

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 1003  
6

7 S.P. 369

In Senate, March 13, 1985

8 Submitted by the Department of Educational and Cultural Services  
pursuant to Joint Rule 24.

9 Referred to the Committee on Education. Sent down for concurrence and  
ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Gauvreau of Androscoggin.

11 Cosponsored by Representative Bost of Orono, Senator Brown of  
Washington and Representative Foss of Yarmouth.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-FIVE  
16

17 AN ACT to Amend the Law Pertaining  
18 to Postgraduate Education in the Field of  
19 Medicine.  
20

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

23 Sec. 1. 20-A MRSA §11801, sub-§2, as enacted by  
24 PL 1981, c. 693, §§5 and 8, is amended to read:

25 2. Responsibility for program. It is the intent  
26 of the Legislature, consistent with the purposes of  
27 this chapter, that the commissioner shall administer  
28 the program and develop a plan which assures, to the  
29 extent practicable, that Maine contract students, or  
30 a similar number of out-of-state medical school grad-  
31 uates, return to practice their profession within the  
32 State, particularly in primary care in underserved  
33 areas.

34 Sec. 2. 20-A MRSA §11802, sub-§6, as enacted by  
35 PL 1981, c. 693, §§5 and 8, is repealed and the fol-

1       lowing enacted in its place:

2           6. Underserved area. "Underserved area" means  
3 an underserved geographic area, underserved specialty  
4 area, underserved population group or any combination  
5 of these in the State.

6           Sec. 3. 20-A MRSA §11802, sub-§§7 and 8 are en-  
7 acted to read:

8           7. Obligated Armed Forces service. "Obligated  
9 Armed Forces service" means an obligation incurred  
10 for financial assistance provided during undergradu-  
11 ate and graduate education or an obligation incurred  
12 for internship or residency training in the Armed  
13 Forces service.

14           8. Nonresident tuition. "Nonresident tuition"  
15 means tuition charged persons who do not hold resi-  
16 dency in the State where the institution is located.  
17 If no distinction is made at the institution between  
18 the tuition charged resident and nonresident stu-  
19 dents, then nonresident tuition means the tuition  
20 charged all students.

21           Sec. 4. 20-A MRSA §11804-A, sub-§1, ¶B, as en-  
22 acted by PL 1983, c. 862, §67, is amended to read:

23           B. Upon the conclusion of professional educa-  
24 tion, including internship, residency and,  
25 fellowship, obligated public health service, and  
26 obligated Armed Forces service, to pay the State  
27 an amount of money equal to the state capitation  
28 payment expended by the State in purchasing the  
29 state contracted position which the student  
30 occupied difference between the nonresident tui-  
31 tion at the institution being attended by the  
32 state contract student and the tuition charged  
33 the state contract student.

34           (1) This amount shall be payable at 9% sim-  
35 ple annual interest in not more than 10 an-  
36 nual equal installments.

37           (2) These installment payments shall com-  
38 mence upon conclusion of the state contract  
39 student's professional education under rules  
40 promulgated by the commissioner.

1           Sec. 5. 20-A MRSA §11804-A, sub-§2, as enacted  
2 by PL 1983, c.862, §67, is amended to read:

3           2. Forgiveness. Any student who, upon the con-  
4 clusion of his professional education, including, if  
5 applicable, internship, residency and, fellowship,  
6 obligated public health service, and obligated Armed  
7 Forces service, elects to serve as a general, family,  
8 pediatric or veterinary practitioner in an  
9 underserved rural geographic area in the State a vet-  
10 erinary practitioner in the State or as a medical,  
11 dental or optometry practitioner in a designated,  
12 underserved area in the State shall be forgiven 20%  
13 25% of the outstanding indebtedness, as determined in  
14 subsection 4, for each of the first 5 years of that  
15 service year of practice.

16           Sec. 6. 20-A MRSA §11804-A, sub-§3, as enacted  
17 by PL 1983, c.862, §67, is repealed and the following  
18 enacted in its place:

19           3. Determination. The Commissioner of Human  
20 Services:

21           A. Shall determine underserved areas no later  
22 than June 1st of each year and submit the list of  
23 underserved areas to the Commissioner of Educa-  
24 tional and Cultural Services; and

25           B. May make an individual determination of an  
26 underserved area at any time a need for that de-  
27 termination is demonstrated.

28           Sec. 7. 20-A MRSA §11806, sub-§1, as enacted by  
29 PL 1981, c. 693, §§5 and 8, is amended to read:

30           1. Return to practice in Maine. The commission-  
31 er shall develop a plan which assures, to the extent  
32 practicable, that contract students, or a similar  
33 number of out-of-state medical school graduates, re-  
34 turn to practice their profession within the State,  
35 particularly in primary care in underserved areas of  
36 the State. This plan shall be completed and pre-  
37 sented to the Legislature and the Governor before  
38 February 1st each year.

39           Sec. 8. 20-A MRSA §11806, sub-§2, ¶F, as enacted  
40 by PL 1981, c. 693, §§5 and 8, is amended to read:

1 F. The development of incentives to practice in  
2 primary care and underserved areas; and

3 Sec. 9. 20-A MRSA §11808, as enacted by PL 1981,  
4 c. 693, §§5 and 8, is amended to read:

5 §11808. Nonlapsing fund

6 Any unexpended money appropriated by the Legisla-  
7 ture under section 11805 shall not lapse, but shall  
8 be carried forward to the following year to be ex-  
9 pended by the department for the purpose of purchas-  
10 ing positions at medical schools and recruitment ac-  
11 tivities related to this chapter. Moneys returned to  
12 the State shall be deposited in a revolving account,  
13 to be expended for the purpose of purchasing contract  
14 spaces at medical schools and recruitment activities  
15 related to this chapter.

16 Sec. 10. 20-A MRSA §§11810 and 11811 are enacted  
17 to read:

18 §11810. Retroactivity

19 All provisions of this chapter to amend the law  
20 pertaining to postgraduate education in the field of  
21 medicine shall be retroactive to those contract stu-  
22 dents commencing their professional education on or  
23 after July 1, 1981.

24 §11811. Rules

25 The Commissioner of Educational and Cultural Ser-  
26 vices shall establish all rules necessary to carry  
27 out the purposes of this chapter, except that the  
28 Commissioner of Human Services shall develop rules  
29 for determining underserved areas.

1 STATEMENT OF FACT

2 The purpose of this bill is to remove some of the  
3 more difficult restrictions placed upon contract stu-  
4 dents by the current law, to provide some flexibility  
5 in the administration of the repayment and return  
6 service provisions and to make revisions in how pro-  
7 gram funds may be utilized in order to reduce the  
8 cost to the student and provide for recruitment ac-  
9 tivities designed to assist the student in finding  
10 appropriate practice locations.

11 Section 1 removes the words "particularly in pri-  
12 mary care" broadens the focus of return service to  
13 all areas of practice which are defined as  
14 underserved by the Department of Human Services.

15 Section 2 provides increased return service op-  
16 portunities and will encourage the return of more  
17 contract participants to the State.

18 Section 3 limits the parameters of obligated  
19 Armed Forces service as it is utilized in determining  
20 when a contract student concludes professional train-  
21 ing.

22 Section 4 is added to clarify nonresident tuition  
23 at public and private colleges and universities.  
24 This section expands professional education to in-  
25 clude fellowship and obligated Armed Forces service  
26 and reduces the cost to the student. This change  
27 eliminates the word equal to allow the department  
28 flexibility if circumstances warrant, to utilize  
29 "balloon" repayments.

30 Section 5 reflects a change in the law from 20%  
31 to 25% forgiveness, and allows forgiveness any time  
32 in the payback period that the student returns to a  
33 state practice.

34 Section 6 designates who will determine  
35 underserved areas and when this will occur.

36 Sections 7 and 8 removes the words "in primary  
37 care" reflects the intent of this bill.

38 Section 9 allows the department to expand its re-  
39 cruitment activities.

