

MAINE STATE LEGISLATURE

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M
R. of S.

L.D. 2585

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DATE: 4/27/00

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**STATE OF MAINE
SENATE
119TH LEGISLATURE
SECOND REGULAR SESSION**

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SENATE AMENDMENT ^A " to COMMITTEE AMENDMENT "A" to S.P.
1017, L.D. 2585, Bill, "An Act to Provide Education Benefits For
Maine National Guard Members"

20 Amend the amendment by inserting after the title the
following:

22 'Amend the bill by striking out the title and substituting
the following:

24
26 '**Resolve, to Establish the National Guard Education Assistance
Pilot Program**'

28 Further amend the amendment by striking out everything after
30 the title and before the summary and inserting in its place the
following:

32 'Further amend the bill by striking out everything after the
34 title and before the summary and inserting in its place the
following:

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

40 **Whereas, the Maine National Guard is a valuable resource for**
42 **the State of Maine; and**

44 **Whereas, those in service to Maine deserve to be recognized**
and rewarded for their service; and

46 **Whereas, it is imperative that this legislation take effect**
48 **in time to allow members of the Maine National Guard to attend**
classes in the summer; and

SENATE AMENDMENT

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

Sec. 1. National Guard Education Assistance Pilot Program.
Resolved: That the National Guard Education Assistance Pilot Program is established.

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

A. "Course" means a class taught over a semester, trimester, quarter or term.

B. "Degree program" means a course of study programmed to culminate in a specific degree, diploma or certificate.

C. "Maine National Guard member" or "member" means a member of a federally recognized unit of the Maine National Guard.

D. "State postsecondary education institution" means the University of Maine System, the Maine Maritime Academy, the Maine Technical College System or any other college or university system established as a public instrumentality in this State.

E. "Tuition" means the total semester, trimester, quarter or term or classroom-hour cost of instruction to the student as periodically published in the catalog of a state postsecondary education institution, including mandatory fees and lab fees but excluding all other expenses such as book charges, room and board.

F. "Unsatisfactory participant" means a member of the Maine National Guard who has accumulated 9 or more unexcused absences from unit training assemblies or who, without proper authority, fails to attend or complete the entire period of annual training.

2. Tuition grant for Maine National Guard member. A Maine National Guard member who meets the prerequisites of subsection 3 is entitled to a 100% tuition grant at any state postsecondary education institution. The Maine National Guard shall provide the cost of tuition to a member who meets the requirements of subsection 3.

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2 **3. Minimum prerequisites.** To qualify for a tuition waiver
pursuant to subsection 2, the Maine National Guard member must:

4 A. Have successfully completed basic training or received a
commission;

6 B. Be a satisfactory participant in the Maine National
8 Guard; and

10 C. Enter into a written contractual commitment with the
Maine National Guard to serve in the Maine National Guard
12 for at least one year beyond the end of the term for which a
tuition grant is granted.

14 **4. Cessation of benefits.** The tuition grant benefits
16 granted under this section cease upon:

18 A. Accumulation of 150 credit hours, or the equivalent, of
tuition grant assistance by the Maine National Guard member;

20 B. Unsatisfactory participation by the Maine National Guard
22 member in the Maine National Guard as certified to the state
postsecondary education institution by the Adjutant General;
24 or

26 C. Failure by the Maine National Guard member to maintain
good academic standing at the state postsecondary education
28 institution.

30 **5. Restitution.** Repayment of tuition waiver benefits is
required pursuant to this subsection.

32 A. A Maine National Guard member shall repay the Maine
34 National Guard the full amount of education assistance
received for each course during the preceding semester,
36 trimester, quarter or term that:

38 (1) The member fails to complete; or

40 (2) The member completes but for which the member
earns a grade lower than 2.0 on a 4.0 scale.

42 B. If the member becomes an unsatisfactory participant with
44 the Maine National Guard or does not remain in good academic
standing with the state postsecondary education institution,
46 then the Maine National Guard member shall repay the full
amount of tuition grant received for all courses taken
48 during the preceding semester, trimester, quarter or term to
the Maine National Guard.

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2 C. If the member does not fulfill the member's contractual
obligation to the Maine National Guard as defined in
4 subsection 3, paragraph C, then the Adjutant General shall
notify the Maine National Guard member in writing that the
6 member is liable for restitution and the member shall repay
the Maine National Guard the full amount of the tuition
grant received during the last school year.

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10 A member may appeal the requirement to make restitution pursuant
to this subsection if the member files a written notice of intent
12 to appeal with the Adjutant General within 30 days of notice that
the member is liable for restitution. During the pendency of the
14 appeal, the requirement of restitution is postponed. If the
Adjutant General determines that the member, in fact, met the
16 requirements for restitution as described in paragraph A, B or C
and that there were not sufficient extenuating circumstances to
18 excuse the failure of the member to complete satisfactorily the
course or participation in the Maine National Guard, the Adjutant
20 General shall inform the member of this determination and the
member shall make restitution to the Maine National Guard for
22 those courses for which the Adjutant General determines the
member is liable. The decision of the Adjutant General is final
and may not be appealed.

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26 **6. In-state tuition rates.** Regardless of the state of
residence, a member of the Maine National Guard who has met the
28 requirements of this section and is attending a state
postsecondary education institution qualifies for in-state
tuition rates; and be it further

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32 **Sec. 2. Data-keeping; report. Resolved:** That the Department of
Defense, Veterans and Emergency Management shall keep and analyze
34 data on the effects of the education assistance pilot program on
recruitment and retention of Maine National Guard members. The
36 department shall report to the joint standing committee of the
Legislature having jurisdiction over legal and veterans' affairs
in January 2001 and 2002; and be it further

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40 **Sec. 3. Funding cap. Resolved:** That grants may not be made
after June 30, 2001 or after the funds allocated in this resolve
42 are exhausted, whichever is later; and be it further

44 **Sec. 4. Application. Resolved:** That this resolve applies to
school semesters, trimesters, quarters or terms beginning on or
46 after the effective date of this resolve; and be it further

48 **Sec. 5. Appropriation. Resolved:** That the following funds are
appropriated from the General Fund to carry out the purposes of
50 this resolve.

2000-01

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**DEFENSE, VETERANS AND EMERGENCY
MANAGEMENT, DEPARTMENT OF**

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Military Educational Benefits

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All Other \$300,000

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Provides one-time funds for the cost of
tuition for eligible members of the Maine
National Guard.

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

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FISCAL NOTE

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As amended, this bill includes a one-time General Fund
appropriation to the Department of Defense, Veterans and
Emergency Management of \$300,000 in fiscal year 2000-01 for the
cost of tuition for eligible members of the Maine National Guard
who participate in the education assistance pilot program.

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The additional costs associated with analyzing data and
submitting the required report can be absorbed by the Department
of Defense, Veterans and Emergency Management utilizing existing
budgeted resources.

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SUMMARY

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This amendment strikes the committee amendment. The
amendment changes the original bill to a resolve and creates a
pilot program that gives members of the Maine National Guard a
full grant of tuition at the University of Maine System, the
Maine Maritime Academy, the Maine Technical College System and
any other Maine postsecondary education institution as long as
the member maintains at least a 2.0 grade point average and
serves in the Maine National Guard for at least one year after
the tuition assistance is granted. The tuition grant is given by
the Maine National Guard.

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This amendment also qualifies a member of the Maine National
Guard attending the University of Maine System, the Maine

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Maritime Academy or the Maine Technical College System for
in-state tuition rates.

SPONSORED BY:

(Senator MICHAUD)

COUNTY: Penobscot

Michael H. Michaud
MB