

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

Amend the amendment by striking out the substitute title and replacing it with the following:

**'An Act To Increase Access to Postsecondary Education
for Maine National Guard Members and Veterans'**

Amend the amendment by striking out everything after the substitute title and inserting the following:

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PART A

Sec. A-1. Identify potential inefficiencies and propose improvements to veterans' services. The University of Maine System and the Maine Community College System, for their respective campuses and in consultation with the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services, shall each:

1. Identify the needs of student-veterans and potential student-veterans attempting to achieve a postsecondary education to degree completion, including but not limited to their ability to gain admission to the University of Maine System or the Maine Community College System, successfully meet the requirements of a course of study, successfully transition to civilian life in a supportive educational environment, obtain available federal veterans' benefits and successfully meet personal and financial obligations;

2. Identify existing services specifically for student-veterans and other services available to student-veterans on each campus that meet the needs identified in subsection 1;

3. Assess the effectiveness in meeting the needs identified in subsection 1 of existing services specifically for student-veterans and other services available to student-veterans on each campus;

4. Determine what services are not currently being offered that, if offered, would meet the needs identified in subsection 1; and

5. Propose services and solutions that fulfill the needs identified in subsection 1 on each campus or across campuses that are based upon best practices in postsecondary educational institutions within the State and nationwide.

Sec. A-2. Report. By January 15, 2017, the University of Maine System and the Maine Community College System shall each submit a report of its findings and proposals under section 1 to the joint standing committees of the Legislature having jurisdiction over education and cultural affairs and veterans and legal affairs. Each joint standing committee is authorized to introduce a bill to the First Regular Session of the 128th Legislature related to the subject matter of the reports.

PART B

Sec. B-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 ~~353353-A~~, 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. B-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 ~~353353-A~~, 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. B-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 ~~353353-A~~, 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. B-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.

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

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

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

§ 353-A. Maine National Guard Postsecondary Fund

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

§ 353-B. Tuition benefit for member

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

§ 353-C. Waiver required

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

Sec. B-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 who has not previously earned a bachelor's degree or equivalent 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. B-8. 37-B MRSA §354, sub-§4 is enacted to read:

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

- A. Federally funded military tuition assistance;
- B. Employer tuition reimbursements or assistance; and
- C. Federal grants, such as a Federal Pell Grant.

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

§ 355.Cessation of tuition benefit

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

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

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

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

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

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

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

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

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

Sec. B-12. 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. In-state tuition rates

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

Sec. B-13. 37-B MRSA §358, as enacted by PL 2003, c. 488, §4 and affected by §5, is repealed.

Sec. B-14. 37-B MRSA §§359 and 360 are enacted to read:

§ 359. Mobilized or deployed members

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.

§ 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.

Sec. B-15. Appropriations and allocations. The following appropriations and allocations are made.

**DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF
Maine National Guard Postsecondary Fund Z190**

Initiative: Establishes the Maine National Guard Postsecondary Fund within the Department of Defense, Veterans and Emergency Management.

OTHER SPECIAL REVENUE FUNDS	2015-16	2016-17
All Other	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

SUMMARY

Like Committee Amendment "A", Part A of this amendment replaces the bill with language directing the University of Maine System and the Maine Community College System to identify the needs of student-veterans on their campuses, including needs related to admission, degree completion, transitioning to civilian life and meeting personal and financial obligations, and directs the University of Maine System and the Maine Community College System to identify existing services that meet the needs identified, assess the effectiveness of those services, determine what services are not being offered

that, if offered, would meet those needs and propose services and solutions that fulfill those needs across campuses that are based upon best practices.

Part B of this amendment establishes the Maine National Guard Postsecondary Fund and amends existing law regarding education assistance grants to Maine National Guard members. 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.

FISCAL NOTE REQUIRED
(See attached)