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An Act To Clarify the State's Initiative Involving the Federal Post-9/11 Veterans Educational Assistance Act of 2008

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, Public Law 2009, chapter 443 established a waiver of the tuition charges remaining for veterans who are using benefits under the federal Post-9/11 Veterans Educational Assistance Act of 2008 and who are enrolled as undergraduate students at any campus of the University of Maine System, the Maine Community College System and Maine Maritime Academy; and

Whereas, the legislative intent of Public Law 2009, chapter 443 was to establish a waiver of the tuition charges for eligible veterans in a manner that also provided the opportunity for the University of Maine System, the Maine Community College System and Maine Maritime Academy to receive the maximum possible funding from the federal Department of Veterans Affairs; and

Whereas, an unintended consequence of the provisions established by Public Law 2009, chapter 443 is that campuses of the University of Maine System, the Maine Community College System and Maine Maritime Academy would receive, in some cases, less than the in-state tuition rates that they charge to eligible veterans enrolled as undergraduate students; and

Whereas, immediate enactment of this legislation is necessary to prevent a significant and adverse fiscal impact for the campuses of the University of Maine System, the Maine Community College System and Maine Maritime Academy; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 20-A MRS §10010, as enacted by PL 2009, c. 443, §1, is amended to read:

§ 10010. Veterans

Regardless of the state of residence, a veteran of the Armed Forces of the United States using the benefits under the Post-9/11 Veterans Educational Assistance Act of 2008 must receive a waiver from the tuition that remains after the application of all payments from the federal Department of Veterans Affairs, including payments under the Yellow Ribbon G.I. Education Enhancement Program in the Post-9/11 Veterans Educational Assistance Act of 2008, and the application of other nonrepayable resources for which the veteran may be eligible. The amount of the tuition waiver received by a veteran under this section may not exceed an amount that lowers the tuition to less than the in-state tuition charged by the institution. This section applies to all veterans enrolled at any campus of the University of Maine System, the Maine Community College System or Maine Maritime Academy in an undergraduate program of education.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This bill clarifies an ambiguity in the law that prevents Maine public colleges and universities from receiving less than the in-state tuition rate from veterans using benefits under the federal Post-9/11 Veterans Educational Assistance Act of 2008. The bill provides that the amount of the tuition waiver received by an eligible veteran may not exceed an amount that lowers the tuition to less than the in-state tuition charged by the institution. The bill also provides that Maine public colleges and universities may apply other nonrepayable resources, including grants and scholarships for which the veteran may be eligible, toward the institution's tuition charges prior to waiving the tuition charges that remain.