

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 1343

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H.P. 912

House of Representatives, April 16, 2015

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

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Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative FREDETTE of Newport.  
Cosponsored by Senator WHITEMORE of Somerset and  
Representatives: BRYANT of Windham, FARRIN of Norridgewock, NADEAU of Winslow,  
POULIOT of Augusta, SKOLFIELD of Weld, STETKIS of Canaan, Senators: EDGECOMB  
of Aroostook, LIBBY of Androscoggin.

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

2 **Sec. 1. 37-B MRSA §152, sub-§2**, as amended by PL 2003, c. 488, §1 and  
3 affected by §5, is further amended to read:

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

10 **Sec. 2. 37-B MRSA §154**, as amended by PL 2013, c. 469, §2, is further amended  
11 to read:

12 **§154. Capital Repair, Maintenance, Construction and Acquisition Account**

13 ~~Except as provided in section 353, the~~ The Capital Repair, Maintenance,  
14 Construction and Acquisition Account is established in the Military Bureau as a  
15 nonlapsing fund to assist in defraying the capital repair, maintenance and construction of  
16 state-owned properties of the Military Bureau, as well as purchasing land for training  
17 sites. The bureau may not spend \$500,000 or more for any single capital repair,  
18 maintenance or construction project or land acquisition unless that expenditure is  
19 approved in advance by the Legislature. Not later than January 1st of each odd-numbered  
20 year, the bureau shall submit a list to the Legislature that identifies the location, nature  
21 and cost of each planned capital repair, maintenance and construction project and land  
22 acquisition costing less than \$500,000.

23 **Sec. 3. 37-B MRSA §155**, as amended by PL 2003, c. 488, §3 and affected by §5,  
24 is further amended to read:

25 **§155. Reimbursement fund**

26 The Maine National Guard may provide services in accordance with section 181-A,  
27 subsections 4 and 5 and section 183 for federal, state, county, regional and municipal  
28 governments and agencies and nongovernmental entities and may charge for those  
29 services. ~~Except as provided in section 353, the~~ The fees collected must first be allocated  
30 for funding the cost of providing those services, and any remaining fees may be expended  
31 only within the Military Bureau.

32 **Sec. 4. 37-B MRSA §352, sub-§§4 and 6**, as enacted by PL 2003, c. 488, §4 and  
33 affected by §5, are amended to read:

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

1           **6. Tuition benefit.** "Tuition benefit" means the waiver of tuition provided by the  
2 Maine National Guard using either state or federal funds costs for a member in the  
3 program.

4           **Sec. 5. 37-B MRSA §353**, as amended by PL 2013, c. 469, §5, is repealed.

5           **Sec. 6. 37-B MRSA §353-A** is enacted to read:

6           **§353-A. Tuition benefit for member**

7           A member who meets the prerequisites of section 354 is entitled to a 100% waiver of  
8 tuition costs at any state postsecondary education institution. This waiver applies to  
9 tuition for a member enrolled or accepted for admission to a state postsecondary  
10 education institution on a full-time or part-time basis in an undergraduate degree program  
11 or certificate program. To be eligible for a tuition waiver, a member must be enrolled  
12 full-time or part-time at a state postsecondary education institution or must apply for and  
13 receive admission to a state postsecondary education institution. The waiver may be  
14 claimed for 5 separate academic years or 130 semester hours.

15           **Sec. 7. 37-B MRSA §354, sub-§§2 and 3**, as enacted by PL 2003, c. 488, §4 and  
16 affected by §5, are amended to read:

17           **2. Participant.** Be a satisfactory participant in the Maine National Guard and be a  
18 member in good standing of the Maine National Guard at the beginning of and  
19 throughout the entire semester for which the member receives benefits; and

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

23           **Sec. 8. 37-B MRSA §354, sub-§4** is enacted to read:

24           **4. Pursued all other benefits available.** Have first used any tuition benefits and  
25 other federally funded military tuition assistance or any employer tuition reimbursement  
26 available after September 11, 2001. Benefits available after September 11, 2001 for  
27 education housing, allowance and other nontuition benefits must be excluded from  
28 consideration when determining eligibility for a tuition waiver under this subchapter.

29           **Sec. 9. 37-B MRSA §355, sub-§1**, as enacted by PL 2003, c. 488, §4 and  
30 affected by §5, is amended to read:

31           **1. Credit hours.** Accumulation of ~~150~~ 130 credit hours or the equivalent of the  
32 tuition benefit as provided in this subchapter;

33           **Sec. 10. 37-B MRSA §357**, as enacted by PL 2003, c. 488, §4 and affected by §5,  
34 is repealed and the following enacted in its place:

