

# MAINE STATE LEGISLATURE

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L.D. 1736

Date: 4/6/2018

(Filing No. S-445)

**VETERANS AND LEGAL AFFAIRS**

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE**

**SENATE**

**128TH LEGISLATURE**

**SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 635, L.D. 1736, Bill, "An Act To Broaden Educational Opportunities for Members of the Maine National Guard"

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

**'An Act To Broaden Educational Opportunities to Members of the Maine National Guard and Provide Financial Assistance to Veterans'**

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

**'Sec. 1. 30-A MRSA §6054, sub-§4,** as enacted by PL 2013, c. 269, Pt. B, §2, is amended to read:

**4. Use of fund during bond retirement period; from July 1, 2017 until bonds retired.** Money in the fund must be held and applied solely to the payment of the liquor operation revenue bonds and any ancillary obligations secured by the fund as the bonds and ancillary obligations become due and payable and for the retirement of liquor operation revenue bonds, including costs of administering the fund, the bonds and the ancillary obligations and the payment of any redemption premium required to be paid when any liquor operation revenue bonds are redeemed or retired before maturity or for the payment of ancillary obligations; except that, to the extent there is money in the fund not needed in accordance with terms of the liquor operation revenue bonds and ancillary obligations, before June 30th of each year, the bond bank shall withdraw an amount not exceeding ~~\$7,000,000~~ \$7,400,000 to be paid to the State and distributed in the manner and order as follows:

A. First, an amount not to exceed \$7,000,000 distributed in equal amounts to an account within the Department of Health and Human Services and an account within the Department of Environmental Protection, up to \$3,500,000 per account or the maximum amount allowed for federal matching funds purposes under federal water programs, whichever is less, to be used for revolving loan funds for drinking water systems and wastewater treatment; and

**COMMITTEE AMENDMENT**

1 A-1. Second, \$250,000 to the Veterans Temporary Assistance Fund established by  
2 Title 37-B, section 505, subsection 1-B;

3 A-2. Third, \$150,000 to the Maine National Guard Postsecondary Fund established  
4 by Title 37-B, section 353-A; and

5 B. The remainder, if any, to an account within the Department of Transportation to  
6 be used for the construction of highways and bridges.

7 Immediately upon retirement of all outstanding liquor operation revenue bonds and  
8 ancillary obligations secured by the fund, the bond bank shall withdraw any excess  
9 money in the fund and transfer it to the Maine Budget Stabilization Fund established in  
10 Title 5, section 1532.

11 **Sec. 2. 37-B MRSA §352, sub-§4**, as amended by PL 2015, c. 465, Pt. D, §4, is  
12 further amended to read:

13 **4. State postsecondary education institution.** "State postsecondary education  
14 institution" means the University of Maine System, the Maine Maritime Academy, the  
15 Maine Community College System or any other college or university system established  
16 as a public instrumentality of this State or a private nonprofit postsecondary education  
17 institution in this State registered with the Military Bureau as a participating institution in  
18 accordance with this subchapter.

19 **Sec. 3. 37-B MRSA §352-A** is enacted to read:

20 **§352-A. Participating institution registration**

21 A member is entitled to a tuition benefit described in this subchapter at a private  
22 nonprofit postsecondary education institution in the State if that private nonprofit  
23 postsecondary education institution is registered with the Military Bureau as a  
24 participating institution in the manner prescribed by the bureau. The bureau may adopt  
25 rules to implement the registration requirement described in this section. Rules adopted  
26 in accordance with this section are routine technical rules as described under Title 5,  
27 chapter 375, subchapter 2.

28 **Sec. 4. 37-B MRSA §353-B**, as enacted by PL 2015, c. 465, Pt. D, §6, is amended  
29 to read:

30 **§353-B. Tuition benefit for member**

31 A member who meets the prerequisites of section 354 is entitled to a 100% tuition  
32 benefit at a state postsecondary education institution, except that the tuition benefit at a  
33 state postsecondary education institution that is a private nonprofit postsecondary  
34 education institution may not exceed the in-state tuition at the University of Maine at  
35 Orono for the previous academic year. The benefit applies to tuition for a member  
36 enrolled or accepted for admission to a state postsecondary education institution on a full-  
37 time or part-time basis. To be eligible for the benefit, a member must be enrolled full-  
38 time or part-time at a state postsecondary education institution. The benefit may be used  
39 to earn one credential at the following levels: baccalaureate, associate or certificate and  
40 licensure. The benefit must be reduced by any other tuition assistance received by a  
41 member not related to housing costs or non-tuition expenses.

1           **Sec. 5. 37-B MRSA §357**, as repealed and replaced by PL 2015, c. 465, Pt. D,  
2 §12, is amended to read:

3           **§357. In-state tuition rates**

4           A Unless otherwise provided under this subchapter, a member who is approved to  
5 receive tuition benefits under this subchapter qualifies for in-state tuition rates.

6           **Sec. 6. 37-B MRSA §505, sub-§1-A**, as amended by PL 2009, c. 415, Pt. A,  
7 §§24 and 25, is repealed.

8           **Sec. 7. 37-B MRSA §505, sub-§§1-B and 1-C** are enacted to read:

9           **1-B. Veterans Temporary Assistance Fund.** The Veterans Temporary Assistance  
10 Fund, referred to in this section as "the fund," is established as a dedicated, nonlapsing  
11 Other Special Revenue Funds account in the bureau. The fund is administered and used  
12 by the director for the purposes of offering financial assistance to veterans as prescribed  
13 by subsection 1-C.

14           **1-C. Financial assistance.** The following provisions apply to grants of temporary  
15 financial assistance to veterans.

16           A. The bureau may provide a grant of temporary assistance not to exceed \$2,000 to a  
17 veteran currently a resident of this State who has filed a valid claim for a veteran's  
18 pension, pending notification of the award of such a pension. For purposes of this  
19 paragraph, "claim for a veteran's pension" means a claim filed with the United States  
20 Department of Veterans Affairs pursuant to 38 United States Code, Chapter 15.

21           B. The bureau may provide a grant of temporary assistance not to exceed \$2,000 to a  
22 veteran currently a resident of this State who demonstrates to the bureau's satisfaction  
23 a financial need and suffers an emergency, including but not limited to:

24                   (1) Damage to that veteran's home due to fire, flood or hurricane that is not fully  
25 compensable by insurance;

26                   (2) Illness or the illness of an immediate family member; or

27                   (3) Hardship that would result in the veteran becoming homeless.

28           C. A veteran who requests temporary assistance under this subsection and is denied  
29 such assistance by the bureau may request a reconsideration and review of this  
30 decision. Requests for reconsideration of a claim must be reviewed by the director  
31 and the commissioner or the commissioner's designee, and the decision after the  
32 reconsideration is final and may not be appealed to a court.

33           D. The bureau may contract with an organization incorporated in the State as a  
34 nonprofit corporation in accordance with Title 13-B or an organization with tax-  
35 exempt status under 26 United States Code, Section 501(c) for the purpose of  
36 providing temporary financial assistance to veterans as described in this subsection.  
37 A contract authorized under this subsection may provide only for the distribution of  
38 direct temporary financial assistance to veterans and may not provide for  
39 compensation for personnel costs of the organization, funding of positions of  
40 employment within the organization or administrative costs of the organization

1 except those directly related to the distribution of temporary financial assistance  
 2 grants to veterans.

3 E. The department may adopt rules to implement this subsection. Rules adopted  
 4 pursuant to this paragraph are routine technical rules as defined in Title 5, chapter  
 5 375, subchapter 2-A.

6 For the purposes of this subsection, "veteran" has the same meaning as "eligible veteran"  
 7 in section 504, subsection 4, paragraph A-1. The director may also determine eligibility  
 8 for temporary financial assistance on a case-by-case basis.

9 **Sec. 8. Appropriations and allocations.** The following appropriations and  
 10 allocations are made.

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

13 **Maine National Guard Postsecondary Fund Z190**

14 Initiative: Provides allocations for tuition assistance to veterans attending state  
 15 postsecondary education institutions and private postsecondary education institutions.

16	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2017-18</b>	<b>2018-19</b>
17	All Other	\$0	\$150,000
18			
19	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$150,000</b>

20 **Veterans Temporary Assistance Fund N284**

21 Initiative: Establishes the Veterans Temporary Assistance Fund and provides allocations  
 22 for financial assistance to veterans.

23	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2017-18</b>	<b>2018-19</b>
24	All Other	\$0	\$250,000
25			
26	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$250,000</b>

27 **DEFENSE, VETERANS AND EMERGENCY**  
 28 **MANAGEMENT, DEPARTMENT OF**  
 29 **DEPARTMENT TOTALS**

30		<b>2017-18</b>	<b>2018-19</b>
31	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>\$400,000</b>
32			
33	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$400,000</b>

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**SUMMARY**

1  
2 This amendment replaces the bill. It repeals the provision in current law that allows  
3 the Department of Defense, Veterans and Emergency Management, Bureau of Maine  
4 Veterans' Services to provide veterans with temporary and emergency assistance and  
5 instead establishes the Veterans Temporary Assistance Fund and prescribes the purposes  
6 for which it may be used within the bureau. The amendment also provides ongoing  
7 funding for the Veterans Temporary Assistance Fund and the Maine National Guard  
8 Postsecondary Fund from the Liquor Operation Revenue Fund.

9 Like the bill, the amendment expands the Maine National Guard Education  
10 Assistance Program to include private nonprofit postsecondary education institutions as  
11 institutions where members of the Maine National Guard may receive a tuition benefit. It  
12 amends the definition of "state postsecondary education institution," which includes the  
13 University of Maine System, the Maine Maritime Academy and the Maine Community  
14 College System, to add private nonprofit postsecondary education institutions in the State  
15 that have registered with the Military Bureau. The amendment requires that private  
16 nonprofit postsecondary education institutions must register with the Military Bureau in  
17 order to take part in the Maine National Guard Education Assistance Program. In the  
18 amendment, the tuition benefit provided by a private nonprofit postsecondary education  
19 institution may not exceed the in-state tuition at the University of Maine at Orono for the  
20 previous academic year. The amendment also adds an appropriations and allocations  
21 section.

22 **FISCAL NOTE REQUIRED**

23 (See attached)



# 128th MAINE LEGISLATURE

LD 1736

LR 2746(02)

## An Act To Broaden Educational Opportunities for Members of the Maine National Guard

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-445)  
Committee: Veterans and Legal Affairs

Fiscal Note Required: Yes

### Fiscal Note

	FY 2017-18	FY 2018-19	Projections FY 2019-20	Projections FY 2020-21
<b>Appropriations/Allocations</b>				
Other Special Revenue Funds	\$0	\$400,000	\$400,000	\$400,000
<b>Revenue</b>				
Other Special Revenue Funds	\$0	\$400,000	\$400,000	\$400,000
State Alcoholic Beverage Fund	\$0	(\$400,000)	(\$400,000)	(\$400,000)

### Fiscal Detail and Notes

The bill expands the Maine National Guard Tuition Assistance Program to add private nonprofit postsecondary education institutions to state postsecondary education institutions where Maine National Guard members may receive a tuition benefit under the program. To the extent that there are sufficient funds available in the Maine National Guard Postsecondary Fund to pay the tuition costs for all Maine National Guard members who want to participate in the program, there is no fiscal impact to the higher education institutions. However, if expanding the program results in tuition costs exceeding available funding, there would be an impact to the higher education institutions in the form of lost tuition revenue.

The bill includes an allocation of \$250,000 to the newly established Veterans Temporary Assistance Fund within the Department of Defense, Veterans and Emergency Management which will be used for financial assistance to veterans. Funding will come from an annual transfer of \$250,000 from the Liquor Operation Revenue Fund (LORF) beginning in fiscal year 2018-19.

The bill also includes an allocation of \$150,000 to the Maine National Guard Postsecondary Fund within the Department of Defense, Veterans and Emergency Management which will be used for tuition assistance to veterans attending state postsecondary education institutions and private postsecondary education institutions. Funding will come from an annual transfer of \$150,000 from the LORF beginning in fiscal year 2018-19.

Increasing from \$7,000,000 to \$7,400,000 the amount withdrawn annually from the LORF and paid to the State and changing the distribution to include the \$400,000 described above, will reduce the balance in the LORF. Current law requires, once certain revenue bonds have been retired, which is the primary obligation of the LORF, any excess funds be transferred to the Maine Budget Stabilization Fund. Since this bill reduces the balance in the LORF by \$400,000 annually, the final balance available in the LORF to be transferred to the Maine Budget Stabilization Fund once the bonds have been retired will be much lower than under current law.