

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

Legislative Document

No. 2585

S.P. 1017

In Senate, February 25, 2000

An Act to Provide Education Benefits For Maine National Guard Members.

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator RUHLIN of Penobscot.
Cosponsored by Speaker ROWE of Portland and
Senators: AMERO of Cumberland, MICHAUD of Penobscot, Representatives: BERRY of
Livermore, CAMPBELL of Holden, FISHER of Brewer, KNEELAND of Easton, O'BRIEN
of Augusta, THOMPSON of Naples.

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

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6 Whereas, the Maine National Guard is a valuable resource for
the State of Maine; and

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

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

14 Whereas, in the judgment of the Legislature, these facts
16 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
18 necessary for the preservation of the public peace, health and
safety; now, therefore,

20 **Be it enacted by the People of the State of Maine as follows:**

22 **Sec. 1. 37-B MRSA §387** is enacted to read:

24 **§387. National Guard education assistance**

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

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

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

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

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

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

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

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

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

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

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

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

30 4. Cessation of benefits. The tuition grant benefits
 granted under this section cease upon:

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

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

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

44 5. Restitution. Repayment of tuition waiver benefits is
46 required pursuant to this subsection.

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

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(1) The member fails to complete; or

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

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

C. If the member does not fulfill the member's contractual obligation to the Maine National Guard as defined in subsection 3, paragraph C, then the Adjutant General shall notify the Maine National Guard member in writing that the 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.

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

6. In-state tuition rates. A member of the Maine National Guard who is attending a state postsecondary education institution qualifies for in-state tuition rates.

Sec. 2. Application. This Act applies to school semesters, trimesters, quarters or terms beginning on or after the effective date of this Act.

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

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SUMMARY

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6 This bill gives members of the Maine National Guard a full
8 grant of tuition at the University of Maine System, the Maine
10 Maritime Academy, the Maine Technical College System and any
12 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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16 This bill also qualifies a member of the Maine National
18 Guard attending the University of Maine System, the Maine
Maritime Academy or the Maine Technical College System for
in-state tuition rates.