

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
2001

Whereas, that legislation inadvertently eliminated the jurisdiction of a single Justice of the Supreme Judicial Court to sit on the Superior Court; and

Whereas, it is essential to correct this error immediately; and

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

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

Sec. 1. 4 MRSA §2-A, as amended by PL 1999, c. 547, Pt. B, §1 and affected by §80, is further amended to read:

§2-A. Justice of the Supreme Judicial Court to sit in Superior Court, District Court

The Chief Justice of the Supreme Judicial Court may assign a Justice or Active Retired Justice of the Supreme Judicial Court to sit in the Superior Court or the District Court, and when so directed the justice has authority and jurisdiction in the Superior Court or the District Court as if the justice were a regular justice or judge of that court. When assigned under this section, the justice may hear all matters and issue all orders, notices, decrees and judgments that any Justice of the Superior Court or Judge of the District Court is authorized to hear and issue.

The order of the Chief Justice of the Supreme Judicial Court directing a Justice or an Active Retired Justice of the Supreme Judicial Court to sit in the Superior Court or the District Court must be filed with the Executive Clerk of the Supreme Judicial Court, but need not be docketed or otherwise recorded in any case heard by that justice.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved, except as otherwise indicated.

Effective May 2, 2001.

CHAPTER 70

S.P. 300 - L.D. 1011

An Act to Modify the Maine Student Incentive Scholarship Program

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

Whereas, current law regarding the requirements of the student incentive scholarship grants awarded through the Maine student incentive scholarship program does not adequately provide postsecondary education institutions in the State with the level of flexibility necessary to provide additional financial assistance to students with the greatest financial need when additional funds become available; and

Whereas, the packaging of student financial assistance for eligible Maine college students who will matriculate or will continue enrollment in a postsecondary educational institution in the fall of 2001 is already underway and it is necessary to provide postsecondary education institutions in the State with this flexibility as soon as possible to provide additional financial assistance to students for the upcoming 2001-02 academic year; and

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

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

Sec. 1. 10 MRSA §1013, sub-§1, as repealed and replaced by PL 1989, c. 698, §10, is amended to read:

1. Maine State Grant Program. ~~The student incentive scholarship program~~ Maine State Grant Program, pursuant to Title 20-A, chapter 419-A;

Sec. 2. 20-A MRSA c. 419-A is amended by repealing the chapter headnote and enacting the following in its place:

CHAPTER 419-A

MAINE STATE GRANT PROGRAM

Sec. 3. 20-A MRSA §11611, sub-§4, as enacted by PL 1989, c. 559, §10, is amended to read:

4. Expected family contribution. "Expected family contribution" means the amount which the family of a student may be reasonably expected to contribute toward ~~post-secondary~~ postsecondary education for the academic year for which the student is seeking a ~~student incentive scholarship~~ Maine State Grant.

Sec. 4. 20-A MRSA §11611, sub-§4-A is enacted to read:

4-A. Grant. "Grant" means a grant under the Maine State Grant Program authorized under this chapter.

Sec. 5. 20-A MRSA §11612, first ¶, as amended by PL 1991, c. 573, §1, is further amended to read:

The ~~scholarships~~ Maine State Grant Program is established. Under the program, grants may be given only to residents of the State who:

Sec. 6. 20-A MRSA §11612, sub-§3, as enacted by PL 1989, c. 559, §10, is amended to read:

3. Applied for grants. Have applied for a ~~student incentive scholarship~~ Maine State Grant according to schedules and procedures and on forms developed by the authority;

Sec. 7. 20-A MRSA §11613, first ¶, as amended by PL 1991, c. 612, §4, is further amended to read:

The authority shall establish the need of a student for a ~~student incentive scholarship~~ Maine State Grant for an academic year for which the student applies. A student is considered to have a need to qualify for a ~~student incentive scholarship grant~~ if the total of the expected family contribution, together with any Pell Grant established pursuant to the Higher Education Act of 1965, Title IV, as amended, United States Code, Title 20, and a ~~student incentive scholarship grant~~ Maine State Grant does not exceed 75% of the cost of attendance at the institution the student attends. This section does not require that a student receive or apply for a Pell Grant but only that a student be eligible for a Pell Grant provided, however, that the amount of any Pell Grant that a student is entitled to receive must be included in calculating the amount of a ~~student incentive scholarship~~ Maine State Grant whether or not the student receives the Pell Grant.

Sec. 8. 20-A MRSA §11614, as amended by PL 1999, c. 233, §1, is further amended to read:

§11614. Determination of grants

Scholarships Grants to eligible students ~~shall~~ must be determined as follows, subject to the limitations set forth in section 11613.

1. Priority for awards of grants. Students with the lowest expected family contributions must be given priority over all other eligible students for the awards of ~~scholarships~~ grants.

2. Minimum amount. It is the intent of the Legislature that ~~scholarships~~ grants awarded under this

chapter, except as provided in subsections 4, 5 and 6, may not be less than: \$1,000 for students attending public institutions of higher education within the State; \$1,250 for students attending private institutions of higher education within the State; \$500 for students attending public institutions of higher education outside the State; and \$1,000 for students attending private institutions of higher education outside the State. Amounts less than the minimum amounts required by this subsection may be awarded to meet needs as determined under section 11613. The authority may not grant awards of less than \$200 to a full-time student. ~~A scholarship received by a student under this chapter may not be applied to reduce institutional or other grant aid to that student.~~

4. Prorated grants. A ~~scholarship grant~~ recipient whose course load is reduced from full time ~~shall~~ is entitled to receive a ~~scholarship grant~~ prorated for that term of the recipient's enrollment.

5. Withdrawal. If a recipient of a ~~scholarship grant~~ withdraws from an institution and the student is entitled to a refund of tuition, fees or other charges, the institution shall make a refund payment directly to the authority in accordance with the institution's refund policy.

6. Safety net. Notwithstanding the provisions of this section, the authority ~~shall~~ may not allocate less in ~~scholarship~~ grants under this chapter for students attending the University of Maine System, the Maine Maritime Academy, the ~~Vocational-Technical Institute~~ Maine Technical College System and private ~~post-secondary~~ postsecondary institutions than was allocated for students in each of those institutions or groups of institutions of higher education in 1988-89.

7. Part-time students. The authority may allocate up to 5% of the ~~student incentive scholarship grants~~ Maine State Grants to eligible part-time students. The authority must establish eligibility criteria by rulemaking pursuant to the Maine Administrative Procedure Act.

Sec. 9. 20-A MRSA §§11615 and 11616, as enacted by PL 1989, c. 559, §10, are amended to read:

§11615. Publication of grant amounts

Prior to March 1st of each year, the authority shall publish ~~scholarship grant~~ amounts for the succeeding academic year.

§11616. Length of grant; period of study

1. Length of grant. A ~~scholarship shall be grant is~~ for a period not to exceed one academic year. A student may apply for a new ~~scholarship grant~~ for each year during the period required for completion of an eligible program of study being pursued by that

student. A scholarship grant recipient who remains eligible shall must be considered in the succeeding award year.

2. Period of study. An eligible full- or part-time student may receive a scholarship grant for a period not to exceed ~~8 semesters or its equivalent for a full-time student and 16 semesters or 120 credit hours, whichever is completed first, for a part time student. The period may be extended for not more than one additional academic year, if: 150% of the published length of the program in which the student is enrolled at the institution that the student is attending, measured in academic years, academic terms, credit hours attempted or clock hours completed, as appropriate.~~

~~A. The student is pursuing a course of study leading to a first degree in a program of study which is designed by the institution offering it to extend over 5 academic years; or~~

~~B. The student will be unable to complete a course of study within 4 academic years because of a requirement of the institution that the student enroll in a noncredit remedial course of study. "Noncredit remedial course of study" means a course of study for which no credit is given toward an academic degree and which is designed to increase the ability of the student to engage in an undergraduate course of study leading to that degree.~~

Sec. 10. 20-A MRSA §11617, sub-§1, as enacted by PL 1989, c. 559, §10, is amended to read:

1. Responsibility of authority. The authority shall administer the ~~scholarship program~~ Maine State Grant Program, including establishing and maintaining fund accounting and control procedures as required by state law or as necessary for the State to be eligible to receive federal assistance under the Federal Student Assistance Program, Higher Education Act of 1965, Title IV, Part A, Subpart 3, as amended, United States Code, Title 20, Sections 1070c-1, 1070c-2 and 1070c-3.

Sec. 11. 20-A MRSA §§11619 and 11620 are enacted to read:

§11619. Reduction of institutional or other grant aid

A grant received by a student under this chapter may be applied to reduce institutional or other grant aid to that student only if that institutional or grant aid is subsequently granted to a student with demonstrated financial need. This section is repealed July 1, 2004.

§11620. Reduction of institutional or other grant aid

A grant received by a student under this chapter may not be applied to reduce institutional or other grant aid to that student. This section takes effect July 1, 2004.

Sec. 12. 20-A MRSA §11631, as enacted by PL 1993, c. 465, §1, is amended to read:

§11631. University of Maine System Scholarship Fund

The University of Maine System Scholarship Fund is created and established as a nonlapsing fund under the jurisdiction and control of the Finance Authority of Maine. All revenues credited to this fund must be distributed as need-based scholarships for students attending the University of Maine System. These scholarships may only be awarded to those students who are residents of the State, who pay tuition and who otherwise meet the eligibility requirements for a ~~scholarship under the student incentive scholarship program grant under the Maine State Grant Program under chapter 419-A.~~ The Finance Authority of Maine shall award the scholarships and adopt rules for determining eligibility, terms and conditions for the scholarships. The fund may not be used for the costs of administering the scholarships.

Sec. 13. Sunset review. Authorization for the provision in the Maine Revised Statutes, Title 20-A, section 11619 expires July 1, 2004. In its annual report required by Title 10, section 974, the Finance Authority of Maine shall review findings related to that provision of this Act that provides that grants awarded may be applied to reduce institutional or other grant aid only if that aid is subsequently awarded to a student with demonstrated financial need and provide recommendations to the Governor and the Legislature for fiscal year 2002-03 concerning the need for extending or repealing authorization for this provision.

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

Effective May 2, 2001.

CHAPTER 71

H.P. 146 - L.D. 157

An Act to Clarify Marketing Standards for Telephone Utilities and Competitive Electricity Providers