

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 311

S. P. 131

In Senate, February 9, 1977

Referred to Committee on Education. Sent down for concurrence and 1,800 ordered printed.

MAY M. ROSS, Secretary

Presented by Senator Pierce of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

**AN ACT Concerning Postgraduate Education in the Field of Medicine,
Dentistry and Veterinary Medicine.**

Emergency preamble. Whereas, Acts passed by the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, it is necessary that students be informed as soon as possible for acceptance into the professional health programs for the academic school year 1977-78; and

Whereas, negotiations must commence immediately with professional health graduate schools; 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 MRSA § 2271, as enacted by PL 1975, c. 769, § 1, is amended by inserting after the first paragraph the following new paragraph:

It is further the intent of the Legislature consistent with the purposes of this chapter to have the State of Maine cooperate with Maine public and private post-secondary institutions, teaching hospitals, health and professional

associations and other appropriate health care institutions in the furtherance of clinical education and continuing education, which are funded primarily by sources other than patient charges.

Sec. 2. 20 MRSA § 2272, as enacted by PL 1975, c. 769, § 1, is amended by adding at the end the following new paragraph:

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 such rules to include, but not be limited to, length of residence, secondary school attended, legal residence of parent, voting registration and place where taxes are paid.

Sec. 3. 20 MRSA § 2273, as enacted by PL 1975, c. 769, § 1, is repealed and the following enacted in its place: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 who commences his professional education on or after the 1976-77 academic year shall, as a condition precedent to the commencement of such education, enter into an agreement with the State under which the student shall agree to pay tuition to the State and, upon the conclusion of his professional education, including internship, residency and obligated military service, he shall return to the State of Maine and practice his profession. This student shall further agree that in the event he fails to practice his profession within the State for a period of 4 years, he shall become obligated to pay to 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 in not more than 20 annual, equal installments at 6% simple annual interest and such installment payments shall commence after the start of out-of-state practice by the state contract student at a time determined under rules promulgated by the commissioner, provided that an amount equal to $\frac{1}{4}$ of that indebtedness as determined above shall be forgiven for each year which the state contract student practices his profession in the State.

2. State capitation payment. For the purposes of this chapter, the state capitation payment is the difference between the tuition rate established by the State for the student position and the amount the State actually pays the out-of-state institution to secure that position.

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

Sec. 4. 20 MRSA §§ 2276 - 2278 are enacted to read:

§ 2276. 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 medical schools, up to the amount necessary to purchase up to 20 positions each year, to a total of 80, at the University of Vermont College of Medicine and the same at Tufts University School of Medicine; up to 10 positions each year, to a total of 25, at Tufts School of Dental Medicine; and up to 4 positions each year, to a total of 16, at either the University of Pennsylvania School of Veterinary Medicine or the New York State College of Veterinary Medicine at Cornell University.

§ 2277. In-state clinical education programs

The Department of Educational and Cultural Services is directed to work with Maine public and private post-secondary institutions, teaching hospitals, health professional associations, other appropriate health care institutions and the contract schools in developing a program to expand clinical education programs for contract students in Maine institutions, consistent with the intent of this chapter to encourage such Maine students to return to the State to practice.

§ 2278. 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 solely for the same purpose.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

A study group composed of the staff of the Department of Educational and Cultural Services and presidents of Maine teaching hospitals have reviewed the legislation signed into law on April 16, 1976. The proposed legislation will clarify the law and will enable our Maine students to receive expanded opportunities to attend professional health programs in the field of medicine, dentistry and veterinary medicine. This is proposed as emergency legislation, whereas our current contracts for medicine, dentistry and veterinary medicine expired in the fall of 1976. Through this proposed legislation, the Department of Educational and Cultural Services is authorized, based on appropriation, to purchase up to a maximum of 160 medical spaces, 25 dental spaces and 16 veterinary medicine spaces. It is proposed that a portion of these students' education shall be conducted in Maine. This legislation would also define residency requirements for contract students and state capitation payments. Further, students shall be required to return to practice in Maine, or they will be obligated to pay to the State an amount of money equal to the state capitation payment.