

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1999

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

Sec. 1. 36 MRSA §6207, sub-§3, ¶A, as amended by PL 1997, c. 530, Pt. A, §33, is further amended to read:

A. Whose housing costs for the year for which relief is requested were subsidized by government programs that limit housing costs to a percentage of household income, except that the exclusion provided by this paragraph does not apply to persons receiving social security disability or supplemental security income disability benefits.

Sec. 2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1999-00	2000-01
ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF		
Maine Residents Property Tax Program		
All Other	\$10,000	\$10,538
Provides funds to expand the program to persons living in subsidized housing who receive social security disability or supplemental security income disability benefits.		

Sec. 3. Retroactivity; application. This Act applies retroactively to August 1, 1999 and applies to claims filed on or after August 1, 1999.

See title page for effective date.

CHAPTER 495

H.P. 762 - L.D. 1085

An Act to Amend the Qualifications for Participation in the High School Aspirations Incentives Program

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

Sec. 1. 20-A MRSA §4772-A is enacted to read:

§4772-A. Student eligibility; exception

A secondary school student who does not meet the requirements of section 4772, subsection 2 is eligible under this chapter if that student:

1. Enrolled as sophomore. Is enrolled in grade 11 or higher in the student's school unit;

2. Recommendation. Has received a recommendation to take a postsecondary course or courses at an eligible institution from the student's school administration following an assessment of the student by the school administration; and

3. Approval. Has been approved for participation in a course or courses by an eligible institution.

See title page for effective date.

CHAPTER 496

H.P. 1367 - L.D. 1965

An Act to Establish the Maine Dental Education Loan Program

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

Sec. 1. 5 MRSA §12004-I, sub-§7-C is enacted to read:

<u>7-C.</u>	<u>Advisory</u>	<u>Not</u>	<u>20-A</u>
<u>Education</u>	<u>Committee on</u>	<u>Authorized</u>	<u>MRSA</u>
	<u>Dental</u>		<u>§12304</u>
	<u>Education</u>		

Sec. 2. 20-A MRSA c. 426 is enacted to read:

CHAPTER 426

MAINE DENTAL EDUCATION AND RECRUITMENT

§12301. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Authority. "Authority" means the Finance Authority of Maine.

2. Chief executive officer. "Chief executive officer" means the Chief Executive Officer of the Finance Authority of Maine.

3. Maine resident. "Maine resident" means a person who has been a resident of the State for a minimum of 2 years at the time of the person's entry to dental school for purposes other than education, as

determined by rule of the authority. In determining residency, the authority shall consider:

- A. Length of residence in the State for other than tuition purposes;
- B. Secondary school attended;
- C. Legal residence of parents;
- D. Place of voting registration, if registered to vote;
- E. Place where taxes are paid; and
- F. Other indicators established by the authority.

4. Underserved population area.

"Underserved population area" means a population group or geographical area receiving insufficient oral health care, as determined by the Commissioner of Human Services and as defined in rules adopted by the Department of Human Services. The rules must take into consideration factors that include, but are not limited to, family income levels, availability of dental care and percentage of families qualifying for Medicaid coverage.

§12302. Maine Dental Education Loan Program

1. Establishment. The Maine Dental Education Loan Program, referred to in this chapter as the "program," is established. The authority shall administer the program. Under this program, the chief executive officer shall award up to 3 loans or loan repayment agreements annually up to an aggregate of 12. As provided in subsection 3:

- A. Loans are available to Maine residents enrolled in a dental school; or
- B. A loan repayment agreement is available to a person who is eligible for licensure as a doctor of dental medicine in Maine and who has outstanding dental education loans.

2. Application process. Application must be made directly to the authority.

3. Eligibility. The following persons are eligible to participate in the program:

- A. Applicants under subsection 1, paragraph A who meet eligibility criteria established by rule of the authority, which at a minimum must require:
 - (1) That the student be a Maine resident;
 - (2) That the student is enrolled in a dental school; and
 - (3) That priority be given to a student:

(a) Who previously received a loan pursuant to this section;

(b) Who exhibits financial need; and

(c) Who demonstrates an interest in serving an underserved population area; and

B. Applicants under subsection 1, paragraph B who meet eligibility criteria established by rule of the authority, which at a minimum must require:

(1) That the applicant is eligible for licensure to practice dental medicine in Maine;

(2) That the applicant have outstanding dental education loans; and

(3) That the applicant is willing to serve an underserved population area.

4. Maximum amount. The maximum loan or loan repayment amount available to each participant is \$20,000 per year for a period of up to 4 years.

5. Loan agreement; forgiveness. A student applying under subsection 1, paragraph A shall enter into a loan agreement as set out in this subsection.

A. Upon completion of professional education, the student shall repay the loan in accordance with this paragraph.

- (1) A loan recipient who does not obtain loan forgiveness pursuant to subparagraph (2) shall repay the entire principal of the loan plus simple interest at a rate to be determined by rule of the authority.

Interest does not begin to accrue until the loan recipient completes dental education.

- (2) A loan recipient who, upon conclusion of the recipient's professional education, including any fellowships, elects to serve as a practitioner of dental medicine in an underserved population area is forgiven 25% of the original outstanding indebtedness for each year of that practice.

B. Loans must be repaid over a term no longer than 10 years, except that the chief executive officer may extend an individual's term as necessary to ensure repayment of the loan. Repayment must commence when the loan recipient completes, withdraws from or otherwise fails to continue dental education.

C. A loan recipient serving an underserved population area pursuant to paragraph A, sub-

paragraph (2) must serve all patients regardless of ability to pay through insurance or other payment source.

6. Loan repayment agreement. An applicant under subsection 1, paragraph B shall enter into a loan repayment agreement as set out in this subsection.

A. An applicant will receive payment from the authority on the applicant's outstanding indebtedness for dental education at a rate of \$20,000 per year of service for up to 4 years as long as the applicant continues to serve as a practitioner of dental medicine in an underserved population area.

B. A person receiving loan repayment payments under this subsection must serve all patients regardless of ability to pay through insurance or other payment source.

7. Default. A loan recipient who agrees to practice in an underserved population area and who fails to complete the period of service required to pay off the loan is liable to the authority for an amount equal to the sum of the total amount paid by or on behalf of the authority to or on behalf of the recipient under the contract plus interest at a rate determined by the authority. Credit for practice in an underserved population area will be awarded for each consecutive 12-month period served. Exceptions may be made by the authority in accordance with subsection 8.

A loan recipient may be granted permission to default without penalty from an agreement to serve in an underserved population area by petitioning the authority. Grounds for permission to default without penalty include, but are not limited to, catastrophic circumstances that prevent the recipient from remaining in an underserved population area for the required period of time. The recipient receives credit for the number of months served and the remaining financial obligation plus interest must be repaid to the authority in cash under the terms of the original agreement.

8. Deferments. Deferments on the repayment of a loan under the program may be granted for causes established by rule of the authority. Interest at a rate to be determined by rule of the authority must be assessed during the deferment. The student's total debt to the authority, including principal and interest, must be repaid either through return service or cash payments. The chief executive officer shall make determinations of deferment on a case-by-case basis. The decision of the chief executive officer is final.

§12303. Nonlapsing fund

1. Fund created. A nonlapsing, interest-earning, revolving fund under the jurisdiction of the authority is created to carry out the purposes of this

chapter. Any unexpended balance in the fund carries over for continued use under this chapter. The authority may receive, invest and expend, on behalf of the fund, money from gifts, grants, bequests and donations in addition to money appropriated or allocated by the State. Loan repayments under this chapter or other repayments to the authority must be invested by the authority, as provided by law, with the earned income to be added to the fund. Money received by the authority on behalf of the fund, except interest income, must be used for the designated purpose; interest income may be used for the designated purpose or to pay student financial assistance administrative costs incurred by the authority for the operation of the program.

2. Allocation of repayments. The authority may reallocate a portion of the annual loan repayments for the purpose of recruiting dentists for underserved population areas. That portion may be used:

A. In accordance with criteria established by the authority, to encourage dentists to practice in underserved population areas; or

B. To repay education loans for the dental education of licensed dentists to enable the dentists to practice in underserved population areas.

§12304. Advisory Committee on Dental Education

1. Committee. The Advisory Committee on Dental Education, established pursuant to Title 5, section 12004-I, subsection 7-C, shall assist the chief executive officer in evaluating and improving the program.

2. Members. The Advisory Committee on Dental Education consists of:

A. Ten voting members appointed by the President of the Senate and the Speaker of the House as follows:

(1) One member appointed by the Speaker who represents a major statewide organization representing dentists;

(2) One member appointed by the Speaker who represents a major statewide coalition dedicated to issues concerning ambulatory care;

(3) One member appointed by the Speaker who represents a major statewide alliance dedicated to children's issues;

(4) One member appointed by the Speaker who represents the Department of Human Services, Bureau of Health, Oral Health Program;

(5) Two members of the House of Representatives appointed by the Speaker;

(6) One member appointed by the President who represents a major statewide organization of consumers dedicated to the cause of affordable health care;

(7) One member appointed by the President who represents a major statewide organization dedicated to ensuring equal justice;

(8) One member appointed by the President who represents the Department of Human Services, Bureau of Medical Services; and

(9) One Senator appointed by the President.

The chief executive officer may submit recommendations for appointees under this paragraph to the President of the Senate and the Speaker of the House;

B. Two nonvoting members, one of whom represents the authority, appointed by the Speaker, and one of whom represents an office of primary health care appointed by the President.

3. Vacancies. In the case of a vacancy or resignation, an appointment must be made as for a new member to fill the vacancy until the expiration of the term.

4. Terms. The term of office for all appointees is 2 years.

§12305. Rules

The authority shall establish rules necessary to implement this chapter. The Commissioner of Human Services shall develop rules for determining underserved population areas. These rules must include a process for ensuring guaranteed access to dental care through technical assistance and site visits to participating providers. The rules authorized by this section must be adopted in accordance with Title 5, chapter 375, subchapter II. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

Sec. 3. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1999-00

FINANCE AUTHORITY OF MAINE

Maine Dental Education Loan Program

All Other \$20,000

Provides funds for loans to Maine residents enrolled in a school of dental education or to repay loan agreements for practicing doctors of dental medicine who practice in underserved population areas.

See title page for effective date.

CHAPTER 497

S.P. 430 - L.D. 1267

An Act to Amend the Laws Governing the Aroostook Water and Soil Management Board and to Provide Funding for a Low-flow Study

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

Sec. 1. 7 MRSA §332, sub-§§5 and 7, as enacted by PL 1987, c. 435, §3, are amended to read:

5. Responsibilities. The board shall coordinate all state and local efforts concerning irrigation activity in Aroostook County and with respect to implementation of the United States Army Corps of Engineers Conservation Research/Demonstration Program, referred to in this section as the "program." Coordination includes, but is not limited to:

A. Determining research priorities and informational needs relative to improved water and soil management practices;

B. Entering into agreements with ~~the United States Army Corps of Engineers, the University of Maine System, the United States Department of Agriculture Soil Conservation Service, the United States Department of Agriculture Agricultural Research Service, local soil and water conservation districts, state agencies~~ federal, state and local governmental units and agencies, private organizations and individuals to carry out research, demonstration and informational activities related to the program or to irrigation activities in Aroostook County;

C. Assuring that ~~new~~ information developed by the ~~program board~~ is effectively disseminated; and