

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE
AT THE

SECOND REGULAR SESSION

January 4, 1978 to April 6, 1978

FIRST SPECIAL SESSION

(No laws enacted)

September 6, 1978 to September 15, 1978

SECOND SPECIAL SESSION

October 18, 1978

THIRD SPECIAL SESSION

December 6, 1978

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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1979

PUBLIC LAWS
OF THE
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AS PASSED AT THE
SECOND REGULAR SESSION
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ONE HUNDRED AND EIGHTH LEGISLATURE
January 4, 1978 to April 6, 1978

an amount to be determined by the Legislature upon the recommendation of the Joint Standing Committee on Local and County Government.

No municipality shall receive any moneys under this subsection unless and until the municipal clerk shall have filed with the Treasurer of State a certified audit or a sworn notarized statement of the filing fees received during the 1976 calendar year.

3. Study. For the immediate purpose of enabling the Legislature to make the determination required by subsection 2, paragraph C, and for the additional purpose of devising a reasonable and appropriate method of compensating municipal clerks and municipalities in the future for their performance of certain duties required by the State, the Joint Standing Committee on Local and County Government is directed to study the duties which state law requires municipal clerks and municipalities to perform and methods by which the State might compensate them and to submit to the Legislature its findings and recommendations, including any proposed legislation.

Sec. 4. Appropriation. The following funds shall be appropriated from the General Fund to carry out the purposes of this Act:

	1978	1979
TREASURY DEPARTMENT		
Municipal Reimbursement	\$145,680	\$127,430

Effective July 6, 1978

CHAPTER 703

AN ACT Relating to Post-graduate Education in the Field of Medicine, Dentistry, Optometry and Veterinary Medicine.

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

Sec. 1. 20 MRSA c. 304, 1st 2 lines, as enacted by PL 1975, c. 769, § 1, are repealed and the following enacted in their place:

CHAPTER 304

POSTGRADUATE EDUCATION IN THE FIELD OF MEDICINE, DENTISTRY, OPTOMETRY AND VETERINARY MEDICINE

Sec. 2. 20 MRSA §§ 2271 and 2272, as amended by PL 1977, c. 335, §§ 1, 2 & 3, are repealed and the following enacted in their place:

§ 2271. Legislative intent

1. Admission of Maine residents to educational institutions. It is the intent of the Legislature to acquire, to the greatest extent possible, the admission of qualified Maine residents to educational institutions providing programs of instruction leading to the acquisition of doctoral degrees in allopathic and osteopathic medicine, dentistry, optometry and veterinary medicine.

2. Responsibility for program. It is further the intent of the Legislature, consistent with the purposes of this chapter, that the Department of Educational and Cultural Services shall be responsible for the ongoing administration of the program and develop a plan which assures, to the extent practicable, that Maine contract students, or a similar number of out-of-state medical school graduates, return to practice their profession within the State of Maine, particularly in primary care in underserved areas of the State.

3. Advisory committee on medical education. It is further the intent of the Legislature, consistent with the purposes of this chapter, to establish an Advisory Committee on Medical Education to the Commissioner of Educational and Cultural Services, to assist the department in the planning and administration of the professional health program and particularly in the development of clinical education sites and continuing education, which are funded primarily by sources other than patient charges.

§ 2272. Definition of state contract student, residency requirements, primary care and underserved areas

1. State contract student. For purposes of this chapter, a state contract student is any Maine resident who is enrolled in an educational program at an educational institution for which program the State:

- A. Has entered into a contractual arrangement with the institution; and
- B. Expends funds under this arrangement in return for a guarantee on the part of the institution that student positions will be made available to Maine residents.

2. Final determination of residency. Final determination of residency, for purposes of this chapter, shall be made under rules promulgated by the Commissioner of Educational and Cultural Services. Criteria for these rules shall include, but shall not be limited to, length of residence, secondary school attended, legal residence of parent, voting registration and place where taxes are paid.

3. **Primary care.** For purposes of this chapter, primary care means all those who practice general or family medicine, internal medicine, pediatrics, obstetrics and gynecology.

4. **Underserved areas.** For purposes of this chapter, underserved areas are those geographic locations which meet the Health Maintenance Organization Act definition of medically underserved areas as described in the Federal Register, Vol. number 201, October 15, 1976, or its successor.

5. **Clinical education site.** For purposes of this chapter, "clinical education site" includes both clinical clerkship sites and preceptorship sites. "Clinical clerkship site" means an on-location teaching environment in conjunction with residency training. "Preceptorship site" means any site ranging from a one-to-one training site between a physician and medical student to a training site in a health clinic or hospital without a residency program.

Sec. 3. 20 MRSA § 2273, as repealed and replaced by PL 1977, c. 335, § 3 and c. 579, Section L, § 1, is repealed and the following enacted in its place:

§ 2273. Agreement of state contract student with the State; state capitation payment; tuition grants

1. **Agreement.** Notwithstanding any other provision of law, any state contract student commencing his professional education on or after September of 1977 shall, as a condition precedent to the commencement of the education, enter into an agreement with the State under which the student shall agree to pay tuition to the institution and shall also agree that, upon the conclusion of his professional education, including internship, residency and obligated public health service and Armed Forces' service, he shall pay the State an amount of money equal to the state capitation payment expended by the State in purchasing the student position which he occupied as a state contract student. This amount shall be payable at 6% simple annual interest in not more than 10 annual equal installments. These installment payments shall commence at such time as the state contract student concludes his professional education under rules promulgated by the commissioner. The agreement between the state contract student and the State shall provide that an amount equal to $\frac{1}{4}$ of the indebtedness, as determined in this subsection, shall be forgiven for each year which the state contract student practices his profession within the State in primary care or other specialized areas as determined by the commissioner, with the advice of the Advisory Committee on Medical Education. For other state contract students returning to practice their profession in Maine, $\frac{1}{4}$ of their indebtedness shall be forgiven for each of the first 2 years of practice. The remainder shall be payable in not more than 10 annual equal installments.

2. **State capitation payment.** For the purposes of this chapter, the state capitation payment is the difference between the total amount agreed upon between the State and the institution for the purchase of the student space, tuition plus state capitation, less the amount of tuition paid by the student.

3. Tuition grants. Any contract student attending a contract institution who demonstrates financial need may be eligible for a tuition grant from funds made available by the department to the institution for that purpose. The amount of this grant shall be based on the financial need of the student and in no case shall exceed the amount of the state tuition charge to that student.

Sec. 4. 20 MRSA § 2274, as amended by PL 1977, c. 335, § 5, is repealed and the following enacted in its place:

§ 2274. Commissioner to secure state contract student positions

1. Negotiations. The Commissioner of Educational and Cultural Services shall, directly or through the New England Board of Higher Education, negotiate with educational institutions to secure positions for state contract students in the fields of allopathic and osteopathic medicine, dentistry, optometry and veterinary medicine to the extent funds are appropriated and authorized.

Sec. 5. 20 MRSA § 2275, as enacted by PL 1975, c. 769, § 1, is repealed.

Sec. 6. 20 MRSA §§ 2276 and 2277, as enacted by PL 1977, c. 335, § 6, are repealed and the following enacted in their place:

§ 2276. Purchase of positions at medical schools

1. Purchase of positions at medical schools. The Department of Educational and Cultural Services is authorized to expend the money appropriated by the Legislature for the purchase of positions at accredited medical schools, up to the amount necessary to purchase up to 40 positions each year, to a total of 160, at the University of Vermont College of Medicine, Tufts University School of Medicine, Dartmouth Medical School or other accredited medical schools; up to 10 positions each year, to a total of 25, at Tufts School of Dental Medicine or other accredited dental schools; and up to 4 positions each year, to a total of 16, at the University of Pennsylvania School of Veterinary Medicine, the New York State College of Veterinary Medicine at Cornell University or other accredited schools of veterinary medicine; and up to 2 positions each year, to a total of 8, at the New England College of Optometry; and up to 10 positions each year, to a total of 40, at the New England College of Osteopathic Medicine. The Department of Educational and Cultural Services shall not exceed the total number of spaces identified in this section, but shall have the authority to allocate the number of spaces at the various institutions based on the spaces available for the academic school years, the cost of securing the student space, the number of applications and the primary care residency program needs.

§ 2277. In-state clinical education programs; development of a plan; establishment of an advisory committee

1. Return to practice in Maine. The Department of Educational and Cultural Services is directed to develop a plan which assures, to the extent practicable, that Maine contract students, or similar number of out-of-state medical school

graduates, return to practice their profession within the State, particularly in primary care in underserved areas of the State.

2. Plan. This plan is to include the development of a coordinated mechanism for the administration of the compact, the projected number of student spaces needed and projected costs over the next 10 years in all professional health fields, recommendations for the future need of the professional health program covered by this chapter, the development of sites for student clinical training, the percentage of the total amount expended for the purchase of the space at the contract schools that will return with the student undertaking clinical education in Maine, development of incentives to practice in primary care and underserved areas and recommendation for utilizing contract funds to provide assistance to Maine residency programs. To avoid duplication in the undertaking of this plan, the Department of Educational and Cultural Services shall coordinate all activities with other professional health agencies and organizations. This plan shall be completed and presented to the Legislature and the Governor prior to the end of the first month of each legislative session.

3. Establishment of an Advisory Committee on Medical Education. There is established an Advisory Committee on Medical Education to the Commissioner of Educational and Cultural Services to assist in developing the plan to include those items identified in subsection 2. The advisory committee shall consist of 15 members, who shall be recommended by the commissioner to the Joint Standing Committee on Education for its final approval. The committee shall be appointed 30 days after the enactment of this chapter. Membership shall be appointed for a 2-year term. Of the members first appointed by the commissioner, 8 members shall be appointed for 2 years and 7 members shall be appointed for one year. In the case of any vacancies or resignations, the commissioner shall recommend names to the Joint Standing Committee on Education to fill the vacancies until the expiration of their terms. Membership of the advisory committee shall include representatives from those health care agencies and associations, public and private, whose activities are relevant to the objectives of the plan, as determined by the Commissioner of Educational and Cultural Services.

Sec. 7. 20 MRSA § 2278, as repealed and replaced by PL 1977, c. 579, Section L, § 2, is repealed and the following enacted in its place:

§ 2278. Nonlapsing fund; Grant-Loan Scholarship Revolving Account

1. Nonlapsing fund. It is the intent of the Legislature that any unexpended money appropriated by the Legislature under section 2276 shall not lapse, but shall be carried to the following year to be expended by the department for this purpose or for the support of primary care residency programs in Maine, particularly for the development of practice sites in underserved areas. It is further the intent of the Legislature to establish a revolving Grant-Loan Scholarship Fund and moneys returned to the State shall not be deposited in the General Fund, but shall be deposited in the Grant-Loan Scholarship Revolving Account, to be expended for this purpose or for the support of primary care residency programs in Maine, particularly for the development of practice sites in underserved areas.

Sec. 8. Appropriation. The following funds shall be appropriated from the General Fund to carry out the purposes of this Act:

1978-79

EDUCATIONAL AND CULTURAL SERVICES,
DEPARTMENT OF

Division of Higher Education Services

Grant-Loan Scholarship Fund

Appropriation number 1235.1

Personal Services

(3) \$ 42,222

Grant-Loan Scholarship Fund

(77,222)

All Other

35,000

The administrative functions include at a minimum the certification of students, negotiating the number and cost of student positions at the various institutions, the sites and payment mechanism for student clinical education, the payment schedule for student indebtedness and overseeing the work of the plan. There is also appropriated \$35,000 All Other moneys for the purposes of program development, evaluation and suggested revisions, the development of student clinical training sites for quality educational experiences, assessing the primary care residency needs, the necessary practice sites in underserved areas and other needs as determined by the Commissioner of Educational and Cultural Services.

Students now receiving loans under Title 20, chapter 302-B, Osteopathic Revolving Loan Account, and to be considered for continuing assistance would be required to sign the promissory agreement developed by the department until the completion of their program and \$70,000 shall be made available from the total appropriations for fiscal year 1978-79 to be utilized for contract spaces at the New England College of Osteopathic Medicine and for the continuation of the loan program for the students accepted prior to 1978, as determined by the Department of Educational and Cultural Services.