

130th MAINE LEGISLATURE

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S.P. 656

In Senate, December 22, 2021

An Act To Improve Student Access to Postsecondary School Transcripts and Diplomas

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

Received by the Secretary of the Senate on December 20, 2021. Referred to the Committee on Education and Cultural Affairs pursuant to Joint Rule 308.2 and ordered printed.

MGT

DAREK M. GRANT Secretary of the Senate

Presented by Senator VITELLI of Sagadahoc. Cosponsored by Representative O'NEIL of Saco and Senators: BRENNER of Cumberland, CURRY of Waldo, DAUGHTRY of Cumberland, HICKMAN of Kennebec, RAFFERTY of York, STEWART of Aroostook, Representative: TEPLER of Topsham.

1	Be it enacted by the People of the State of Maine as follows:
2 3	Sec. 1. 9-A MRSA §6-104, sub-§1, ¶I, as amended by PL 2011, c. 427, Pt. A, §12, is further amended to read:
4 5 6 7 8	I. Convene meetings of individuals representing various segments of the public and the consumer credit industry to advise and consult with the administrator concerning the exercise of powers under this Act and to make recommendations to the administrator. The administrator may authorize reimbursement of reasonable expenses incurred in attending the meetings; and
9 10	Sec. 2. 9-A MRSA §6-104, sub-§1, ¶J, as enacted by PL 2011, c. 427, Pt. A, §13, is amended to read:
11 12 13 14 15 16 17 18 19 20	J. To the extent permitted in Title X of the federal Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111-203, Section 1042, enforce the provisions of Title X of the federal Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111-203 or regulations issued under those provisions with respect to entities that are state-chartered, incorporated, licensed or otherwise authorized to do business under the laws of this State and secure remedies under provisions of Title X of the federal Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111-203 or remedies otherwise provided under other provisions of law with respect to entities that are state-chartered, incorporated, licensed or otherwise authorized to do business under the laws of this State-; and
21	Sec. 3. 9-A MRSA §6-104, sub-§1, ¶K is enacted to read:
22	K. Enforce the provisions of Title 20-A, section 10015.
23	Sec. 4. 20-A MRSA §10015 is enacted to read:
24	§10015. Access to transcripts and diplomas
25 26	1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.
27 28 29	<u>A.</u> "Debt" means any money, obligation, claim or sum due or owing or alleged to be due or owing from a student. "Debt" does not include the fee, if any, charged to all students for the costs of providing a transcript or diploma.
30 31	<u>B.</u> "Postsecondary educational institution" means a public or private postsecondary school in the State.
32 33	2. Prohibition. Notwithstanding any provision of law to the contrary, a postsecondary educational institution may not:
34 35	<u>A.</u> Refuse to provide a transcript or diploma for a current or former student on the grounds that the student owes a debt to the postsecondary institution;
36 37	B. Condition the provision of a transcript or diploma on the payment of a debt to the postsecondary institution;
38 39 40	C. Charge a higher fee for obtaining a transcript or diploma or provide less favorable treatment of a request for a transcript or diploma because a current or former student owes a debt to the postsecondary institution; or

1	D. Use the issuance of a transcript or diploma as a tool for debt collection.
2 3 4 5 6 7 8	3. Enforcement by Superintendent of Consumer Credit Protection. The Superintendent of Consumer Credit Protection within the Department of Professional and Financial Regulation may take appropriate action to ensure compliance with this section. After notice and hearing, the Superintendent of Consumer Credit Protection may enjoin the practice of withholding a transcript or diploma in violation of this section and may assess a postsecondary educational institution that violates the provisions of this section a penalty of \$500 for each violation.
9 10	<u>4. Unfair trade practice.</u> A violation of this section constitutes an unfair or deceptive act or practice in violation of Title 5, chapter 10.
11 12 13	5. Rules. The Superintendent of Consumer Credit Protection may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
14	SUMMARY
15 16 17 18 19 20 21 22	This bill prohibits any public or private postsecondary school in the State from refusing to provide a transcript or diploma for a student on the grounds that the student owes a debt, conditioning the provision of a transcript or diploma on the payment of a debt, charging a higher fee for obtaining a transcript or diploma or providing less favorable treatment of a request for a transcript or diploma because a student owes a debt or using the issuance of a transcript or diploma as a tool for debt collection. It gives the authority to enforce the prohibitions to the Superintendent of Consumer Credit Protection within the Department of Professional and Financial Regulation.