

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 930

S.P. 340

In Senate, March 4, 1991

Submitted by the Department of Education pursuant to Joint Rule 24.  
Received by the Secretary of the Senate on March 4, 1991. Referred to the Committee on Education and 1,400 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator BRAWN of Knox  
Cosponsored by Senator ESTES of York and Representative HANDY of Lewiston.

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STATE OF MAINE

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

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An Act to Clarify the Certification of Correspondence Schools.

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

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4       Sec. 1. 20-A MRSA §9201, as enacted by PL 1981, c. 693, §§5  
and 8, is amended to read:

6       **§9201. Certificate of approval; exemptions**

8       1. **Requirement for certificate of approval.** Any privately  
10       owned post-secondary correspondence school located either within  
12       the State or outside the State ~~shall~~ but having a solicitor or  
14       agent in this State to recruit students or promote the school and  
16       its program must obtain a certificate of approval from the  
commissioner before soliciting or selling in Maine this State any  
correspondence course or collecting any tuition, fee or other  
charge. In addition, each correspondence school shall supply a  
listing of solicitors authorized by ~~it~~ that school to recruit in  
Maine this State.

18       1-A. Residence component. A privately owned correspondence  
20       school offering courses or programs that require a residence  
22       component must be classified as a proprietary school and is  
subject to the licensing provisions of sections 9501 to 9504.

24       2. **Exemptions.** Public institutions which that are exempt  
26       from property taxation under Maine state laws, and courses or  
28       programs of instruction conducted under contract with an employer  
for employees exclusively, are exempt from the requirements of  
this chapter.

30       Sec. 2. 20-A MRSA §9202, sub-§1, as amended by PL 1983, c.  
32       651, §1, is further amended to read:

34       1. **Application requirements; certification period; bonding**  
36       and revocation of certificate. The application for a certificate  
of approval required in section 9201 ~~shall~~ must be made on forms  
furnished by the commissioner and ~~shall~~ be accompanied by a fee  
of \$50 \$100 and a surety bond in the penal sum of \$10,000.

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

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

50       Sec. 3. 20-A MRSA §9202, sub-§2, as enacted by PL 1981, c.  
52       693, §§5 and 8, is amended to read:

