

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2018

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Legislative Document

No. 1736

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S.P. 635

In Senate, December 22, 2017

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

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 19, 2017. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by President THIBODEAU of Waldo.  
Cosponsored by Representative POULIOT of Augusta and  
Senators: CYRWAY of Kennebec, DAVIS of Piscataquis, DESCHAMBAULT of York, DOW  
of Lincoln, Representatives: FARRIN of Norridgewock, GILLWAY of Searsport, GOLDEN  
of Lewiston, RYKERSON of Kittery.

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

2 **Sec. 1. 37-B MRSA §352, sub-§3-A** is enacted to read:

3 **3-A. Private nonprofit postsecondary education institution.** "Private nonprofit  
4 postsecondary education institution" means a private nonprofit postsecondary education  
5 institution in the State.

6 **Sec. 2. 37-B MRSA §352, sub-§5,** as amended by PL 2015, c. 465, Pt. D, §4, is  
7 further amended to read:

8 **5. Tuition.** "Tuition" means the total semester, trimester, quarter or term or credit  
9 hour cost of instruction to the student as periodically published in the catalog of a state  
10 postsecondary education institution or private nonprofit postsecondary education  
11 institution, excluding mandatory fees and lab fees and other expenses such as book  
12 charges, room and board.

13 **Sec. 3. 37-B MRSA §353-A,** as enacted by PL 2015, c. 465, Pt. D, §6, is amended  
14 to read:

15 **§353-A. Maine National Guard Postsecondary Fund**

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

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

31 **§353-B. Tuition benefit for member**

32 A member who meets the prerequisites of section 354 is entitled to a 100% tuition  
33 benefit at a state postsecondary education institution or a private nonprofit postsecondary  
34 education institution, except that a tuition benefit at a private nonprofit postsecondary  
35 education institution may not exceed tuition at the Maine Maritime Academy during the  
36 prior academic year. The benefit applies to tuition for a member enrolled or accepted for  
37 admission on a full-time or part-time basis to a state postsecondary education institution  
38 ~~on a full-time or part-time basis~~ or a private nonprofit postsecondary education  
39 institution. To be eligible for the benefit, a member must be enrolled full-time or part-

1 time at a state postsecondary education institution or a private nonprofit postsecondary  
2 education institution. The benefit may be used to earn one credential at the following  
3 levels: baccalaureate, associate or certificate and licensure. The benefit must be reduced  
4 by any other tuition assistance received by a member not related to housing costs or non-  
5 tuition expenses.

6 **Sec. 5. 37-B MRSA §353-C**, as enacted by PL 2015, c. 465, Pt. D, §6, is amended  
7 to read:

8 **§353-C. Waiver required**

9 If the cost of providing the tuition benefit under this subchapter exceeds the amount  
10 of money available in the Maine National Guard Postsecondary Fund established in  
11 section 353-A, the tuition benefit at a state postsecondary education institution must be  
12 provided in the form of a tuition waiver provided by the state postsecondary education  
13 institution.

14 **Sec. 6. 37-B MRSA §355, sub-§§2 and 3**, as amended by PL 2015, c. 465, Pt.  
15 D, §9, are further amended to read:

16 **2. Unsatisfactory participation.** Unsatisfactory participation in the Maine National  
17 Guard as certified to the state postsecondary education institution or the private nonprofit  
18 postsecondary education institution by the Adjutant General;

19 **3. Good academic standing.** Failure by the member to maintain good academic  
20 standing and a cumulative grade point average of at least 2.0 on a 4.0 scale at the state  
21 postsecondary education institution or private nonprofit postsecondary education  
22 institution; or

23 **Sec. 7. 37-B MRSA §356, sub-§2**, as amended by PL 2015, c. 465, Pt. D, §10, is  
24 further amended to read:

25 **2. Repay tuition.** If the member becomes an unsatisfactory participant or does not  
26 remain in good academic standing with the state postsecondary education institution or  
27 private nonprofit postsecondary education institution, then the member shall repay the  
28 full amount of a tuition benefit for all courses taken during the preceding semester,  
29 trimester, quarter or term to the Maine National Guard.

30 **Sec. 8. 37-B MRSA §357**, as repealed and replaced by PL 2015, c. 465, Pt. D,  
31 §12, is amended to read:

32 **§357. In-state tuition rates**

33 A member who is approved to receive tuition benefits at a state postsecondary  
34 education institution under this subchapter qualifies for in-state tuition rates.

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## SUMMARY

2           This bill broadens the tuition benefit program that is available to members of the  
3 Maine National Guard who attend a state postsecondary education institution to provide a  
4 tuition benefit for members who attend a private nonprofit postsecondary education  
5 institution in the State. The bill limits the tuition benefit at private nonprofit  
6 postsecondary education institutions to the tuition at the Maine Maritime Academy  
7 during the prior academic year.