

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1994

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Legislative Document

No. 1704

S.P. 606

In Senate, January 11, 1994

**An Act Regarding the Implementation of the Provisions of the Higher Education Act of 1965 as Amended.**

(EMERGENCY)

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Submitted by the Department of Education pursuant to Joint Rule 24.  
Reference to the Committee on Education suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator AMERO of Cumberland.  
Cosponsored by Senator: O'DEA of Penobscot, Representatives: PINETTE of Fort Kent,  
SMALL of Bath, STEVENS of Orono.

Emergency preamble. Whereas, Acts of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted  
as emergencies; and

4  
Whereas, the Higher Education Act of 1965 as amended by the  
6 Higher Education Amendments of 1992 requires that each state  
designate a State Postsecondary Review Entity or SPRE; and

8  
Whereas, the Maine Department of Education has been  
10 designated as the SPRE for the State and must develop standards  
and rules that are enforceable and consistent with the  
12 Constitution and laws of the State; and

14  
Whereas, it is necessary that the Commissioner of Education  
be given statutory authority to make rules thereby giving a legal  
16 base to the standards as developed; and

18  
Whereas, the standards as established by the SPRE must be  
submitted for approval to the Secretary of the United States  
20 Department of Education before being placed into the rule-making  
process required by the Maine Administrative Procedure Act; and

22  
Whereas, the start up of the SPRE and the development and  
24 integration of the standards as rules should occur before June  
30, 1994, in order for the SPRE to be able to apply for federal  
26 fiscal year 1994 funds for program implementing activities; and

28  
Whereas, failure to fulfill the requirements as specified  
for the SPRE could mean the loss of eligibility for certain  
30 federal student aid programs for some state postsecondary  
educational institutions; and

32  
Whereas, in the judgment of the Legislature, these facts  
34 create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
36 necessary for the preservation of the public peace, health and  
safety; now, therefore,

38  
**Be it enacted by the People of the State of Maine as follows:**

40  
**Sec. 1. 20-A MRSA §10005 is enacted to read:**

42  
**§10005. State postsecondary review entity**

44  
**1. Department as state postsecondary review entity. The**  
46 **department is designated as the state postsecondary review entity**  
48 **for the purpose of carrying out the program integrity triad of**  
**the Higher Education Act of 1965, 20 United States Code, Sections**  
**1099a to 1099a-3, as amended.**

2       **2. Rule-making authority.** The commissioner has rule-making  
3       authority to implement the program integrity triad of the Higher  
4       Education Act of 1965, 20 United States Code, Sections 1099a to  
5       1099a-3, as amended, concerning the conduct of the activities of  
6       the state postsecondary review entity.

7       **Emergency clause.** In view of the emergency cited in the  
8       preamble, this Act takes effect when approved.

10                                   **STATEMENT OF FACT**

12       Federal law requires each state to designate a state  
13       postsecondary review entity, or SPRE, to develop review standards  
14       to be utilized in determining eligibility for participation in  
15       federal student aid programs for those institutions in this State  
16       that are referred to the State by the federal Secretary of  
17       Education. This bill provides the statutory base for the  
18       Department of Education to serve as the state postsecondary  
19       review entity and gives the Commissioner of Education authority  
20       for rulemaking to implement the federal law.

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26       This document has not yet been reviewed to determine the  
27       need for cross-reference, stylistic and other technical  
28       amendments to conform existing law to current drafting standards.  
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