

CHAPTER 401

GENERAL PROVISIONS

§10001. Person with hemophilia

1. Participation in physical activity. A post-secondary institution may not require a person with hemophilia to participate in physical activity hazardous to that person's physical health, as a condition or requirement for a degree, unless the physical activity is approved by the state board as an essential prerequisite to that degree.

[RR 2019, c. 2, Pt. B, §19 (COR).]

2. Admission. A post-secondary institution may not refuse admission to a person with hemophilia solely because of that person's condition as a hemophiliac, unless that condition would prevent participation in required courses of study of physical activity.

[RR 2019, c. 2, Pt. B, §19 (COR).]

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1983, c. 806, §74 (AMD). RR 2019, c. 2, Pt. B, §19 (COR).

§10002. Records of educational institutions

1. Preservation of records. The trustees or officers of a post-secondary institution, on going out of existence or ceasing to function as an educational institution, shall turn over records of attendance and academic achievements by its students to the department. The department shall preserve these records.

[PL 1981, c. 693, §§ 5, 8 (NEW).]

2. Duty of the commissioner. The commissioner shall collect all attendance and academic records of post-secondary institutions within the State which are now extinct and deposit the records in a place of safety and accessibility for preservation and future use.

[PL 1981, c. 693, §§ 5, 8 (NEW).]

3. Preparation of transcript. When requested, the commissioner shall prepare transcripts of grade records from these records of extinct institutions, when they are needed by the former student for:

A. Further scholastic work at another institution of learning; or [PL 1981, c. 693, §§ 5, 8 (NEW).]

B. Certification for teaching or for other professional positions. [PL 1981, c. 693, §§ 5, 8 (NEW).]

[PL 1981, c. 693, §§ 5, 8 (NEW).]

4. Copy as best evidence. When a transcript is made from the original and certified by the commissioner, it shall be considered and accepted as legal evidence and, for all other purposes, as if it was the original.

[PL 1981, c. 693, §§ 5, 8 (NEW).]

5. Fee. The department shall charge a nominal fee for the actual cost of preparing those transcripts.

[PL 1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW).

§10003. Fees for degrees

An officer of a post-secondary institution may not receive as prerequisite a fee for a degree granted by the institute. Fees of this type shall be paid into the institution treasury. [PL 1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW).

§10004. Prohibition of hazing

1. Definitions. As used in this section, unless the context indicates otherwise, the following terms have the following meanings.

A. "Injurious hazing" means any action or situation, including harassing behavior, that recklessly or intentionally endangers the mental or physical health of any school personnel or a student enrolled at an institution in this State or any activity expected of a student as a condition of joining or maintaining membership in a group that humiliates, degrades, abuses or endangers the student, regardless of the student's willingness to participate in the activity. [PL 2019, c. 372, §2 (AMD).]

B. "Institution" means any post-secondary institution incorporated or chartered under the laws of this State. [PL 1983, c. 159 (NEW).]

C. "Trustees" means trustees or the governing board of every post-secondary institution incorporated or chartered under the laws of this State. [PL 1983, c. 159 (NEW).]

D. "Violator" means any person or any organization which engages in hazing. [PL 1983, c. 159 (NEW).]

[PL 2019, c. 372, §2 (AMD).]

2. Adoption of rules. The trustees shall adopt rules:

A. For the maintenance of public order; and [PL 1983, c. 159 (NEW).]

B. Prohibiting injurious hazing by any student, faculty member, group or organization affiliated with the institution, either on or off campus. [PL 1983, c. 159 (NEW).]

[PL 1983, c. 159 (NEW).]

3. Penalties. The trustees shall establish penalties for violation of the rules established in subsection 2. The penalties shall include, but not be limited to, provisions for:

A. In the case of a person not associated with the institution, the ejection of the violator from the campus or institution property; [PL 1983, c. 159 (NEW).]

B. In the case of a student, administrator or faculty violator, the individual's suspension, expulsion or other appropriate disciplinary action; and [PL 1983, c. 159 (NEW).]

C. In the case of an organization affiliated with the institution which authorizes hazing, rescission of permission for that organization to operate on campus property or receive any other benefit of affiliation with the institution. [PL 1983, c. 159 (NEW).]

These penalties shall be in addition to any other civil or criminal penalty to which the violator or organization may be subject.

[PL 1983, c. 159 (NEW).]

4. Administrative responsibility. The trustees shall assign responsibility for administering the rules to an administrative officer of the institution and establish procedures for appealing the action or lack of action of the officer.

[PL 1983, c. 159 (NEW).]

5. Dissemination. The trustees shall clearly set forth the rules and penalties and shall give a copy of them to all students enrolled in the institution.

[PL 1983, c. 159 (NEW).]

6. Bylaws of organizations. The rules shall be part of the bylaws of all organizations affiliated with the institution.

[PL 1983, c. 159 (NEW).]

SECTION HISTORY

PL 1983, c. 159 (NEW). PL 2019, c. 372, §2 (AMD).

§10005. State postsecondary review entity

1. Department as state postsecondary review entity. The department is designated as the state postsecondary review entity for the purpose of carrying out the program integrity triad of the Higher Education Act of 1965, 20 United States Code, Sections 1099a to 1099a-3, as amended.

[PL 1993, c. 493, §1 (NEW).]

2. Rule-making authority. The commissioner has rule-making authority to implement the program integrity triad of the Higher Education Act of 1965, 20 United States Code, Sections 1099a to 1099a-3, as amended, concerning the conduct of the activities of the state postsecondary review entity.

[PL 1993, c. 493, §1 (NEW).]

SECTION HISTORY

PL 1993, c. 493, §1 (NEW).

§10006. Endowment incentives

1. Endowment Incentive Fund; nonlapsing fund. The Endowment Incentive Fund, referred to in this section as the "endowment fund," is created to provide an incentive for private donations for endowment purposes to and for the benefit of the University of Maine System, the Maine Community College System and the Maine Maritime Academy, referred to in this section as "postsecondary entities," by providing matching state funds for certain private donations for specified purposes. Any funds appropriated by the Legislature to carry out the purposes of this section may not lapse and must be carried forward for continued use in the fund.

[PL 1999, c. 511, §1 (NEW); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

2. Treasurer of State authority for deposit of state funds; interest earned on the endowment fund; disbursement of endowment funds. The Treasurer of State is responsible for the custodial care of the endowment fund and may deposit state funds pursuant to Title 5, section 135. Interest earned on the investment of the endowment fund must be credited to the respective postsecondary entity or its qualified institutionally related foundation. The Treasurer of State is responsible for disbursement of the endowment fund, upon certification by the Chancellor of the University of Maine System, the President of the Maine Community College System and the President of the Maine Maritime Academy that the criteria established in subsection 3 are met.

[RR 1999, c. 1, §26 (COR); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

3. Administration of endowment fund; boards of trustees; boards of visitors; academic purposes. The respective boards of trustees of the postsecondary entities shall adopt criteria establishing qualifications for private gifts and grants to be matched from the endowment fund. For each university in the University of Maine System, the respective university president must recommend qualifications for that institution's endowment fund criteria to the Board of Trustees of the University of Maine System. Each university president may direct that university's board of visitors to review the institution's unique fund-raising needs and advise the president on the board of visitors' final recommendations to the Board of Trustees of the University of Maine System. The endowment fund criteria must provide that only private donations for academic purposes may qualify for matching. For

the administration of this endowment fund, "academic purposes" means scholarships, professorships or other endowed faculty positions. These endowment fund criteria must:

- A. Set standards for those types of gifts that qualify for matching; [PL 1999, c. 511, §1 (NEW).]
- B. Establish minimum and maximum amounts for gifts to be matched from the endowment fund; and [PL 1999, c. 511, §1 (NEW).]
- C. Establish any other qualifications determined by the respective boards of trustees to provide the greatest incentive for encouraging private endowment gifts for academic purposes. [PL 1999, c. 511, §1 (NEW).]

[PL 1999, c. 511, §1 (NEW).]

4. Qualified recipients; institutionally related foundations; management of endowment funds. Qualified recipients of private donations eligible for matching funds are the University of Maine System and each of its universities, the Maine Community College System and each of its colleges and the Maine Maritime Academy, as well as institutionally related foundations qualified under the Internal Revenue Code, Section 501(c)(3). Qualified institutionally related foundations may receive and manage the investment of matching funds, and may, at their discretion, hold funds allocated to them. In the absence of any conditions or restrictions to the contrary made by the donor, qualified recipients of private donations eligible for matching funds may combine, pool or merge these funds with other similar gift and endowment funds.

[PL 1999, c. 511, §1 (NEW); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

5. Matching funds available to postsecondary entities. Upon determination that the criteria established in subsection 3 have been met, the State Treasurer shall provide that matching funds be available to the 3 entities as follows:

- A. For an appropriated amount of more than \$10,000,000:
 - (1) University of Maine System 70%;
 - (2) Maine Community College System 25%; and
 - (3) Maine Maritime Academy 5%; and [PL 2003, c. 688, Pt. A, §15 (AMD).]
- B. For an appropriated amount of \$10,000,000 or less:
 - (1) University of Maine System 75%;
 - (2) Maine Community College System 20%; and
 - (3) Maine Maritime Academy 5%. [PL 1999, c. 511, §1 (NEW); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

[PL 2003, c. 688, Pt. A, §15 (AMD).]

6. University of Maine System; distribution formula. The Board of Trustees of the University of Maine System shall ensure that money from the endowment fund distributed to the University of Maine System is allocated to each of the universities in proportion to the respective amounts of education funds and funds appropriated to the General Fund allocated to the various universities.

[PL 1999, c. 511, §1 (NEW).]

7. Reduction prohibited. Appropriations to the fund must be in addition to any other funds appropriated to the University of Maine System, the Maine Community College System and the Maine Maritime Academy and may not be used to reduce appropriations for other purposes.

[PL 1999, c. 511, §1 (NEW); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

SECTION HISTORY

RR 1999, c. 1, §26 (COR). PL 1999, c. 511, §1 (NEW). PL 2003, c. 20, §OO2 (AMD). PL 2003, c. 20, §OO4 (AFF). PL 2003, c. 688, §A15 (AMD).

§10007. Limitation on receipt of gifts, grants or donations; trustee policy and review

In furtherance of the provisions of section 10902, subsection 2, paragraph B, the Board of Trustees of the Maine Maritime Academy, the Board of Trustees of the University of Maine System and the Board of Trustees of the Maine Community College System shall each adopt a policy that ensures that each public system, its respective campus and any foundation related to each public system or its campus is prohibited from accepting funds from any source that would interfere with or otherwise restrict the academic freedoms typically accorded to the faculty of public higher educational institutions in teaching, research and expression of opinions. Policies adopted or amended by the trustees of each public system must include the establishment of a process for reviewing gifts, grants or donations of funds to ensure that the gifts, grants or donations of funds do not include restrictions that would interfere with or otherwise restrict the academic freedom of the faculty of each public system. This section may not be construed in such a way as to prohibit a donor from designating funds for a particular purpose or use, including, but not limited to, research, scholarships, construction or development. [PL 2001, c. 86, §1 (NEW); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

SECTION HISTORY

PL 2001, c. 86, §1 (NEW). PL 2003, c. 20, §OO2 (AMD). PL 2003, c. 20, §OO4 (AFF).

§10008. Information on meningococcal disease and vaccine

1. Provision of information; report of vaccination. Each postsecondary educational institution incorporated, chartered or established under the laws of the State that has a residential campus shall provide information on meningococcal disease and the meningococcal vaccine to each newly entering student who plans to live on the residential campus. This information must include any recommendations issued by the national Centers for Disease Control and Prevention regarding meningococcal disease and the meningococcal vaccine. The information must be accompanied by a statement directing the student to share the information with the student's parents or legal guardians. [PL 2003, c. 581, §1 (NEW).]

2. Construction. This section may not be construed to require a postsecondary educational institution to provide the meningococcal vaccine to students. [PL 2003, c. 581, §1 (NEW).]

3. Review; repeal.

[PL 2003, c. 581, §1 (NEW); MRSA T. 20-A §10008, sub-§3 (RP).]

SECTION HISTORY

PL 2003, c. 581, §1 (NEW).

§10009. Regulation of public safety on college and university campuses

1. Definition. As used in this section the following terms have the following meanings.

A. "College or university" means any postsecondary educational institution, including:

- (1) Any degree-granting educational institution regulated under chapter 409;
- (2) Any university in the University of Maine System;
- (3) Any college in the Maine Community College System; and
- (4) The Maine Maritime Academy. [PL 2009, c. 170, §1 (NEW).]

[PL 2009, c. 170, §1 (NEW).]

2. Power to regulate. Nothing in Title 25, section 2011 limits the power of any college or university to regulate the possession of firearms on the property of the college or university.

[PL 2009, c. 170, §1 (NEW).]

SECTION HISTORY

PL 2009, c. 170, §1 (NEW).

§10010. Current members and veterans of the United States Armed Forces

If a current member of the United States Armed Forces or a veteran of the United States Armed Forces who has been honorably discharged is enrolled in a program of education at any campus of the University of Maine System, the Maine Community College System or the Maine Maritime Academy, that member or veteran is eligible for in-state tuition rates, regardless of the member's or veteran's state of residence. [PL 2013, c. 488, §1 (RPR).]

SECTION HISTORY

PL 2009, c. 443, §1 (NEW). PL 2009, c. 463, §1 (AMD). PL 2013, c. 311, §2 (AMD). PL 2013, c. 488, §1 (RPR).

§10010-A. Spouse or child of active duty member of United States Armed Forces

A spouse or dependent child of an active duty member of the United States Armed Forces who is assigned to duty out of the State immediately following assignment to duty in the State is eligible for in-state tuition rates and fees at the University of Maine System, the Maine Community College System or the Maine Maritime Academy as long as the spouse or dependent child is continuously enrolled in the postsecondary institution. [PL 2021, c. 248, §4 (NEW).]

SECTION HISTORY

PL 2021, c. 248, §4 (NEW).

§10011. Retention and graduation rates

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Graduation rate" means the percentage of the students who enrolled at the start of a postsecondary educational degree program who completed the program and graduated. [PL 2011, c. 232, §1 (NEW).]

B. "Peer institutions" means those postsecondary institutions selected to provide a basis for comparison of retention rates and graduation rates against similar postsecondary institutions in this State. The categories of peer institutions selected for comparison include, but are not limited to:

- (1) Public sector institutions that offer a bachelor's degree or other 4-year degree;
- (2) Public sector institutions that offer an associate degree or other 2-year degree;
- (3) Private sector institutions that offer a bachelor's degree or other 4-year degree; and
- (4) Private sector institutions that offer an associate degree or other 2-year degree. [PL 2011, c. 232, §1 (NEW).]

C. "Postsecondary institution" means an educational institution that offers an accredited postsecondary educational degree program. "Postsecondary institution" includes an institution that offers an accredited postsecondary educational degree program on the Internet. [PL 2011, c. 232, §1 (NEW).]

D. "Retention rate" means the percentage of the students who enrolled at the start of a postsecondary educational degree program who, not having completed the program at the end of a school year, continue enrollment in that program at the start of the next school year. [PL 2011, c. 232, §1 (NEW).]

[PL 2011, c. 232, §1 (NEW).]

2. Retention and graduation rates. Using information received annually from a postsecondary institution pursuant to federal law, the department shall annually compile the data so as to demonstrate:

A. The retention rates for the previous year for the institution, including the first-to-2nd-year retention rate and the retention rate for first-time students; [PL 2011, c. 232, §1 (NEW).]

B. For a postsecondary institution that offers an associate degree program or other 2-year program, the graduation rates for students who began their studies within the past 4 years; and [PL 2011, c. 232, §1 (NEW).]

C. For a postsecondary institution that offers a bachelor's degree or other 4-year degree program, the graduation rates for students who began their studies within the past 6 years. [PL 2011, c. 232, §1 (NEW).]

[PL 2011, c. 232, §1 (NEW).]

3. Report. The department shall report the information compiled under subsection 2, including national comparisons of retention rates and graduation rates for peer institutions, annually to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and publish the report on the department's publicly accessible website.

[PL 2011, c. 232, §1 (NEW).]

4. Rules. The department may adopt rules to carry out the purposes of this section. Rules adopted pursuant to this subsection are routine technical rules under Title 5, chapter 375, subchapter 2-A.

[PL 2011, c. 232, §1 (NEW).]

SECTION HISTORY

PL 2011, c. 232, §1 (NEW).

§10012. High school graduates data; remedial courses

(REPEALED)

SECTION HISTORY

PL 2011, c. 615, §1 (NEW). MRSA T. 20-A §10012, sub-§4 (RP).

§10013. Report on first-generation students

1. Data and strategies. By January 15, 2014, and annually thereafter, the Board of Trustees of the University of Maine System, the Board of Trustees of the Maine Community College System and the Board of Trustees of the Maine Maritime Academy shall each submit to the joint standing committee of the Legislature having jurisdiction over education matters a report that includes the following information regarding first-generation college students, as defined by the trustees of the respective institutions:

A. Data regarding enrollment of first-generation college students and educational outcomes, including graduation rates for first-generation college students compared with other college students; [PL 2013, c. 166, §1 (NEW).]

B. A summary of strategies used and activities undertaken to increase enrollment and graduation rates of first-generation college students and any available data indicating the effect of those strategies and activities; and [PL 2013, c. 166, §1 (NEW).]

C. Plans for or recommendations regarding new strategies or actions designed to increase enrollment and graduation rates of first-generation college students. [PL 2013, c. 166, §1 (NEW).]

After receiving a report under this section, the committee may submit legislation relating to the subject matter of the report.

[PL 2013, c. 166, §1 (NEW).]

SECTION HISTORY

PL 2013, c. 166, §1 (NEW).

§10014. Homeless students

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Homeless student" means a student under 25 years of age who has been verified, at any time during the 24 months immediately preceding the student's admission to or while enrolled in a state postsecondary educational institution, as a homeless child or youth as defined in the federal McKinney-Vento Homeless Education Assistance Improvements Act of 2001, 42 United States Code, Section 11431 et seq. by:

- (1) The director of a governmental or nonprofit agency that receives public or private funding to provide services to persons experiencing homelessness, or the director's designee;
- (2) A local education agency liaison for children and youth experiencing homelessness pursuant to the federal McKinney-Vento Homeless Education Assistance Improvements Act of 2001, 42 United States Code, Section 11431 et seq. or a school counselor or school social worker as defined in section 4008, subsection 1;
- (3) An attorney representing the student in any legal matter, if the student is under 18 years of age;
- (4) The director of a federal outreach and student services program designed to identify and provide services for economically disadvantaged individuals or a federal program about gaining early awareness and readiness for undergraduate programs, or the director's designee; or
- (5) A financial aid administrator at a state postsecondary educational institution. [PL 2019, c. 538, §1 (NEW).]

B. "State postsecondary educational institution" means the University of Maine System and any college within the system, the Maine Community College System and any college within the system and Maine Maritime Academy. [PL 2019, c. 538, §1 (NEW).]

[PL 2019, c. 538, §1 (NEW).]

2. Homeless student liaison. Each state postsecondary educational institution may designate a staff member who is employed within the institution's financial aid office or another appropriate office or department to serve as the homeless student liaison. The homeless student liaison must have expertise in the financial aid eligibility of homeless students and in identifying services for homeless students. The liaison shall assist homeless students in applying for federal and state financial aid and applying for and receiving available services.

[PL 2019, c. 538, §1 (NEW).]

3. Housing resources. When housing resources are offered by and available for occupancy at a state postsecondary educational institution, the state postsecondary educational institution shall:

A. Give homeless students who are enrolled full-time in that state postsecondary educational institution priority for available housing resources, including but not limited to priority for housing facilities that remain open for occupation during academic and campus breaks; and [PL 2019, c. 538, §1 (NEW).]

B. Develop individual housing plans for homeless students who are enrolled full-time. [PL 2019, c. 538, §1 (NEW).]

[PL 2019, c. 538, §1 (NEW).]

4. Homeless student financial assistance grant. Beginning in fiscal year 2020-21, each state postsecondary educational institution may award a homeless student a grant under this subsection. The grant award is limited to the amount of the cost of tuition, less all other financial aid received from a Federal Pell Grant or any other merit-based or needs-based grant or scholarship, not including a grant awarded under this subsection, that the homeless student is not required to repay. To be eligible for a grant under this subsection, a homeless student must have completed an application for federal student financial aid programs for which the student may be eligible for the academic year for which the student applies. The availability of the grant and the amount of the grant under this subsection are subject to the amounts appropriated by the Legislature.

[PL 2019, c. 538, §1 (NEW).]

5. Fund. Each state postsecondary educational institution shall establish a nonlapsing fund to distribute grant awards pursuant to subsection 4. The University of Maine System, Maine Community College System and Maine Maritime Academy shall include the estimated full funding necessary to provide the grants under subsection 4 in the preparation of the biennial budget for presentation to the Governor and the Legislature.

[PL 2019, c. 538, §1 (NEW).]

SECTION HISTORY

PL 2019, c. 538, §1 (NEW).

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