

§356. Restitution

Repayment of the tuition benefit is required pursuant to this section. [PL 2003, c. 488, §4 (NEW); PL 2003, c. 488, §5 (AFF).]

1. Failure to complete. A member shall pay the full amount of a tuition benefit for each course during the preceding semester, trimester, quarter or term that:

A. The member fails to complete; or [PL 2003, c. 488, §4 (NEW); PL 2003, c. 488, §5 (AFF).]

B. The member completes but for which the member earns a grade lower than 2.0 on a 4.0 scale. [PL 2003, c. 488, §4 (NEW); PL 2003, c. 488, §5 (AFF).]
[PL 2003, c. 488, §4 (NEW); PL 2003, c. 488, §5 (AFF).]

2. Repay tuition. If the member becomes an unsatisfactory participant or does not remain in good academic standing with the state postsecondary education institution, 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.
[PL 2015, c. 465, Pt. D, §10 (AMD).]

3. Restitution. If the member does not fulfill the member's contractual commitment to the Maine National Guard under section 354, subsection 3, then the Adjutant General shall notify the member in writing that the member is liable for restitution and the member shall repay the full amount of the tuition benefit for the last school year.
[PL 2003, c. 488, §4 (NEW); PL 2003, c. 488, §5 (AFF).]

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.
[PL 2015, c. 465, Pt. D, §11 (NEW).]

A member may appeal the requirement to make restitution pursuant to this section if the member files a written notice of intent to appeal with the Adjutant General within 30 days of notice that the member is liable for restitution. During the pendency of the appeal, the requirement of restitution is postponed. If the Adjutant General determines that the member met the requirements for restitution as described in subsection 1, 2 or 3 and that there were not sufficient extenuating circumstances to excuse the failure of the member to complete satisfactorily the course or participation in the Maine National Guard, the Adjutant General shall inform the member of this determination and the member shall make restitution for those courses for which the Adjutant General determines the member is liable. The decision of the Adjutant General is final and may not be appealed. [PL 2003, c. 488, §4 (NEW); PL 2003, c. 488, §5 (AFF).]

SECTION HISTORY

PL 2003, c. 488, §4 (NEW). PL 2003, c. 488, §5 (AFF). PL 2015, c. 465, Pt. D, §§10, 11 (AMD).

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