



Maine Community College System

OFFICE OF THE PRESIDENT

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TO: Senator Rafferty, Representative Murphy
Joint Standing Committee on Education and Cultural Affairs
FROM: Becky Smith, Director of Government and Community Relations
RE: Testimony in opposition to LD 1255, *An Act to Ensure In-state Tuition for Postsecondary Students Who Are Registered to Vote in the State and to Amend Eligibility Requirements for the Free Community College Tuition Program*
DATE: April 28, 2025

Senator Rafferty, Representative Murphy and members of the Joint Standing Committee on Education and Cultural Affairs. My name is Becky Smith, and I am providing testimony in opposition to LD 1255, *An Act to Ensure In-state Tuition for Postsecondary Students Who Are Registered to Vote in the State and to Amend Eligibility Requirements for the Free Community College Tuition Program* on behalf of the Maine Community College System.

The Maine Community College System has a clear policy, set by our Board of Trustees, to determine who is qualified for our in-state tuition rate that reads in part:

For purposes of this policy, a student has established a "Maine residence" if the student established a primary residence in Maine for at least the 12 consecutive months immediately prior to the date of admission (not application, registration or enrollment). For purposes of this policy, "primary residence" means the student's primary physical presence, degree of settled connections and sincere regard for that domicile as home.

Establishing residency for the purpose of voting is different from establishing residency for the purpose of enrolling in college. Were we to change our definition to meet the Secretary of State's guidelines for voting by college students it would have a significant fiscal impact on Maine Community College System.

The right to vote is sacrosanct in our society. We are fortunate to live in a state where access to voting is given high priority. We set such a high value on the right to vote that we, like many other likeminded states, recognize that for many college students were they not able to vote in the community in which they attend college, communities they have become a part of, they might not be able to vote at all. Our students, no matter their hometown, work in our communities, shop at our stores, pay rent and taxes and engage with local organizations. They deserve the same access to registration and voting that are provided to all Mainers. Some may choose to continue to call a different town or state home and vote accordingly. As long as they only vote in one location, that is their right.

As you have heard from us in the past, the Maine Community College System staff are often filling more than one role at our institutions. There is no practicable way for us to ascertain who is or will be registering to vote with their school address therefore we would have to eliminate out-of-state tuition for all students who take in person classes. In 2023, we determined that this would create a \$1,487,232 per year reduction of tuition dollars across the System. Due to the short timeframe between the notice and public hearing, and my sensitivity to the workload of our business office staff, I do not have updated

numbers at this time. I am happy to provide updated fiscal information if requested but know the number will increase.

As to the portion of the bill that affects Maine's Free College program, that program is due to sunset with the class of 2025 unless funded in the FY 26-FY27 budget. The language in Section two of the bill will sunset along with the funding. It is unallocated language. It is our strong belief that the program should continue as originally proposed by Governor Mills.

As you have heard from us, the inclusion of recent arrivals to Maine in the Free College program was very intentional in order to encourage young people to move to Maine as well as to give those who make the effort to obtain a GED/HiSet be able to continue their academic pursuits and fill vacancies in Maine's increasingly skill-based workforce. To that end, we respectfully ask that you vote "Ought Not To Pass" on this legislation.

Thank you.

MAINE COMMUNITY COLLEGE SYSTEM

FINANCIAL AFFAIRS Section 708

SUBJECT: QUALIFICATION FOR IN-STATE TUITION RATE

PURPOSE: To define residency status for tuition assessment

A. Introduction

This policy defines the category of students and/or student applicants (hereinafter collectively “students”) who qualify for the MCCC in-state tuition rate.

B. Policy

The following students qualify for the MCCC in-state tuition rate.

1. Students who have established a Maine residence within the meaning of this policy.
 - a. For purposes of this policy, a student has established a “Maine residence” if the student established a primary residence in Maine for at least the 12 consecutive months immediately prior to the date of admission (not application, registration or enrollment). For purposes of this policy, “primary residence” means the student’s primary physical presence, degree of settled connections and sincere regard for that domicile as home.
 - b. All factors and circumstances relating to determination of residency are considered on a case-by-case basis. The burden is on the student to prove primary residency in Maine. Evidence of such residence includes, but is not limited to, driver’s license, voter registration, marriage license or domestic registration, signed residential lease, mortgage, property taxes, utility bills, state or federal income tax filing, or letter on letter head from a nonprofit entity or government agency attesting that the student resides in Maine.
2. Students who are claimed as dependents for tax purposes by a parent or other guardian, provided such claimant(s) are themselves residents within the meaning of this policy.
3. Students who are:
 - a. Members of the Armed Forces during their period of active duty in Maine, or who are claimed as dependents by members of the Armed Forces during such member’s period of active duty in Maine.

- b. A spouse or dependent child of an Armed Forces member on active duty who is assigned to duty out of Maine immediately following assignment to duty in Maine as long as the student is continuously enrolled at a community college.
- 4. Students who are married to, or domestically registered with, a person who is a resident within the meaning of this policy, provided that the student intends to establish and maintain a domicile in Maine.
- 5. Students who qualify through a special MCCS program that otherwise grants in-state rate access.
- 6. Students who for other compelling reasons are determined by the college president to qualify for the in-state rate.

Students, other than New Brunswick Community College students for whom there is specific agreement, who are not legal citizens or legal residents of the United States do not qualify for the MCCS in-state tuition rate.

C. Mid-Semester Change in Status

A student's classification for resident or non-resident tuition shall apply for the entire semester for which the classification was made and shall not be changed once a semester commences, provided that erroneous classifications may be reviewed and addressed as a college determines is appropriate.

D. Temporary Absence from the State

Maine residents who are absent from the State for military or full-time educational purposes will normally remain eligible for in-state tuition, provided such persons continue during such period of temporary absence to claim Maine as their state of residency on all official documents and declare income earned out-of-state on Maine income tax returns.

REFERENCES: 20-A M.R.S.A. §12706(7); 20-A M.R.S.A. §10010-A

DATE ADOPTED: June 24, 2009

DATE(S) AMENDED: June 22, 2011; November 29, 2012; January 24, 2018; November 17, 2021