

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 1533

H.P. 1126

House of Representatives, April 8, 2003

### **An Act To Create the Maine National Guard Education Assistance Program**

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Submitted by the Department of Defense, Veterans and Emergency Management pursuant to Joint Rule 204.

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative CLARK of Millinocket.  
Cosponsored by Representative: PATRICK of Rumford.

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

2  
4       **Sec. 1. 37-B MRSA §152, sub-§2**, as enacted by PL 1995, c. 684,  
§2 and affected by §5, is amended to read:

6       **2. Rental proceeds.** ~~Rental~~ Except as provided in section  
7 353, rental proceeds from the rental of armories under this  
8 section must be paid into the State Treasury and credited to the  
9 Armory Rental Fund to be used for operation and maintenance  
10 expenses at the various state-owned facilities of the Military  
11 Bureau. Rental proceeds credited to the Armory Rental Fund are  
12 in addition to the appropriations made for operation and  
13 maintenance expenses included for that purpose in the Military  
14 Fund.

16       **Sec. 2. 37-B MRSA §154**, as enacted by PL 1995, c. 684, §2, is  
17 amended to read:

18       **§154. Capital Repair Account**

20       The Except as provided in section 353, the Capital Repair  
21 Account is established in the Military Bureau as a nonlapsing  
22 fund to assist in defraying the capital repair of state-owned  
23 properties of the Military Bureau. The bureau may not spend  
24 \$300,000 or more for any single capital repair project unless  
25 that expenditure is approved in advance by the Legislature. Not  
26 later than January 1st of each odd-numbered year, the bureau  
27 shall submit a list to the Legislature that identifies the  
28 location, nature and cost of each planned capital repair project  
29 costing less than \$300,000.

32       **Sec. 3. 37-B MRSA §155**, as amended by PL 2001, c. 353, §1, is  
33 further amended to read:

34       **§155. Reimbursement fund**

36       The Maine National Guard may provide services in accordance  
37 with section 181-A, subsections 4 and 5 and section 183 for  
38 federal, state, county, regional and municipal governments and  
39 agencies and nongovernmental entities and may charge for those  
40 services. The Except as provided in section 353, the fees  
41 collected must first be allocated for funding the cost of  
42 providing those services, and any remaining fees may be expended  
43 only within the Military Bureau.

46       **Sec. 4. 37-B MRSA c. 3, sub-c. 7-A** is enacted to read:

48                               SUBCHAPTER 7-A

50                               MAINE NATIONAL GUARD EDUCATION  
ASSISTANCE PROGRAM

2     §351. Maine National Guard Education Assistance Program

4             There is established the Maine National Guard Education  
6     Assistance Program, referred to in this subchapter as "the  
   program."

8     §352. Definitions

10            As used in this subchapter, unless the context otherwise  
12     indicates, the following terms have the following meanings.

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

16            2. Degree program. "Degree program" means a course of  
18     study designed to culminate in a specific degree, diploma or  
   certificate.

20            3. Member. "Member" means a member of a federally  
22     recognized unit of the Maine National Guard.

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

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

36            6. Tuition benefit. "Tuition benefit" means tuition  
   provided by the Maine National Guard using either state or  
38     federal funds.

40            7. Unsatisfactory participant. "Unsatisfactory  
   participant" means a member who has accumulated 9 or more  
42     unexcused absences from unit training assemblies or who, without  
   proper authorization, fails to attend or complete the entire  
44     period of annual training.

46     §353. Tuition grant for member

48            A member who meets the prerequisites of section 354 is  
   entitled to a tuition benefit that may not exceed tuition costs  
50     incurred at any state postsecondary education institution. A  
   member who attends classes in Maine at a regionally accredited

2 private Maine college or university is entitled to a tuition  
3 benefit that may not exceed the tuition costs incurred at that  
4 private college or university or a tuition benefit not to exceed  
5 tuition assessed for a similar degree program at any state  
6 postsecondary education institution, whichever is less.  
7 Notwithstanding any other provision of law, the Maine National  
8 Guard shall use federal funds; state general funds or state funds  
9 from the Armory Rental Fund as established in section 152, the  
10 Capital Repair Account as established in section 154, or the  
11 reimbursement fund as established in section 155 or from revenue  
12 generated by the Maine Military Authority to pay tuition.

#### 13 **§354. Minimum prerequisites**

14 To qualify for tuition, the member must:

15 1. Basic training. Have successfully completed basic  
16 training or received a commission;

17 2. Participant. Be a satisfactory participant in the Maine  
18 National Guard; and

19 3. Contractual commitment. Enter into a written  
20 contractual commitment with the Maine National Guard to serve in  
21 the Maine National Guard for at least one year beyond the end of  
22 the term for which a tuition benefit is granted.

#### 23 **§355. Cessation of tuition benefit**

24 The tuition benefit granted under this subchapter for a  
25 member ceases upon:

26 1. Credit hours. Accumulation of 150 credit hours or the  
27 equivalent of the tuition benefit as provided in this subchapter;

28 2. Unsatisfactory participation. Unsatisfactory  
29 participation member in the Maine National Guard as certified to  
30 the state postsecondary education institution or regionally  
31 accredited private college or university by the Adjutant General;  
32 or

33 3. Good academic standing. Failure by the member to  
34 maintain good academic standing at the state postsecondary  
35 education institution or regionally accredited private college or  
36 university.

#### 37 **§356. Restitution**

38 Repayment of the tuition benefit is required pursuant to  
39 this section.

2           1. Failure to complete. A member shall pay the full amount  
of a tuition benefit for each course during the preceding  
4 semester, trimester, quarter or term that:

6           A. The member fails to complete; or

8           B. The member completes but for which the member earns a  
grade lower than 2.0 on a 4.0 scale.

10           2. Repay tuition. If the member becomes an unsatisfactory  
12 participant or does not remain in good academic standing with the  
state postsecondary education institution or regionally  
14 accredited private college or university, then the member shall  
repay the full amount of a tuition benefit for all courses taken  
16 during the preceding semester, trimester, quarter or term to the  
Maine National Guard.

18           3. Restitution. If the member does not fulfill the  
20 member's contractual commitment to the Maine National Guard under  
section 354, subsection 3, then the Adjutant General shall notify  
22 the member in writing that the member is liable for restitution  
and the member shall repay the full amount of the tuition benefit  
24 for the last school year.

26           A member may appeal the requirement to make restitution  
pursuant to this section if the member files a written notice of  
28 intent to appeal with the Adjutant General within 30 days of  
notice that the member is liable for restitution. During the  
30 pendency of the appeal, the requirement of restitution is  
postponed. If the Adjutant General determines that the member  
32 met the requirements for restitution as described in subsections  
1, 2 or 3 and that there were not sufficient extenuating  
34 circumstances to excuse the failure of the member to complete  
satisfactorily the course or participation in the Maine National  
36 Guard, the Adjutant General shall inform the member of this  
determination and the member shall make restitution for those  
38 courses for which the Adjutant General determines the member is  
liable. The decision of the Adjutant General is final and may not  
40 be appealed.

42           §357. Instate tuition rates

44           Regardless of the state of residence, a member who has met  
the requirements of this subchapter and is attending a state  
46 postsecondary education institution qualifies for instate tuition  
rates.

48           §358. Application

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2        This subchapter applies to school semesters, trimesters,  
3        quarters or terms beginning on or after August 15, 2003.

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### SUMMARY

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      This bill establishes the Maine National Guard Education  
Assistance Program.