

# 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)

FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 328

H. P. 269

House of Representatives, January 20, 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 Mrs. Thompson of South Portland.

STATE OF MAINE

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

**AN ACT to Amend the Law Relating to the Authorization for Degree-granting Authority for Higher Education Institutions.**

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

Sec. 1. 20 MRSA § 2202, as last amended by PL 1977, c. 694, § 324, is repealed.

Sec. 2. 20 MRSA § 2202-A is enacted to read:

§ 2202-A. **Authority to confer academic degrees; approval of degree-granting institutions; approval of courses or programs leading to the attainment of a degree**

1. **Definitions.** As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Academic credit" means credit hours or some equivalent measure which may be awarded and which is applicable toward a formal degree.

B. "Application" means notification to the commissioner by an applicant educational institution of intent to seek legislative authorization to confer degrees at the associate level or higher or to seek approval from the State Board of Education to offer courses or programs carrying academic credit or to seek exempt status from the commissioner.

C. "Coordinated courses or programs" means courses or programs which are coordinated with a Maine degree-granting educational institution and which are approved by the State Board of Education.

D. "Educational institution" means any person, partnership, board, association, institution or corporation which confers academic, educational, literary or professional degrees at the associate level or higher or which offers any courses or programs which carry academic credit.

E. "Exempt course or program" means any course or program offering for which no academic credit is awarded or which are conducted solely on a federal reservation over which the United States Government has exclusive jurisdiction.

F. "Exempt institution" means any institution which offers only exempt courses or programs.

G. "Formal degree" means a degree conferred by a post-secondary educational institution authorized to confer such in its home state.

H. "Legislative authorization" means permission granted by an Act of the Legislature to an educational institution to confer academic, educational, literary or professional degrees upon recommendation of the State Board of Education.

2. Legislative authorization; temporary approval for out-of-state institutions; exempt status. An educational institution shall obtain legislative authorization or exempt institution status before it may confer academic, educational, literary or professional degrees within the State.

A. The State Board of Education may approve the application of a higher education institution, located outside the State and authorized to perform the duties of an educational institution in its home state, to offer within the State courses or programs for academic credit without legislative authorization.

(1) This approval may be renewed by the State Board of Education.

(2) Exempt courses or programs do not require approval by the board.

B. The commissioner shall determine exempt status on the basis of the criteria set forth in subsection 1, paragraph E.

3. Application; rules and regulations. Any educational institution which seeks degree-granting authorization from the Legislature, or approval from the State Board of Education, or exempt status from the commissioner, shall make the application to the board on forms available in the department.

A. The board shall, in accordance with chapter 2, adopt rules and regulations as needed to carry out the purposes of this chapter.

4. Use of term college; temporary approval. No educational institution may use the term "junior college," "college" or "university" in connection with its

operation or use any other name, title or descriptive matter which might tend to indicate that it is an institution of higher learning with the authority to confer degrees, unless it is operating under a license or certificate of temporary approval from the State Board of Education or has legislative authorization to confer degrees in accordance with this section.

A. The State Board of Education may 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 authorization to grant degrees in accordance with this section, whichever occurs first. The board may extend or renew a certificate of temporary approval for not more than 2 years.

5. Exceptions. This section does not apply to any educational institution authorized by the Legislature prior to the effective date of this section to grant degrees. This section does not apply to any educational institution in continuous operation within the State since prior to January 1, 1957.

6. Coordinated program; state board approval. This section does not apply to any educational institutions offering coordinated courses or programs which carry academic credits provided that these programs are approved by the State Board of Education.

7. Penalty. Any educational institution conferring degrees within the State or offering courses or programs within the State which carry academic credit without being authorized or approved to do so is subject to a civil penalty of not more than \$5,000, payable to the State, to be recovered in a civil action.

#### STATEMENT OF FACT

The purposes of this bill are to clarify language and to provide more appropriate attention to the operation in Maine of course or program offerings carrying academic credit by post-secondary educational institutions whose main headquarters are located outside the State. This bill allows the implementation of oversight activities by the State designed to protect Maine citizens from an influx of poor quality higher education course offerings which carry academic credit.