

MAINE STATE LEGISLATURE

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EMER
ROES

L.D. 1343

Date: 6/9/15

(Filing No. H-364)

VETERANS AND LEGAL AFFAIRS

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 912, L.D. 1343, Bill, "An Act To Increase Access to Postsecondary Education for Maine National Guard Members"

Amend the bill in section 1 in subsection 2 in the first line (page 1, line 4 in L.D.) by striking out the following: "~~Except as provided in section 353, rental~~ Rental" and inserting the following: 'Except as provided in section 353 353-A, rental'

Amend the bill in section 2 in §154 in the first paragraph in the first line (page 1, line 13 in L.D.) by striking out the following: "~~Except as provided in section 353, the~~ The" and inserting the following: 'Except as provided in section 353 353-A, the'

Amend the bill in section 3 in §155 in the first paragraph in the 4th line (page 1, line 29 in L.D.) by striking out the following: "~~Except as provided in section 353, the~~ The" and inserting the following: 'Except as provided in section 353 353-A, the'

Amend the bill by striking out all of section 4 and inserting the following:

'Sec. 4. 37-B MRSA §352, sub-§§4 to 7, as enacted by PL 2003, c. 488, §4 and affected by §5, are amended to read:

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

5. Tuition. "Tuition" means the total semester, trimester, quarter or term or credit 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~~ mandatory fees and lab fees and other expenses such as book charges, room and board.

6. Tuition benefit. "Tuition benefit" means tuition provided by the Maine National Guard using either state or federal funds or waivers of tuition from a state postsecondary education institution.

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1 7. **Unsatisfactory participant.** "Unsatisfactory participant" means a member who
2 has accumulated 9 or more unexcused absences from unit training assemblies or who
3 within a 12-month period, without proper authorization, fails to attend or complete the
4 entire period of annual training.'

5 Amend the bill by striking out all of section 6 and inserting the following:

6 'Sec. 6. 37-B MRSA §§353-A, 353-B and 353-C are enacted to read:

7 **§353-A. Maine National Guard Postsecondary Fund**

8 The Maine National Guard Postsecondary Fund, referred to in this section as "the
9 fund," is established in the Military Bureau as a nonlapsing account in the General Fund
10 to provide tuition benefits for eligible Maine National Guard members to state
11 postsecondary education institutions. Deposits to the fund may come from sources
12 including but not limited to: the Armory Rental Fund established in section 152; the
13 Capital Repair, Maintenance, Construction and Acquisition Account established in
14 section 154; the reimbursement fund established in section 155; revenue generated from
15 the Maine Military Authority; and rental income fees under Title 5, section 1742,
16 subsection 26, paragraph B. The Adjutant General is responsible for oversight and
17 allocation of these funds in accordance with this subchapter. The Adjutant General shall
18 provide a report to the Commissioner of Education on the first day of January each
19 calendar year accounting for the use of all funds in the fund.

20 **§353-B. Tuition benefit for member**

21 A member who meets the prerequisites of section 354 is entitled to a 100% tuition
22 benefit at a state postsecondary education institution. The benefit applies to tuition for a
23 member enrolled or accepted for admission to a state postsecondary education institution
24 on a full-time or part-time basis. To be eligible for the benefit, a member must be enrolled
25 full-time or part-time at a state postsecondary education institution. The benefit may be
26 used to earn one credential at the following levels: baccalaureate, associate or certificate
27 and licensure. The benefit must be reduced by any other tuition assistance received by a
28 member not related to housing costs or non-tuition expenses.

29 **§353-C. Waiver required**

30 If the cost of providing the tuition benefit under this subchapter exceeds the amount
31 of money available in the Maine National Guard Postsecondary Fund established in
32 section 353-A, the tuition benefit must be provided in the form of a tuition waiver
33 provided by the state postsecondary education institution.'

34 Amend the bill in section 7 in subsection 2 in the first line (page 2, line 17 in L.D.) by
35 inserting after the following: "Guard" the following: 'who has not previously earned a
36 bachelor's degree or equivalent'

37 Amend the bill in section 8 by striking out all of subsection 4 (page 2, lines 24 to 28
38 in L.D.) and inserting the following:

39 '4. Pursued all other benefits available. Have applied for all available tuition
40 benefits not related to housing costs or non-tuition expenses, including but not limited to:

41 A. Federally funded military tuition assistance;

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1 B. Employer tuition reimbursements or assistance; and

2 C. Federal grants, such as a Federal Pell Grant.'

3 Amend the bill by striking out all of section 9 and inserting the following:

4 'Sec. 9. 37-B MRSA §355, as enacted by PL 2003, c. 488, §4 and affected by §5,
5 is amended to read:

6 **§355. Cessation of tuition benefit**

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

8 1. **Credit hours.** Accumulation of ~~150~~ 130 credit hours or the equivalent of the
9 tuition benefit as provided in this subchapter when the benefit is used in part or in whole;

10 2. **Unsatisfactory participation.** Unsatisfactory participation in the Maine National
11 Guard as certified to the state postsecondary education institution ~~or regionally accredited~~
12 ~~private college or university~~ by the Adjutant General; ~~or~~

13 3. **Good academic standing.** Failure by the member to maintain good academic
14 standing and a cumulative grade point average of at least 2.0 on a 4.0 scale at the state
15 postsecondary education institution ~~or regionally accredited private college or university;~~
16 or

17 4. **Restitution plan.** Imposition of a plan for the member to pay restitution of tuition
18 benefits in accordance with this subchapter.

19 **Sec. 10. 37-B MRSA §356, sub-§2,** as enacted by PL 2003, c. 488, §4 and
20 affected by §5, is amended to read:

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

26 **Sec. 11. 37-B MRSA §356, sub-§4** is enacted to read:

27 4. **Rules.** The Adjutant General shall adopt rules to implement the provisions of this
28 section, which are routine technical rules under Title 5, chapter 375, subchapter 2-A.'

29 Amend the bill in section 10 by striking out all of §357 (page 3, lines 1 to 3 in L.D.)
30 and inserting the following:

31 **'§357. In-state tuition rates**

32 A member who is approved to receive tuition benefits under this subchapter qualifies
33 for in-state tuition rates.'

34 Amend the bill by striking out all of section 11.

35 Amend the bill in section 13 in §359 by striking out all of the first paragraph (page 3,
36 lines 14 to 16 in L.D.) and inserting the following:

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'Any member who is a student receiving a tuition benefit under this subchapter who is mobilized or deployed is entitled to an extension of the time the tuition benefit may be claimed equal to the amount of time served on active duty.'

Amend the bill by adding after section 13 the following:

'Sec. 14. Appropriations and allocations. The following appropriations and allocations are made.

DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF

Maine National Guard Postsecondary Fund Z190

Initiative: Provides funding to increase access to postsecondary education for Maine National Guard members.

GENERAL FUND	2015-16	2016-17
All Other	\$500,000	\$500,000
GENERAL FUND TOTAL	\$500,000	\$500,000

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment establishes the Maine National Guard Postsecondary Fund and appropriates \$500,000 per year of the next biennium to the fund. It amends existing law regarding education assistance grants to Maine National Guard members to govern the distribution of the tuition benefit provided by the bill. Under the bill, tuition assistance is provided in the form of waivers from a state postsecondary education institution. The amendment provides that the Maine National Guard Postsecondary Fund will provide for 100% of an eligible member's tuition costs. If the tuition benefit costs exceed the amount in the fund, the amendment states that the benefit will be provided in the form of a waiver from the state postsecondary education institution. The amendment clarifies that tuition does not include lab fees or other mandatory fees charged to students. The amendment specifies that the benefit entitles a member to one postsecondary education credential, whether it be at the associate, baccalaureate, certificate or licensure level. The amendment specifies that a member must first pursue all other state, federal and employer-provided benefits available and have not previously earned a bachelor's degree in order to qualify for the tuition benefit proposed by the bill. The amendment also strikes provisions in the bill that would eliminate certain potential sources of revenue to be used for education assistance for members of the Maine National Guard.

FISCAL NOTE REQUIRED

(See attached)



Approved: 06/05/15 *MAC*

127th MAINE LEGISLATURE

LD 1343

LR 1573(02)

An Act To Increase Access to Postsecondary Education for Maine National Guard Members

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Veterans and Legal Affairs

Fiscal Note Required: Yes

A(H-364)

Fiscal Note

Potential tuition revenue loss - Public post-secondary educational institutions

	FY 2015-16	FY 2016-17	Projections FY 2017-18	Projections FY 2018-19
Net Cost (Savings)				
General Fund	\$500,000	\$500,000	\$500,000	\$500,000
Appropriations/Allocations				
General Fund	\$500,000	\$500,000	\$500,000	\$500,000

Fiscal Detail and Notes

The bill establishes the Maine National Guard Postsecondary Fund within the Department of Defense, Veterans and Emergency Management and provides General Fund appropriations to the department of \$500,000 beginning in fiscal year 2015-16 to provide tuition assistance to eligible members.

The requirement that the University of Maine System, the Maine Community College System and Maine Maritime Academy waive tuition costs that exceed the amount of tuition benefit a member receives from the Maine National Guard Postsecondary Fund may result in a loss of tuition revenue to the State's public postsecondary educational institutions. The University of Maine System estimates it's loss of revenue to be approximately \$550,000 per year. No estimate is available for the other institutions at this time.