

**Title 20-A: EDUCATION**  
**Chapter 409: DEGREE-GRANTING INSTITUTIONS**

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**Maine Revised Statutes**  
**Title 20-A: EDUCATION**  
**Chapter 409: DEGREE-GRANTING INSTITUTIONS**

**§10701. DEFINITIONS**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1981, c. 693, §§5, 8 (NEW).]

**1. Academic credit.** "Academic credit" means credit hours or some equivalent measure which may be awarded and which are applicable toward a degree.

[ 1981, c. 693, §§5, 8 (NEW) .]

**2. Degree.** "Degree" means a document of achievement at the associate level or higher conferred by a postsecondary educational institution authorized to confer that degree in its home state. It includes educational, academic, literary and professional degrees. It also includes associate, baccalaureate, master's, first professional and doctoral degrees and certificates of advanced graduate studies.

[ 2009, c. 274, §10 (AMD) .]

**3. Educational institution.** "Educational institution" means any person, partnership, board, association, institution or corporation other than the University of Maine System, the Maine Community College System and the Maine Maritime Academy that offers academic, educational, literary or professional courses or programs.

[ 2007, c. 572, Pt. A, §8 (AMD) .]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1991, c. 563, §3 (AMD). 2003, c. 20, §002 (AMD). 2003, c. 20, §004 (AFF). 2007, c. 572, Pt. A, §§7, 8 (AMD). 2009, c. 274, §10 (AMD).

**§10702. USE OF NAME "COMMUNITY COLLEGE," "COLLEGE" OR "UNIVERSITY"**

An educational institution may use the term "community college," "college" or "university" in connection with its operation or use any other name, title or descriptive matter that might tend to indicate that it is an institution of higher learning with the authority to confer degrees, only if it: [2007, c. 572, Pt. A, §9 (AMD).]

**1. Temporary approval.** Is operating under a license or certificate of temporary approval from the state board in accordance with section 10703; or

[ 1981, c. 693, §§ 5, 8 (NEW) .]

**2. Authorization.** Has authorization to confer degrees in accordance with sections 10704 and 10704-A.

[ 1987, c. 395, Pt. A, §81 (AMD) .]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1987, c. 395, §A81 (AMD). 2007, c. 572, Pt. A, §9 (AMD).

### §10703. TEMPORARY APPROVAL TO USE THE NAME "COMMUNITY COLLEGE," "COLLEGE" OR "UNIVERSITY"

**1. Power.** The state board may grant an applicant a certificate of temporary approval, permitting use of the term "community college," "college" or "university" in its name until the earlier of:

A. The expiration of the academic year; or [1981, c. 693, §§ 5, 8 (NEW).]

B. The applicant is authorized by the Legislature to grant degrees in accordance with section 10704. [1981, c. 693, §§ 5, 8 (NEW).]

[ 2007, c. 572, Pt. A, §10 (AMD) .]

**2. Extensions and renewals.** The state board may extend or renew a certificate of temporary approval for not more than 2 years.

[ 1981, c. 693, §§ 5, 8 (NEW) .]

#### SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 2007, c. 572, Pt. A, §10 (AMD).

### §10704. INITIAL AUTHORITY TO CONFER CERTAIN DEGREES

An educational institution may confer certain degrees if it has been granted initial authority under an Act of the Legislature. [1987, c. 395, Pt. A, §82 (AMD).]

#### SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1987, c. 395, §A82 (AMD).

### §10704-A. AUTHORITY TO CONFER ADDITIONAL DEGREES

An educational institution initially authorized by the Legislature to offer certain degrees under section 10704 may offer additional degrees with the approval of the state board. [1987, c. 395, Pt. A, §83 (NEW).]

#### SECTION HISTORY

1987, c. 395, §A83 (NEW).

### §10705. COURSES FOR CREDIT

An educational institution may offer courses or programs for academic credit leading to degree-completion requirements only if: [2007, c. 572, Pt. A, §11 (AMD).]

**1. Authority.** It has been authorized under sections 10704 and 10704-A to grant degrees;

[ 1987, c. 395, Pt. A, §84 (AMD) .]

**2. State board authority.** It has been given temporary authority by the state board to use the name "community college," "college" or "university";

[ 2009, c. 274, §11 (AMD) .]

**3. Out-of-state institution.** It is:

A. Located outside the State; and [2007, c. 572, Pt. A, §11 (AMD).]

B. Authorized by the state board to offer courses for academic credit leading to degree-completion requirements; or [2009, c. 274, §11 (AMD).]

[2009, c. 274, §11 (AMD) .]

**4. Coordinated programs.** It is offering courses or programs in coordination with an educational institution in the State that is authorized to grant degrees and the state board has approved the coordination.

[2009, c. 274, §11 (NEW) .]

#### SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1987, c. 395, §A84 (AMD). 2007, c. 572, Pt. A, §11 (AMD). 2009, c. 274, §11 (AMD).

### §10706. COORDINATED PROGRAMS

An educational institution may offer programs for academic credit that are coordinated with a Maine degree-granting educational institution and that have been approved by the state board. [2007, c. 572, Pt. A, §12 (AMD).]

#### SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 2007, c. 572, Pt. A, §12 (AMD).

### §10707. APPLICATIONS

**1. Degree-granting authority.** Applications for authority to grant degrees shall be made on application to the state board on forms provided by the commissioner.

[1987, c. 395, Pt. A, §85 (AMD) .]

**2. Temporary use of name.** Applications for temporary state board authority to use the name "community college," "college" or "university" must be made to the state board on forms provided by the commissioner.

[2007, c. 572, Pt. A, §13 (AMD) .]

**3. Courses for academic credit.** Applications by out-of-state educational institutions to offer courses for academic credit shall be made to the state board on forms provided by the commissioner.

[1981, c. 693, §§ 5, 8 (NEW) .]

**4. Coordinated programs.** Applications to offer coordinated programs shall be made to the state board on forms provided by the commissioner.

[1981, c. 693, §§ 5, 8 (NEW) .]

**5. Exempt status.** Applications for exempt status under section 10708, subsection 2, shall be made to the commissioner.

[1981, c. 693, §§ 5, 8 (NEW) .]

#### SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1987, c. 395, §A85 (AMD). 2007, c. 572, Pt. A, §13 (AMD).

## §10708. EXEMPTIONS

This chapter does not apply to educational institutions which: [1981, c. 693, §§5, 8 (NEW) .]

**1. Prior to September 18, 1981.** Had been authorized by the Legislature or the state board to grant undergraduate or graduate degrees prior to September 18, 1981 and are offering additional or different degrees at the same level;

[ 2009, c. 274, §12 (AMD) .]

**2. Federal reservations.** Offer programs or courses that are conducted solely on a federal reservation over which the Federal Government has exclusive jurisdiction. The commissioner shall authorize exempt status under this subsection;

[ 2005, c. 85, §1 (AMD) .]

**3. Noncredit courses.** Offer courses or programs that are not for academic credit; and

[ 2005, c. 85, §1 (AMD) .]

**4. Religious, nonpublic, educational institution.** Meet the following criteria.

A. The educational institution must be substantially owned, operated or supported by a bona fide church or religious organization. [2005, c. 85, §2 (NEW) .]

B. The educational programs of the educational institution must be primarily designed for, aimed at and attended by persons who seek to learn the particular religious faith or beliefs of the church or religious organization under paragraph A. [2005, c. 85, §2 (NEW) .]

C. The programs under paragraph B must be intended to prepare students to assume leadership positions in, or enter into some other vocation closely related to, the particular faith of the church or religious organization under paragraph A. [2005, c. 85, §2 (NEW) .]

The exemption under this subsection does not apply to any educational institution that represents to any student or prospective student that the major purpose of its program is to prepare the student for a vocation not closely related to the particular religious faith of the educational institution or to provide the student with a general educational program substantially equivalent to the educational programs offered by schools or departments or branches of schools that are not exempt from this section. Any educational institution receiving an exemption under this subsection must inform all applicants of its exempt status in writing and must prominently display the following statement on all written materials, including, but not limited to, any electronic materials, made available to potential applicants or to the general public: "Pursuant to the Maine Revised Statutes, Title 20-A, section 10708, subsection 4, this institution is not required to obtain authorization from either the State Board of Education or the Maine State Legislature in order to: (1) use the name "junior college," "college" or "university," (2) offer courses or programs for academic credit or (3) confer degrees."

[ 2005, c. 85, §2 (NEW) .]

### SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 2005, c. 85, §§1,2 (AMD). 2009, c. 274, §12 (AMD) .

## §10709. PENALTIES

Any educational institution conferring degrees within the State or offering courses or programs within the State that carry academic credit without being authorized or approved to do so in accordance with this chapter is subject to a civil penalty of not more than \$5,000, payable to the State, to be recovered in a civil action. [1991, c. 548, Pt. A, §14 (AMD).]

### SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1991, c. 548, §A14 (AMD).

## §10710. RULES

The state board shall, in accordance with section 3, adopt rules necessary to carry out the purposes of this chapter. [1981, c. 693, §§ 5, 8 (NEW).]

### SECTION HISTORY

1981, c. 693, §§5,8 (NEW).

## §10711. PROHIBITION

The authority of an educational institution to confer degrees may not be sold, transferred, assigned or given as collateral. Any purported sale, transfer, assignment or encumbrance of this authority is void. [1991, c. 563, §4 (NEW).]

### SECTION HISTORY

1991, c. 563, §4 (NEW).

## §10712. TERMINATION OF DEGREE-GRANTING AUTHORITY

The authority of an educational institution to confer degrees terminates upon determination by the state board that any of the following has occurred: [1991, c. 563, §4 (NEW).]

**1. Discontinuance of instruction.** The substantial discontinuance of instruction by the educational institution;

[ 1991, c. 563, §4 (NEW) .]

**2. Sale of stock.** The sale, exchange or other transfer of all or a substantial part of the voting stock of an educational institution;

[ 1991, c. 563, §4 (NEW) .]

**3. Sale or lease of assets.** The sale, exchange, lease or other transfer of all or a substantial part of the assets of an educational institution; or

[ 1991, c. 563, §4 (NEW) .]

**4. Merger; consolidation; reorganization.** The merger or consolidation of the educational institution with an external entity, or the reorganization of the educational institution, including, but not limited to, reorganization in bankruptcy. This subsection does not apply and authority to confer degrees is not terminated if degree programs are consolidated or reorganized within an educational institution and are at the same level as those authorized by the Legislature or the state board prior to the consolidation or reorganization.

[ 2009, c. 274, §13 (AMD) .]

Upon termination of its degree-granting authority pursuant to this section, an educational institution may apply to the state board pursuant to section 10703 for a certificate of temporary approval to use the term "community college," "college" or "university" in its name. [2007, c. 572, Pt. A, §14 (AMD).]

## SECTION HISTORY

1991, c. 563, §4 (NEW). 2007, c. 572, Pt. A, §14 (AMD). 2009, c. 274, §13 (AMD).

## §10713. INVESTIGATIONS; HEARINGS

**1. Investigations.** Whenever the state board believes that an event, transaction or condition within the scope of section 10712 may have occurred or may exist, it may conduct an investigation, which may include, but is not limited to, an examination of the educational institution by a visiting committee convened by the state board for that purpose. As part of an investigation conducted under this subsection, the state board has the power to subpoena and examine under oath educational institutions, their trustees, directors, officers and employees, lenders, creditors and investors, together with their records, books and accounts. The state board may also require the educational institution to provide other written information relevant to the subject matter of the investigation in the format prescribed by the state board. The Superior Court has jurisdiction upon complaint filed by the state board to enforce any subpoena or request for other written information issued under this subsection.

[ 2007, c. 572, Pt. A, §15 (AMD) .]

**2. Hearings.** Before making any of the determinations authorized by section 10712, the state board shall give the educational institution an opportunity for a hearing pursuant to Title 5, chapter 375, subchapter IV.

[ 1991, c. 563, §4 (NEW) .]

## SECTION HISTORY

1991, c. 563, §4 (NEW). 2007, c. 572, Pt. A, §15 (AMD).

## §10714. APPLICATION; RETROACTIVITY

**1. Application.** Sections 10711 to 10713 apply to all educational institutions having degree-granting authority on or after the effective date of those sections, except that sections 10711 to 10713 do not apply to any educational institution if the action taken under those sections constitutes an impairment of contract that violates the United States Constitution, Article I, Section 10, Clause 1.

[ 1991, c. 563, §4 (NEW) .]

**2. Retroactivity.** Any transaction described in section 10711 or 10712 occurring on or after December 4, 1990, is subject to sections 10711 to 10713.

[ 1991, c. 563, §4 (NEW) .]

## SECTION HISTORY

1991, c. 563, §4 (NEW).

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