

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2006

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Legislative Document

No. 1954

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S.P. 751

In Senate, January 10, 2006

### An Act To Invest in the Future of Maine Citizens

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Education and Cultural Affairs 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 BRENNAN of Cumberland.

Cosponsored by Senator MITCHELL of Kennebec, Representative NORTON of Bangor and Senators: BRYANT of Oxford, President EDMONDS of Cumberland, GAGNON of Kennebec, MARTIN of Aroostook, Representatives: BRYANT of Windham, CUMMINGS of Portland, Speaker RICHARDSON of Brunswick.

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

4 **PART A**

6 **Sec. A-1. 20-A MRSA §4772, sub-§2,** as enacted by PL 1997, c. 758, §2, is repealed.

8 **Sec. A-2. 20-A MRSA §4772, sub-§2-A** is enacted to read:

10 2-A. Recommendation. The student has received a  
12 recommendation to take a postsecondary course or courses at an  
14 eligible institution either from the student's school  
administration following an assessment of the student by the  
school administration or from one of the student's secondary  
school teachers;

16 **Sec. A-3. 20-A MRSA §4772, sub-§4,** as enacted by PL 1997, c. 758, §2, is amended to read:

20 **4. School approval.** The school unit approves; and

22 **Sec. A-4. 20-A MRSA §4772, sub-§5,** as enacted by PL 1997, c. 758, §2, is amended to read:

24 **5. Parental approval.** The student's parent approves; and

26 **Sec. A-5. 20-A MRSA §4772, sub-§6** is enacted to read:

28 6. Eligible institution approval. The student has been  
30 approved for participation in a course or courses by an eligible  
institution.

32 **Sec. A-6. 20-A MRSA §4772-A,** as corrected by RR 1999, c. 1, §25, is repealed.

34 **Sec. A-7. 20-A MRSA §10910** is enacted to read:

38 **§10910. Limitation on tuition increase**

40 This section applies only to those undergraduate students  
42 who meet the state residency requirements that are established by  
44 the trustees and who first enroll in the university after the  
2006-2007 academic year. For 4 continuous academic years  
46 following initial enrollment, or for those undergraduate programs  
that the university determines normally take more than 4 years to  
48 complete, the tuition charged to an undergraduate student may not  
exceed the amount that the student was charged at the time the  
student first enrolled in the university. If a student changes  
50 majors during this time period, the tuition charged to the  
student must equal the amount the student would have been charged

2 had the student been admitted to the new major when the student  
3 first enrolled. The university shall absorb the reduction in  
4 tuition revenues that results from providing this limitation on  
5 tuition increases to eligible persons under this section. The  
6 university may not request additional General Fund appropriations  
7 from the Legislature to offset the reduction in tuition revenues.

8 **Sec. A-8. 20-A MRSA §12706, sub-§7-A** is enacted to read:

10 **7-A. Tuition for Maine residents; fees and charges.** To  
11 establish and collect room and board fees and tuition and to set  
12 policies relating to other charges, including fees for the  
13 reasonable use of the colleges' facilities by others, as  
14 determined necessary by the board of trustees for the efficient  
15 administration of this chapter, to be credited to a separate fund  
16 and used for the purposes of this chapter. This subsection  
17 applies only to those students who meet the state residency  
18 requirements that are established by the board of trustees, who  
19 are accepted for admission in a college and who first enroll in  
20 the system after the 2006-2007 academic year. A student who is a  
21 resident of this State may attend a college free of tuition  
22 charges for the first academic year following initial enrollment  
23 in the system; and such a student may receive a 50% tuition  
24 waiver for the 2nd and subsequent academic years following  
25 initial enrollment. By February 15, 2007 and every February 15th  
26 thereafter, the board of trustees shall estimate the cost to the  
27 system of providing the tuition assistance for the next academic  
28 year and report that amount to the Governor and to the joint  
29 standing committee of the Legislature having jurisdiction over  
30 education and cultural affairs and the joint standing committee  
31 of the Legislature having jurisdiction over appropriations and  
32 financial affairs.

34 **Sec. A-9. 20-A MRSA §15681, sub-§1, ¶D** is enacted to read:

36 D. To receive after-school program funds calculated pursuant  
37 to subsection 5, the school administrative unit must be in  
38 compliance with any applicable federal or state program  
39 requirements for after-school programs, including  
40 requirements of the 21st Century Communities Learning  
41 Centers program authorized under Title IV, Part B of the  
42 federal Elementary and Secondary Education Act of 1965, as  
43 amended by the federal No Child Left Behind Act of 2001, 20  
44 United States Code, Chapter 70.

46 **Sec. A-10. 20-A MRSA §15681, sub-§4-A** is enacted to read:

48 **4-A. After-school program funds.** For after-school program  
49 funds, the commissioner shall calculate one amount that may be  
50 made available to the elementary school level and middle school

2 level and another amount that may be made available to the high  
3 school level in accordance with the following.

4 A. For fiscal year 2007-08, the commissioner shall establish  
5 a per-pupil amount for after-school program funds.

6  
7 B. For fiscal year 2008-09 and each subsequent year, the  
8 commissioner shall recalculate the per-pupil amount by using  
9 the amount calculated under paragraph A as a base and  
10 appropriate trends in the Consumer Price Index or other  
11 comparable index.

## 12 **PART B**

13 **Sec. B-1. 5 MRSA §1536, sub-§4** is enacted to read:

14  
15 **4. Transfer from unappropriated surplus beginning at close**  
16 **of fiscal year 2006-07 and each subsequent fiscal year.** At the  
17 close of fiscal year 2006-07 and each subsequent fiscal year, the  
18 State Controller shall transfer an amount up to \$3,500,000  
19 available from the unappropriated surplus of the General Fund to  
20 the department and agency accounts listed in subsection 6,  
21 paragraphs A, B and C after all required deductions of  
22 appropriations, budgeted financial commitments and adjustments  
23 considered necessary by the State Controller have been made and  
24 as the next priority before the transfers required pursuant to  
25 sections 1507 and 1511.

26  
27 **Sec. B-2. 5 MRSA §1536, sub-§5** is enacted to read:

28  
29 **5. Additional transfer from unappropriated surplus at close**  
30 **of fiscal year 2006-07 and each subsequent fiscal year.** In  
31 addition to the transfer identified in subsection 4, at the close  
32 of fiscal year 2006-07 and each subsequent fiscal year, the State  
33 Controller shall transfer from the unappropriated surplus of the  
34 General Fund to the Maine Community College System an amount up  
35 to but not exceeding the amount identified by the Board of  
36 Trustees of the Maine Community College System reported in Title  
37 20-A, section 12706, subsection 7 after all required deductions  
38 of appropriations, budgeted financial commitments and adjustments  
39 considered necessary by the State Controller have been made and  
40 as the next priority before the transfers required pursuant to  
41 sections 1507 and 1511.

42  
43 **Sec. B-3. 5 MRSA §1536, sub-§6** is enacted to read:

44  
45 **6. Priority of transfers.** Beginning in fiscal year 2007-08  
46 and each subsequent fiscal year, transfers made in accordance  
47 with subsections 4 and 5 must be expended for the purposes listed  
48 in this subsection in the following amounts and priority order.  
49  
50

2 Transfers to the Department of Health and Human Services, the  
3 Department of Education and the Maine Community College System  
4 must be made in the following amounts and priority order:

6 A. As the first priority, of the amount transferred  
7 pursuant to subsection 4, \$2,000,000 to the Department of  
8 Health and Human Services to expand preschool child care  
9 including Head Start and other child programs and services.  
10 The Commissioner of Health and Human Services shall  
11 determine the amounts to be distributed to each program;

12 B. As the 2nd priority, of the amount transferred pursuant  
13 to subsection 4, \$1,000,000 to the General Purpose Aid for  
14 Local Schools program within the Department of Education to  
15 provide targeted funds for after-school programs pursuant to  
16 Title 20-A, section 15681;

17 C. As the 3rd priority, of the amount transferred pursuant  
18 to subsection 4, \$500,000 to the Support Services program  
19 within the Department of Education to expand funding for  
20 eligible students to take postsecondary education courses  
21 pursuant to Title 20-A, chapter 208-A; and

22 D. As the 4th priority, the amount transferred pursuant to  
23 subsection 5 to the Board of Trustees of the Maine Community  
24 College System to provide funds to offset the decline in  
25 tuition revenues resulting from the tuition waiver program  
26 for eligible students enrolled at each of the Maine  
27 Community College System campuses after the 2006-2007  
28 academic year pursuant to Title 20-A, section 12706,  
29 subsection 7-A.

30 **Sec. B-4. 5 MRSA §1536, sub-§7** is enacted to read:

31 **7. Transferred amounts.** Notwithstanding section 1667-B,  
32 the amounts transferred by the State Controller for the purposes  
33 listed in subsection 6 may be allotted by financial order upon  
34 recommendation of the State Budget Officer and approval of the  
35 Governor. The State Budget Officer shall provide the joint  
36 standing committee of the Legislature having jurisdiction over  
37 appropriations and financial affairs and the joint standing  
38 committee of the Legislature having jurisdiction over education  
39 and cultural affairs with a report of the transferred amounts no  
40 later than September 15, 2007 and each subsequent September 15th.

## SUMMARY

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4 This bill would establish resources to improve the health,  
6 well-being, education and economic security of Maine citizens by  
8 enhancing and expanding early education opportunities,  
10 after-school initiatives, early college programs for secondary  
12 school students and access to higher education opportunities  
14 through a guaranteed tuition program for undergraduate students  
16 enrolled at the University of Maine System and a tuition waiver  
program for resident students enrolled at the Maine Community  
College System.

12 The bill authorizes a prioritized series of transfers from  
14 the unappropriated surplus of the General Fund at the end of  
16 fiscal year 2006-07 and subsequent fiscal years to these various  
prekindergarten to grade 14 educational programs within the State.