

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Second Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Second Legislature
1965

Chapter 442

AN ACT Relating to Retirement of Justices of the Supreme Judicial Court and Superior Court.

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

Sec. 1. R. S., T. 4, § 5, amended. The first sentence of section 5 of Title 4 of the Revised Statutes is amended to read as follows:

'Any Justice of the Supreme Judicial Court who resigns his office or ceases to serve at the expiration of any term thereof, after attaining the age of 70 years and after having served as a justice on either the Supreme Judicial Court or the Superior Court, or both, for at least 7 consecutive years, shall receive annually during the remainder of his life, whether or not he is appointed an Active Retired Justice as provided in section 6, an amount equal to $\frac{3}{4}$ of the **currently effective annual salary of a Justice of the Supreme Judicial Court** ~~which was being paid to him at the termination of his service~~, to be paid in the same manner as the salaries of the justices of said court are paid.'

Sec. 2. R. S., T. 4, § 103, amended. The first sentence of section 103 of Title 4 of the Revised Statutes is amended to read as follows:

'Any Justice of the Superior Court who resigns his office or ceases to serve at the expiration of any term thereof, after attaining the age of 70 years and after having served as such justice for at least 7 consecutive years, shall receive annually during the remainder of his life an amount equal to $\frac{3}{4}$ of the **currently effective annual salary of a Justice of the Superior Court** ~~which was being paid to him at the termination of his service~~, to be paid in the same manner as the salaries of the justices of said court are paid.'

Sec. 3. Appropriation. There is appropriated from the General Fund the sum of \$8,500 for the fiscal year ending June 30, 1967 to carry out the purposes of this Act. The breakdown shall be as follows:

Department	1966-67
SUPREME JUDICIAL AND SUPERIOR COURTS	
All Other	\$8,500

Effective September 3, 1965

Chapter 443

AN ACT Providing State Scholarships for Higher Education.

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

Sec. 1. R. S., T. 20, c. 302, additional. Title 20 of the Revised Statutes is amended by adding a new chapter 302, to read as follows:

'CHAPTER 302

STATE SCHOLARSHIPS

§ 2215. Statement of purpose

The people recognize that the opportunity for a higher education for all residents of this State who desire such an education, and are properly qualified therefor, is important to the welfare and security of this State and nation and that the provision of financial assistance in securing such higher education is an important public purpose; that many qualified youth are deterred by financial considerations from securing an adequate education with a consequent irreparable loss to the State and nation; that the number of qualified persons who desire higher education, and could profit therefrom, is increasing rapidly, many of whom are unable to sustain the financial burden of tuition and other costs of attending either privately or publicly-supported institutions; and that a system of state scholarships to be awarded to residents of the State which will enable them to attend qualified institutions of higher education of their choice, whether privately or publicly-supported, will, in part, ensure development of the natural talents of our youth to the greatest practicable extent and will, thereby, promote the fullest use of all human resources for the ultimate benefit of the State and nation.

§ 2216. State scholarship established

In furtherance of the statement of purpose set forth in section 2215, there is established a program of state scholarships for the benefit of qualified residents of this State which shall be financed by the State and by such other revenues, income, expendable gifts, grants, devises, or bequests, or income derived from nonexpendable trusts as may have been made available to the State for the purpose of carrying out the objectives of this chapter, which program of scholarships shall be administered by the State as hereinafter provided.

Scholarships shall be awarded in each county, annually, on the basis of one scholarship for every 2 members of the House of Representatives therein, and shall be awarded to qualified residents of a county without regard to representative district boundaries. For purposes of this chapter, counties having an odd number of representatives shall be counted as having representatives to the next even number. Beginning with the biennium next following the enactment of this law, the number of scholarships to be awarded in each county annually shall be increased to one for each representative therein. Scholarships shall be awarded on the basis of need and ability under rules determined by the State Scholarship Board. Additional scholarships shall be awarded each county on the same basis, in accordance with this section, in such number as may be fixed and determined by the State Scholarship Board. Each scholarship shall entitle the holder thereof to a grant of full tuition while in attendance at a state-supported college or university during a period not to exceed 4 years of undergraduate study, or an annual grant of \$400 to be applied to tuition at any approved private college in this State, during a period of not to exceed 4 years of undergraduate study, but not to exceed a total of \$1,600, such grant to be held subject to the limitations of sections 2219 and 2222. No assistance shall be continued beyond the completion of graduation requirements in the course or program in which a student was first enrolled, such provision not prohibiting an award holder from transferring from one institution to another of comparable grade nor prohibiting a transfer of major areas of study. If the scholarship

holder is graduated from an institution with less than the baccalaureate degree, scholarship assistance may be continued for the remainder of said 4 years during attendance at an institution granting the baccalaureate degree whenever the institution granting the baccalaureate degree accepts for full credit toward its degree requirements the studies completed at the former institution. The annual grant of \$400 may be applied to tuition of a college or university not in the State of Maine only if the scholarship holder elects to pursue an undergraduate course of study not available at a college or university within the State of Maine.

§ 2217. State Scholarship Fund

There is created upon the books of the State a special state scholarship account. Such account shall be credited with all appropriations made therefor by the Legislature and all money received by the State by expendable gifts, grant, devise or bequest for the purpose of providing funds for the payment of such scholarships as are authorized by this chapter and credited also with the income or revenue received from any nonexpendable trusts held by the Treasurer of State which were created for the purpose of providing such scholarships. Payments of scholarship awards shall be charged to the account established by this section. Balances in the State Scholarship Fund at the end of any fiscal year, whether composed of legislative appropriations or funds derived from other sources, shall not lapse but shall be carried forward to be used for the same purpose; provided, that no part of any funds received from sources other than legislative appropriations may be used in the fiscal year in which credited to reduce the amount of state appropriations required to provide for the number of scholarships authorized under section 2216 nor shall any unexpended balances of funds from such other sources remaining unexpended at the end of any fiscal year be used to reduce the legislative appropriation required in the next fiscal year to support the number of scholarships authorized by section 2216.

Whenever any gift, grant, devise or bequest shall have been made or any trust shall have been created for the purpose of providing scholarship funds, the incomes or revenues derived therefrom shall be applied in maintaining scholarships in addition to those to be maintained by appropriations made by the Legislature, as provided herein, and no part of such income or revenue shall be applied for the maintenance of state scholarships established for each county. Such additional scholarships shall be equitably apportioned by the State Scholarship Board according to the terms of the gift or, in the absence of any limiting conditions, among the several counties on the basis as those provided by section 2216.

§ 2218. State Scholarship Board

There shall be created a State Scholarship Board, hereinafter in this chapter called the "board," consisting of the Commissioner of Education, the President of the University of Maine, the chairman of the State Board of Education, one member to be appointed by the Governor from among the presidents of the several state teachers colleges, the President of the Maine Teachers Association and the chairman of the Governor's Advisory Committee on Education.

The State Scholarship Board shall make rules governing the award of scholarships including the determination of need and ability, the minimum levels of achievement to be required of each grantee in order to retain the scholarship for each succeeding year, the issuance and cancellation of certificates entitling persons to the benefits thereof, the use of such scholarships by the persons

thereto, and the rights and duties of such state scholars and the colleges they attend with respect to such scholarships and providing generally for carrying into effect the provisions of this chapter.

In determining an applicant's capacity to profit from higher education, the Scholarship Board is authorized to obtain evidence of his scholastic record in secondary school including scores and relative standing on such aptitude or achievement tests as may be deemed appropriate and, for any applicant who has left high school before completing the course of study required for graduation, it is authorized to require the applicant to take such tests or examinations as will demonstrate a scholastic achievement equal to that required of high school graduates. Subject to the rules herein authorized, the Commissioner of Education shall prepare and disseminate information concerning this chapter.

In case a scholarship belonging to a county shall not be claimed by a resident of such county, or if there is no resident of the county entitled to appointment to the vacant scholarship in such county, the Scholarship Board shall fill such vacancy by appointing from the state list a person entitled to a scholarship. The Scholarship Board may grant a leave of absence for a period of not to exceed 12 months to any holder of a scholarship who is temporarily unable to avail himself of the benefits of such scholarship because of illness or other causes satisfactory to the board. Notwithstanding the time limitations contained in section 2216, the granting of such leave shall operate to extend the period of time during which the holder of such scholarship shall be entitled to the benefits thereof and shall not operate to reduce the total amounts of such benefits.

§ 2219. Eligibility for scholarships

An applicant shall be eligible for consideration for a scholarship under this chapter when the State Scholarship Board finds:

1. Residency. That he is a resident of this State;
2. Qualifications. That he has successfully completed the program of instruction at an approved high school or for a person who has left school before completing the course of studies required for graduation, has successfully demonstrated a scholastic achievement as may be required under section 2218, or is a student in good standing at an approved high school and is engaged in a program of studies which will be completed in due course by the end of that academic year; and
3. Financial resources. That his financial resources are such that, in the absence of scholarship aid, he will be deterred by financial considerations from completing his education at an institution of higher education. For a person who has left school before completing the course of studies required for graduation and who is at least 21 years of age, the possession of a high school equivalency certificate issued under section 102, subsection 14, shall be conclusive proof of eligibility for consideration for a scholarship as required by subsection 2. No applicant's eligibility for, nor the award of any scholarship to any eligible applicant, nor the denial of any scholarship award to any eligible applicant shall in any way be influenced by considerations of an applicant's race, creed, sex, color, national origin, ancestry or the political affiliation, or lack of it, of any applicant or of his family or relatives, by blood or law.

§ 2220. Issuance of certificate of eligibility for scholarship award; issuance of certificate of award

Whenever the State Scholarship Board has awarded a scholarship to an eligible applicant, the Commissioner of Education shall issue to the successful applicant a certificate of eligibility for scholarship award which shall be in such form and contain such information as may be prescribed by the board. Such certificate of eligibility for scholarship award shall be considered a notification to the applicant that he has been approved for scholarship assistance pending notification by an institution of higher education that the applicant has been accepted for admission to that institution. Upon proof of such admission furnished to the commissioner, the certificate of eligibility for scholarship award shall be exchanged for a certificate of scholarship award which shall name the institution to which the applicant has been admitted and such award shall be effective as respects the institution named and none other. No payment of scholarship awards shall be made to or on behalf of the holder of any scholarship award until the institution named in the certificate of scholarship award shall have confirmed in writing directly to the commissioner that the holder actually has entered upon the course of studies at the said institution. Each applicant for a scholarship award shall submit a sworn financial statement showing the financial resources available to him, if any, in securing the desired higher education and a statement of the annual costs which will be incurred in securing such education. The State Scholarship Board is authorized to conduct such inquiry as may be deemed necessary to verify an applicant's statement but any information thereby obtained shall be confidential. It shall be the duty of the Scholarship Board to consider such statements in making decisions regarding the amount of scholarship assistance to be awarded.

It is expressly provided that no attempt shall be made by any official or agency concerned with the administration of this program to influence the selection by an applicant of the institution which he might attend nor shall any such official or agency prorate or otherwise reduce a scholarship award below the amount of assistance determined by an objective analysis of financial need of the applicant. The Scholarship Board is authorized to satisfy itself before making an award that there are reasonable prospects of the applicant's securing the required supplementary financial assistance from other sources.

After once having been awarded a scholarship under this chapter a scholarship holder shall not be required to compete for annual renewals of eligibility but he shall be required annually to file financial statements for the purpose of allowing the State Scholarship Board to determine whether there has been a change in his financial condition which would warrant adjustment of the annual grant of assistance, which grant may be adjusted upward or downward as revealed by an analysis of the statement, but no test other than financial need shall be the basis for any such adjustment. The scholarship holder also shall be required to show that he has made a satisfactory academic record, which fact shall be conclusively demonstrated by submitting evidence of completion of academic work meeting standards acceptable to the institution which he is attending or did attend in the academic year then completed.

If any person entitled to a scholarship or a holder of the same shall have become or shall hereafter become a member of the Armed Forces of the United States, his scholarship shall not be deemed vacant and he shall be entitled to reinstatement and to the unused benefits of his scholarship, if he resumes his college education within 18 months after honorable discharge. A student entitled to a scholarship under State Scholarship Board rules who failed to apply there-

for within the time required by such rules to entitle him to a scholarship, and a student whose name would have been included in the list of names of candidates to be considered in the award of scholarships as provided herein except for errors or inadvertencies in the preparation of such list, may apply to the board for a scholarship and if it shall appear to the satisfaction of the board that there was reasonable cause for the failure of such pupil to apply for such scholarship as required by board rules, or that an error or inadvertency occurred in the preparation of the list of candidates for such scholarship and it shall appear that except for such failure or inadvertency the applicant would have received a scholarship, the board may award a scholarship to such pupil and such scholarship shall be issued and payments shall be made thereon out of moneys available therefor in the same manner as other scholarships are issued and paid.

§ 2221. Courses of study

A person entitled to a scholarship shall not be restricted as to choice of the college which he desires to attend or the course of study which he proposes to pursue; provided that no such scholarship shall include professional instruction in theology, or in any graduate courses following the receiving of a bachelor's degree; and provided that the college selected by the person entitled to such scholarship is situated within the State of Maine and is incorporated and authorized under the laws of this State and the rules of the State Board of Education to confer degrees, except that a holder of a scholarship award may attend a college not located in the State of Maine to pursue an undergraduate course of study not available at a college within the State of Maine. The term "college" as used in this section includes universities, professional and technical schools and other institutions for higher education authorized to confer degrees, requiring 4 years of undergraduate study to obtain a degree and approved by the State Board of Education, also "junior college" providing the person entitled to the scholarship pursues a course therein approved by the Commissioner of Education for 2 years of credit toward a degree in a college authorized by the Legislature to confer degrees; also vocational schools provided the person entitled to the scholarship pursues a course therein approved by the Commissioner of Education.

§ 2222. Revocation of scholarship

If a person holding a state scholarship shall fail to comply with the rules of the State Scholarship Board in respect to the use of such scholarship, or shall fail to attain the minimum level of achievement prescribed by the board for the retention of such scholarship, or shall fail to observe the rules, regulations or conditions prescribed or imposed by such college on students therein, or shall for any reason be expelled or suspended from such college or shall absent himself therefrom without leave, the Commissioner of Education may, upon evidence of such fact deemed by him sufficient, make an order under the seal of the board, revoking such scholarship and thereupon such scholarship shall become vacant and the person holding such scholarship shall not thereafter be entitled to further payment or benefits under this chapter and the vacancy caused thereby shall be filled as provided heretofore for filling of a vacancy.

§ 2223. Payment of scholarship awards

Payment of scholarship awards shall be made to or on behalf of a scholarship holder in each term for that portion of the annual award which is determined by dividing the annual award by the number of terms regularly constituting the

academic year in the institution which the scholarship holder attends. Payments shall be made for each term only after the institution has confirmed to the Commissioner of Education in writing the enrollment of the holder for that term. Payments shall be made on warrants drawn by the State Controller on the Treasurer of State based upon vouchers submitted with the approval of the Commissioner of Education. Such vouchers shall show that the person named therein is entitled to receive the sum specified, either directly or for his benefit. At the option of the scholarship holder, evidenced by a written request therefor filed with the commissioner, the holder may direct that any payment of scholarship assistance be made directly to the institution which he is attending. A person who completed the requirements for a state scholarship immediately prior to the actual award of scholarships and who, in the interim, entered upon a course of study in an institution of higher education may, upon his application, have such certificate of scholarship award become effective at the time when he began his studies at such institution.

§ 2224. Appropriations

The State Board of Education is authorized to include in the biennial budgets of the Department of Education such sums as shall be necessary for the administrative expenses to be incurred in carrying out this chapter and for the payment of scholarship awards, including the renewal of awards initially granted in prior fiscal years, as may be necessary in providing for the scholarships authorized by section 2216.

In determining the scholastic aptitude or achievement of applicants, the Commissioner of Education is authorized to contract with any recognized testing service for test scores and relative standings and the Legislature shall appropriate such sums as it may find necessary for the payment of contractual relations incurred under the authority of this section.

Sec. 2. Appropriation. There is appropriated from the General Fund the sum of \$15,438 for the fiscal year ending June 30, 1967 to carry out the purposes of this Act. The breakdown shall be as follows:

	1966-67
EDUCATION, DEPARTMENT OF	
Student Scholarship Administration	
Personal Services	(1) \$ 2,938
All Other	12,000
Capital Expenditures	500
	\$15,438

Effective September 3, 1965

Chapter 444

AN ACT Relating to Advisory Committee of Health and Welfare.

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

Sec. 1. R. S., T. 22, § 43, amended. Section 43 of Title 22 of the Revised Statutes is amended to read as follows: