

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2023

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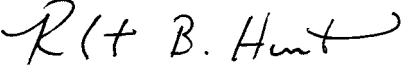
H.P. 1170

House of Representatives, April 27, 2023

### An Act to Create the Empowerment Scholarship Account Program

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Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

  
ROBERT B. HUNT  
Clerk

Presented by Representative SWALLOW of Houlton.  
Cosponsored by Senator: LIBBY of Cumberland.

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

2 **Sec. 1. 20-A MRSA c. 613** is enacted to read:

3 **CHAPTER 613**

4 **EMPOWERMENT SCHOLARSHIP ACCOUNTS**

5 **§17201. Definitions**

6 As used in this chapter, unless the context otherwise indicates, the following terms  
7 have the following meanings.

8 **1. Eligible student.** "Eligible student" means a resident of this State who is eligible  
9 to enroll in an elementary or secondary public school.

10 **2. Empowerment scholarship account.** "Empowerment scholarship account" means  
11 an account established under this chapter.

12 **3. Participating student.** "Participating student" means an eligible student who is  
13 participating in the program.

14 **4. Program.** "Program" means the Empowerment Scholarship Account Program  
15 established under section 17202.

16 **§17202. Empowerment Scholarship Account Program**

17 **1. Establishment of program.** The department shall establish the Empowerment  
18 Scholarship Account Program to create empowerment scholarship accounts to which  
19 money is deposited by the department as described in subsection 3.

20 **2. Use of empowerment scholarship accounts.** A parent or legal guardian of a  
21 participating student may withdraw money from an empowerment scholarship account to  
22 pay for education expenses to educate the participating student as provided by this  
23 subsection. A parent or legal guardian of a participating student must agree to use the funds  
24 deposited in the student's empowerment scholarship account only for tuition and fees at a  
25 private school.

26 Money in an empowerment scholarship account may not be refunded or rebated to or shared  
27 with a parent or legal guardian of a participating student or a participating student. A refund  
28 or rebate for goods or services purchased with money from an empowerment scholarship  
29 account must be credited directly to that empowerment scholarship account.

30 **3. Deposits into empowerment scholarship accounts.** The department shall deposit  
31 into an empowerment scholarship account an amount equal to 50% of the average amount  
32 spent by the State on public school students in the previous school year.

33 Money deposited in an empowerment scholarship account does not constitute taxable  
34 income for the parent or legal guardian of the participating student or the participating  
35 student for the purposes of State income taxes.

36 **§17203. Application for program**

37 **1. Application.** A parent or legal guardian of an eligible student may apply to the  
38 department to establish an empowerment scholarship account for the eligible student. The

1 department shall accept applications year round and shall establish procedures for  
2 approving applications in a timely manner.

3 **2. Approval.** The department shall approve an application for an empowerment  
4 scholarship account if:

5 A. The parent or legal guardian of an eligible student submits an application for an  
6 empowerment scholarship account in accordance with application procedures  
7 established by the department; and

8 B. The application is for an empowerment scholarship account to be created for an  
9 eligible student.

10 **§17204. Rules**

11 The department shall adopt rules to implement this chapter. Rules adopted pursuant to  
12 this paragraph are major substantive rules as defined in Title 5, chapter 375, subchapter  
13 2-A.

14 **Sec. 2. Eligibility.** A student who is enrolled in a private school on the effective  
15 date of this Act is not eligible to participate in the Empowerment Scholarship Account  
16 Program created under the Maine Revised Statutes, Title 20-A, chapter 613 until the  
17 2025-2026 school year.

18 **SUMMARY**

19 This bill establishes a program in the Department of Education to create empowerment  
20 scholarship accounts for participating students to be funded by the State and used to pay  
21 expenses for private school.