Education Act of 1965, as amended, under Title VI, Part A, Section 603 (20 U.S.C. 1123).

8. Collection and processing of Higher Education General Information Survey. To serve as the centralized single state agency for the collection and processing of the Higher Education General Information Survey (HEGIS) for forwarding to the National Center for Educational Statistics, United States Office of Education.

9. Annual report. To present a report annually, before December 31st, to the Governor and the Legislature on "The State of Post-secondary Education in Maine," in which it reviews the comprehensive planning for the previous year and makes recommendations based on this planning which might lead to the maximum realization of the objectives of subsection I.

10. Studies. To undertake such studies of post-secondary education in Maine as may be requested from time to time by the Legislature and the Governor and to provide such reports and other information to appropriate committees of the Legislature as may be requested.

#### § 74. Limitations of the authority of PECOM with respect to institutions

No provision of this chapter or Title related to the authority, responsibilities and functions of PECOM shall be construed as authorizing the commission to infringe upon or substitute its authority for or otherwise modify the governing authority of any institution of post-secondary education.

#### § 75. Definition of post-secondary education

For the purposes of this Title, "post-secondary education" shall include formal instruction primarily for persons who have completed grade 12 or the equivalent, research and public service provided by public, private nonprofit and proprietary institutions duly authorized to undertake such activities. "Post-secondary education" shall not be limited to educational programs leading to a degree, but shall also include vocational, technical and career educational programs primarily for persons who have completed grade 12. "Post-secondary education" shall not include adult basic education programs administered by local school boards.

#### § 76. Membership of PECOM

PECOM shall be comprised of 15 members drawn from the following groups:

1. Representatives of public boards and advisory councils. Five members of PECOM shall be members of principal public governing and administrative boards concerned with post-secondary education in Maine and the Maine Advisory Council on Vocational Education. The number of positions on PECOM assigned to members from each body shall be as follows:

- A. Two positions for members of the Board of Trustees of the University of Maine;
- B. One position for a member of the State Board of Education;
- C. One position for a member of the Maine Delegation of the New England Board of Higher Education. This member shall not, at the time of appointment to or during any time of membership of the Post-secondary Education Commission, be the Chancellor of the University of Maine, the Commissioner of Educational and Cultural Services or an administrative officer or member of the governing board of a public, private nonprofit or proprietary post-secondary educational institution in Maine.
- D. One position for a member of the Maine Advisory Council on Vocational Education.

The representatives of the Board of Trustees of the University of Maine, the State Board of Education, the Maine delegation to the New England Board of Higher Education and the Maine Advisory Council on Vocational Education shall be selected in accordance with the procedures of the respective body.

The terms of members from the Board of Trustees of the University of Maine shall be for 4 years, except that the initial term of one member shall be for one year. The term of the member of the State Board of Education shall be

for 4 years, except that the initial term shall be for 2 years. The term of the member of the New England Board of Higher Education shall be for 4 years. The term of the member from the Maine Advisory Council on Vocational Education shall be for 4 years, except that the initial term shall be for 3 years.

There shall be no limitation on the number of terms a person may serve in one of the positions on PECOM assigned to these bodies, except at the time of expiration of a person's membership on the Board of Trustees of the University of Maine, the State Board of Education, the Maine delegation to the New England Board of Higher Education, or the Maine Advisory Council on Vocational Education, such a person shall be ineligible to be appointed to, or to continue to serve as a member of, PECOM.

If prior to the expiration of a term, a vacancy occurs with respect to one of the 5 positions on PECOM assigned to bodies as set forth above, such a vacancy shall be filled for the period of the unexpired term by, and from the membership of, the body to which that position is assigned.

2. The Chancellor of the University of Maine and the Commissioner of Educational and Cultural Services. The Chancellor of the University of Maine and the Commissioner of Educational and Cultural Services shall serve as ex officio members of PECOM.

3. Representatives of private nonprofit institutions of post-secondary education. Three positions on PECOM shall be assigned to representatives of private nonprofit institutions of post-secondary education in Maine. Such representatives shall be appointed by a subcommittee of the Higher Education Council of Maine composed of private college members. This subcommittee shall not be limited in its choice of representatives to members of the Higher Education Council of Maine, but also shall consider administrative officers and members of the governing boards of any private nonprofit institution of post-secondary education.

The term of members from private nonprofit post-secondary educational institutions shall be for 4 years, except that one initial appointment shall be for one year, a 2nd initial appointment shall be for 2 years and the 3rd initial appointment shall be for 3 years.

There shall be no limitation on the number of terms a person may serve except that a person shall be ineligible to be appointed to, or to continue to serve as a member of PECOM as a representative of a private nonprofit post-secondary education institution if such person is not, or ceases to be, an employee of or in an official position at such an institution.

If prior to the expiration of a term, a vacancy occurs with respect to one of the 3 positions assigned to private nonprofit institutions, such a vacancy shall be filled for the period of the unexpired term by the subcommittee of the Higher Education Council of Maine composed of private college members.

4. Representatives of proprietary institutions of post-secondary education. One position on PECOM shall be assigned to a representative of proprietary institutions of post-secondary education in Maine. This representative shall be a chief executive officer or member of the governing board

of a federally recognized proprietary institution, as defined in section 1201 of the Higher Education Act of 1965, of post-secondary education and shall be appointed by the Governor, with the advice and consent of the Council, for a 4-year term.

There shall be no limitation on the number of terms a person may serve, except that a person shall be ineligible to be appointed to, or continue to serve as a member of, PECOM as a representative of proprietary post-secondary education institutions if such person is not, or ceases to be, an employee of or a member of the governing board of such an institution.

If, prior to the expiration of a term, a vacancy occurs with respect to the position assigned to a representative of proprietary institutions, the Governor shall appoint, with the advice and consent of the Council, a person from among those eligible to serve in such a position to serve for the remainder of the unexpired term.

5. Representatives of the general public. Four positions on PECOM shall be assigned to members of the general public in Maine. Such members shall not, at the time of appointment to or during any time of membership on PECOM, be employees of, or members of the governing body of, a public, private non-profit or proprietary institution of post-secondary education in Maine. Representatives of the general public in Maine shall be appointed to PECOM by the Governor, with the advice and consent of the Council, for 4-year terms, except that one initial appointment shall be for one year, a 2nd initial appointment shall be for 2 years and a 3rd initial appointment shall be for 3 years.

If, prior to the expiration of a term, a vacancy should occur, a person meeting the conditions set forth with respect to representatives of the general public shall be appointed by the Governor, with the advice and consent of the Council, to complete the remainder of the unexpired term.

All members of PECOM shall serve without pay, but shall be reimbursed for travel and other expenses incurred in the performance of their official duties as members of PECOM.

All members of PECOM shall serve until their successors have been duly appointed and qualified.

#### § 77. Appointment of the chairperson

The chairperson of PECOM shall be appointed by the members of the commission from among the 4 public members. Appointment of the chairperson shall be in accordance with procedures adopted by PECOM. The term of the chairperson shall be coterminous with that member's term on the commission. There shall be no limitation on the number of terms as chairperson an individual may serve, provided that such a person continues to be a member in good standing of PECOM.

#### § 78. Meetings

PECOM shall meet immediately after appointment at the call of the Governor. It is the intent of the Legislature that all appointments shall be made

and an organizational meeting held within 30 days of the effective date of this Act.

Meetings shall be held monthly on call of the chairperson of the commission on 5 days' written notice to the members. If the chairperson shall be absent or refuses to call a meeting, any 4 members of the commission may call a meeting by similar notices in writing.

§ 79. Designation of PECOM as the state agency or state commission for the purposes of certain federal programs

PECOM is hereby designated as the state commission as required by subsection 1202(a) of the Higher Education Act of 1965, as amended, (20 U.S.C. 1142a), if the State desires to receive federal assistance for comprehensive planning for post-secondary education under section 1203 of the Higher Education Act of 1965, as amended, (20 U.S.C. 1142b), and grants for planning and programs for community colleges and occupational education under Title X of the Higher Education Act of 1965, as amended, (20 U.S.C. 1135).

Pursuant to subsection 1202(c) of the Higher Education Act of 1965, as amended, (20 U.S.C. 1142a), PECOM is designated as the state commission or state agency required under sections 105, 603 and 704 of the Higher Education Act of 1965, as amended, (20 U.S.C. 1005, 1123 and 1132a-3), related to assistance for community service and continuing education programs, undergraduate instructional equipment and grants for construction of undergraduate academic facilities, respectively. PECOM shall be the successor state agency to the Maine State Advisory Council for Title I, Community Services and Continuing Education and the Maine State Commission for the Higher Education Facilities Act of 1963 and shall assume responsibility for all regulations, procedures and records of these 2 bodies. All actions taken by these 2 bodies shall continue to be in effect and shall be under the jurisdiction of PECOM.

Pursuant to Subpart 3, Part A of Title IV of the Higher Education Act of 1965, as amended, (20 U.S.C. 1070c, c-1, c-2, c-3), PECOM is designated as the single state agency authorized to administer a program of student grants and to apply for federal assistance under the Federal State Student Incentive Grant Program.

PECOM is authorized to develop such plans, rules, regulations and procedures, and to establish or designate such advisory committees or councils or task forces to carry out the requirements of the federal laws and other programs for which PECOM is assigned responsibility under this section.

PECOM is authorized to undertake such other functions as are assigned by federal law or regulation to state commissions designated pursuant to section 1202 of the Higher Education Act of 1965, as amended, (20 U.S.C. 1142a).

PECOM is authorized to accept and disburse all moneys in accordance with the Higher Education Act of 1965, as amended, for which PECOM is assigned state responsibility under this section.



### § 80. Collection of information

PECOM shall request institutions of post-secondary education in Maine to submit such information as may be reasonably necessary for the commission to carry out responsibilities defined by federal and state law and to perform effective comprehensive planning. Such authority shall be limited by safeguards necessary to protect the confidentiality of information related to specific persons.

If an institution refuses to provide PECOM such information as it may reasonably request, the commission may, after due notice and hearing, upon a vote of  $\frac{2}{3}$  of its current membership, recommend to the Governor and Legislature that participation by such an institution in programs of state assistance be suspended until such time as the required information is provided.

### § 81. Staff

PECOM shall have the following staff:

1. Executive director. PECOM is authorized to appoint an executive director, who shall serve at the pleasure of the commission and shall maintain offices in Augusta. The compensation of the executive director shall be fixed by the Governor and Council.

2. Other staff. PECOM is authorized to employ such other professional and clerical staff as may be deemed necessary to carry out the responsibilities of the commission.

3. Retirement status of personnel. Any person employed by PECOM, who at the time of employment was a member of the State Retirement System or the University of Maine Retirement System, may continue to be a member of said system. Any person employed by PECOM shall be eligible to become a member of the State Retirement System.

Sec. 4. 20 MRSA § 2202, as last amended by PL 1973, c. 571, §§ 42 and 71, is repealed and the following enacted in place thereof:

§ 2202. Authority to confer academic degrees; approval of degree-granting institutions

1. Application. No person, partnership, institution or corporation shall confer academic, educational, literary or professional degrees unless expressly authorized by an Act of the Legislature, upon recommendation of the Post-secondary Education Commission.

Any educational institution seeking authority to grant any educational, literary or academic degree, or any junior college or similar post-secondary educational institution seeking authority to grant an associate degree shall make application to the Post-secondary Education Commission.

Upon receipt of the application, it shall be the duty of the Post-secondary Education Commission to obtain full information regarding the merit of the institution to confer the degree or grant the associate degree. The Post-secondary Education Commission shall seek the advice of the Higher Education

Council in establishing and using those standards which are commonly accepted in the accreditation of American educational institutions, and shall prepare for the use of the Legislature a report regarding the adequacy of the institution's buildings, instructional facilities and provisions for the safety and well-being of students; the qualifications of the faculty; the character of the program of studies and of the requirements for the award of degrees; practices in the admission of students; the adequacy of financial resources and the governing policies of the institution. The report, with recommendations of the Post-secondary Education Commission, shall be on file for use by the appropriate legislative committee.

2. Use of name. No person, school board, association or corporation shall use in any way the term "junior college," "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 academic, educational, literary or professional degrees, unless the institution is operating under a license or a certificate of temporary approval from the Post-secondary Education Commission or has been given the right to grant degrees in accordance with this section.

3. Temporary approval. The Post-secondary Education Commission shall have the power to grant an applicant a certificate of temporary approval, permitting use of the term "junior college," "college" or "university" in its name until the expiration of the academic year or until authorized to grant degrees in accordance with this section. Said commission is authorized to extend or renew a certificate of temporary approval for not more than 2 years, to the end that the commission may, if requested, consider the extension of temporary approval for new institutions which have not progressed to the point where it believes it is ready to seek degree-granting status. Said commission shall establish regulations concerning the requirements for licensure and temporary approval. In the establishment of such regulations, the commission shall seek the advice of the Higher Education Council.

4. Exception. This section shall not apply to institutions authorized by the Legislature to grant degrees. 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.

5. Penalty. Any person, partnership, institution or corporation offering or conferring degrees without being duly authorized shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 11 months, or by both.

This section shall not apply to any educational institutions coordinating programs with degree-granting educational institutions in Maine, provided that such programs are approved by the Post-secondary Education Commission.

**Sec. 5. 20 MRSA § 2203**, as last repealed and replaced by PL 1967, c. 393, § 1, is amended to read:

### § 2203. Records of educational institutions

1. **Preservation of records.** The trustees or officers of any college or other post-secondary institution of learning whether incorporated or not, upon going out of existence or ceasing to function as an educational institution, shall turn over its records of attendance and academic achievements by its students to the ~~department~~ **Post-secondary Education Commission** to be preserved as important material of historical and record value. It shall be the duty of the ~~commissioner~~ **Post-secondary Education Commission** to collect all attendance and academic records of post-secondary educational institutions within the State which are now extinct or shall hereafter become extinct and to deposit such records in a place of safety and accessibility for preservation and future use.

2. **Transcripts.** The ~~commissioner~~ **Post-secondary Education Commission** shall, when requested, prepare transcripts of all grade records which may, at any time, become necessary to the former student for further scholastic work at another institution of learning, for certification for teaching and for other professional positions. Whenever such transcript is made from the original and certified by the ~~commissioner~~ **Post-secondary Education Commission**, it shall thereafter be considered and accepted as legal evidence and, for all other purposes, the same as the original itself. The ~~department~~ **Post-secondary Education Commission** shall charge a nominal fee for the actual cost of preparing such transcripts.

Sec. 6. 20 MRSA § 2231, as last amended by PL 1973, c. 571, § 71, is repealed and the following enacted in place thereof:

#### § 2231. Purpose

The purpose of these provisions is to enable the Post-secondary Education Commission to establish a student loan insurance program, meeting certain federal requirements, in order to secure loans to Maine students attending institutions of higher education, including vocational training institutions, in accordance with the direction in the Constitution of Maine, Article VIII, section 2.

Sec. 7. 20 MRSA § 2232, as last amended by PL 1973, c. 571, § 71, is repealed and the following enacted in place thereof:

#### § 2232. Loan insurance program established

The Post-secondary Education Commission is authorized to establish a student loan insurance program to insure payment of loans to Maine students which meets the requirements of federal acts and statutes relating to federal, state and private programs of low-interest insured loans to students in institutions of higher education, as provided in the Higher Education Act of 1965, for a state loan insurance program. To this end, the faith and credit of the State of Maine is pledged consistent with the terms and limitations of the Constitution of Maine, Article VIII, section 2.

Sec. 8. 20 MRSA § 2233, as last amended by PL 1973, c. 571, § 71, is repealed and the following enacted in place thereof:

### § 2233. Insurance Fund

There is established a Student Loan Insurance Fund which shall be used by the Post-secondary Education Commission as a nonlapsing, revolving fund for carrying out this chapter. The fund shall initially be in the sum of \$5,000. To this sum shall be charged any and all expenses of the Post-secondary Education Commission in connection with their operations under this chapter, including interest and principal payments required by loan defaults and to this sum shall be credited all amounts received by the Post-secondary Education Commission under this chapter.

Moneys in the fund, not needed currently to meet the obligations of the Post-secondary Education Commission in the exercise of its responsibilities as insurer as provided for in this chapter, shall be deposited with the Treasurer of State to the credit of the fund or may be invested in such manner as is provided for by statute.

Sec. 9. 20 MRSA § 2234, 1st sentence, as last amended by PL 1973, c. 571, § 71, is further amended to read:

If from time to time in the opinion of the ~~State Board of Education~~ Post-secondary Education Commission the addition of moneys to the Insurance Fund may be required to meet obligations, the ~~State Board of Education~~ Post-secondary Education Commission shall in writing request the Governor and Council to provide moneys in such amounts as may be necessary for the purpose.

Sec. 10. 20 MRSA § 2235, 1st ¶, as last amended by PL 1973, c. 571, § 71, is further amended to read:

In the performance of the powers, functions and duties imposed upon it by this chapter, the ~~State Board of Education~~ Post-secondary Education Commission may:

Sec. 11. 20 MRSA § 2242, 1st sentence, as amended by PL 1971, c. 610, § 22, is further amended to read:

There is created a State Osteopathic Loan Fund which shall be used by the ~~Commissioner of Educational and Cultural Services~~ Post-secondary Education Commission as a nonlapsing, revolving fund for carrying out this chapter.

Sec. 12. 20 MRSA § 2243, 1st ¶, as amended by PL 1971, c. 610, § 22, is further amended to read:

An applicant shall be eligible for a loan under this chapter when the ~~Commissioner of Educational and Cultural Services~~ Post-secondary Education Commission, after consultation with the executive committee of the Maine Osteopathic Association, finds:

Sec. 13. 20 MRSA § 2244, 1st ¶, 1st sentence and 2nd ¶, 1st sentence, as last amended by PL 1973, c. 571, § 72, are further amended to read:

Each student shall enter into an agreement with the ~~Commissioner of Educational and Cultural Services~~ Post-secondary Education Commission that after

the completion of his internship or residency he will enter upon the practice of osteopathic medicine in this State and continue in such practice for a period of one year for each \$2,000 of loan granted and utilized.

If a recipient of a loan provided ~~herein in this chapter~~ fails to perform his agreement with the ~~Commissioner of Educational and Cultural Services~~ **Post-secondary Education Commission** for reasons other than death, he shall immediately be liable to the State for all loan payments he shall have received plus interest on each payment at the rate of 6% per year compounded semi-annually.

**Sec. 14. 20 MRSA § 2311, 1st sentence**, as enacted by PL 1973, c. 635, § 1, is amended to read:

A fund is hereby appropriated to the ~~Department of Educational and Cultural Services~~ **Post-secondary Education Commission** to establish a State Tuition Equalization Fund to be distributed to Maine high school graduates who are attending as full-time undergraduates, eligible Maine private institutions of higher education, under regulations promulgated by the ~~Commissioner of Educational and Cultural Services~~ **Post-secondary Education Commission**.

**Sec. 15. 20 MRSA § 2651, 1st, 2nd and 6th sentences**, as last amended by PL 1973, c. 571, § 72, are further amended to read:

No person representing a privately owned correspondence school located in the State of Maine or from a place of business in this State shall solicit or sell in Maine any correspondence course for a consideration or remuneration unless he first secures a permit from the ~~commissioner~~ **Post-secondary Education Commission**.

The application for a permit shall be made on forms to be furnished by the ~~commissioner~~ **Post-secondary Education Commission** and shall be accompanied by a fee of \$5 and a surety bond in the penal sum of \$1,000.

The surety on any such bond may cancel any such bond upon giving 30 days' notice in writing to the ~~commissioner~~ **Post-secondary Education Commission** and thereafter shall be relieved of liability for any breach of condition occurring after the effective date of said cancellation.

**Sec. 16. 20 MRSA § 2652**, as last amended by PL 1973, c. 571, §§ 48 and 72, is further amended to read:

**§ 2652. Permits for outside Maine**

No school or person representing a privately owned correspondence school located outside the State of Maine shall solicit or sell in Maine any correspondence course for a consideration or remuneration unless he first secures a permit from the ~~commissioner~~ **Post-secondary Education Commission** in the manner and on the terms provided in section 2651.

**Sec. 17. 20 MRSA § 2654**, as amended by PL 1973, c. 571, § 72, is further amended to read:

**§ 2654. Revocation**

Any permit issued may, upon 10 days' notice and after a hearing, be revoked by the ~~commissioner~~ **Post-secondary Education Commission** if the holder of the permit solicits or enrolls students through fraud or misrepresentation.

**Sec. 18.** 20 **MRSA § 2655**, as last amended by PL 1973, c. 571, § 72, is further amended to read:

**§ 2655. Rules and regulations; advisory committee**

The ~~commissioner~~ **Post-secondary Education Commission** is authorized to adopt rules and regulations for the administration and enforcement of this chapter, and to establish a committee of 3 to 5 owners or other representatives of privately owned correspondence schools to advise the ~~commissioner~~ **Post-secondary Education Commission** in its administration.

**Sec. 19.** 20 **MRSA, § 2661** as last amended by PL 1973, c. 571, § 72, is further amended to read:

**§ 2661. Registration and permit**

Any person, partnership or institution or corporation operating or maintaining a private business, trade, vocational or technical school in Maine, except schools of hairdressing and beauty culture required to be approved by the State Board of Cosmetology, schools of barbering required to be approved by the State Board of Barbers, schools for real estate required to be approved by the Real Estate Commission, and an institution authorized by law to grant a degree, shall register the institution with the ~~Commissioner of Educational and Cultural Services~~ **Post-secondary Education Commission** on forms prepared for this purpose, and prior to operation obtain a permit from the ~~Commissioner of Educational and Cultural Services~~ **Post-secondary Education Commission**.

No school or person representing a privately owned business, vocational or technical school located outside the State of Maine shall solicit or sell in Maine any course for training at such business, vocational or technical school located outside of the State of Maine unless he first secures a permit from the ~~commissioner~~ **Post-secondary Education Commission**.

**Sec. 20.** 20 **MRSA § 2662**, 1st and 4th sentences, as last amended by PL 1973, c. 571, § 72, are further amended to read:

The application for permit required in section 2661 shall be made on forms furnished by the ~~commissioner~~ **Post-secondary Education Commission** and shall be accompanied by a fee of \$25 and a surety bond in the penal sum of \$1,000.

The surety on any bond may cancel such bond upon giving 30 days' notice in writing to the ~~commissioner~~ **Post-secondary Education Commission** and thereafter shall be relieved of liability for any breach of condition occurring after the effective date of said cancellation.

**Sec. 21.** 20 MRSA §§ 2720 and 2721, as enacted by PL 1967, c. 292, are repealed.

**Sec. 22.** 20 MRSA § 3672, as last amended by PL 1971, c. 610, § 12, is further amended to read:

**§ 3672. State Board of Education as state agency**

The State Board of Education is designated as the sole agency for administering the funds allotted under any Federal Act providing for financial assistance in the operation and construction of school facilities, ~~including excluding~~ higher educational facilities, and it is authorized to make such certifications to the United ~~State's States~~ Commissioner of Education as are necessary to entitle the State to receive the benefits of such Act, including the authority to elect that any portion of such a federal allotment be in the form of a commitment by the Federal Government to make direct payments of interest and principal on debts of local agencies for the construction of school facilities or other purpose.

**Sec. 23. Appropriation.** There is appropriated to the Post-secondary Education Commission from the General Fund for the purpose of operation for the fiscal year beginning July 1, 1975 and ending June 30, 1976, the sum of \$75,000. The breakdown shall be as follows:

| POST-SECONDARY EDUCATION COMMISSION<br>OF MAINE |     | 1975-76  |
|---|-----|----------|
| Personal services                               | (3) | \$60,000 |
| All other                                       |     | 15,000   |
|   |     | <hr/>    |
|   |     | \$75,000 |

STATEMENT OF FACT

The Management and Cost Survey identified the need for close and continuing cooperation and planning for all segments of Maine's post secondary educational system.

This bill establishes a planning vehicle in accordance with the guidelines of the Higher Education Amendments of 1972.