

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

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

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

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

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

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

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

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

### **§ 155. Reimbursement fund**

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

**Sec. 4. 37-B MRSA §352, sub-§§4 and 6**, 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

**§ 357. Instate tuition rates**

The member must be a resident of the State for a minimum of 6 consecutive months prior to applying for the program and qualifies for instate tuition rates.

**Sec. 11. 37-B MRSA §357-A** is enacted to read:

**§ 357-A. Revenue reduction**

A state postsecondary education institution shall absorb the reduction in tuition revenues that results from providing the program to members. The institution may not request additional General Fund appropriations from the Legislature to offset the reduction in tuition.

**Sec. 12. 37-B MRSA §358**, as enacted by PL 2003, c. 488, §4 and affected by §5, is repealed.

**Sec. 13. 37-B MRSA §§359 and 360** are enacted to read:

**§ 359. Mobilized or deployed members**

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

**§ 360. Policies and implementation**

The Adjutant General is responsible for overall policies, guidance, administration and proper use of the program provided for in this subchapter.

**SUMMARY**

This bill provides for a tuition waiver for 100% of tuition costs at any state postsecondary education institution for qualified members of the Maine National Guard.