

MAINE STATE LEGISLATURE

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LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FOURTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

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NON-EMERGENCY LAWS IS
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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
1989

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE
1989

Department of Human Services pursuant to rules promulgated for this purpose.

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

Effective July 11, 1989.

CHAPTER 578

H.P. 1047 - L.D. 1458

An Act to Clarify the Borrowing Authority of the University of Maine System

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

Whereas, there has been uncertainty concerning the intent of the Legislature in granting certain borrowing authority to the Board of Trustees of the University of Maine System; and

Whereas, this uncertainty has led to commitments and undertakings which are contrary to the intent of the Legislature in the granting of borrowing authority; and

Whereas, it is important that any uncertainty be resolved, and the authority clarified before any further commitments or undertakings are made; 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-A MRSA §10952, sub-§7, as enacted by PL 1987, c. 735, §14, is amended to read:

7. Borrow money. To borrow money pursuant to this chapter and issue evidences of indebtedness to finance the acquisition, construction, reconstruction, improvement or equipping of any one project, or more than one, or any combination of projects, or to refund evidences of indebtedness hereafter issued or to refund general obligation debt of the State previously issued to finance any project or projects, or to refund any such refunding evidences of indebtedness or for any one, or more than one, or all of those purposes, or any combination of those purposes, and to provide for the security and payment of those evidences of indebtedness and for the rights of the holders of them, except that any borrowing pursuant to this chapter, exclusive of borrowing to refund evidences of indebtedness, to refund general obligation debt of the State, or to fund issuance costs or necessary reserves, shall not exceed in the aggregate principal amount outstand-

ing at any time \$18,000,000, and except that no borrowing may be effected pursuant to this chapter unless the amount of the borrowing and the project or projects are submitted to the Legislative Office of Fiscal and Program Review for review by the Joint Standing Committee on Appropriations and Financial Affairs at least 60 days before closing on such borrowing for the project or projects is to be initiated;

Sec. 2. 20-A MRSA §10953, sub-§3, as enacted by PL 1987, c. 735, §14, is amended to read:

3. Refund evidences of indebtedness. To refund evidences of indebtedness issued pursuant to this chapter or to refund general obligation debt of the State issued previously to finance any project or projects; or

Sec. 3. 20-A MRSA §10954, sub-§2, as enacted by PL 1987, c. 735, §14, is amended to read:

2. Refund evidences of indebtedness. To refund evidences of indebtedness issued and to finance the cost of any project or projects as provided in this chapter or to refund general obligation debt of the State issued previously to finance any project or projects; or

Sec. 4. 20-A MRSA §10959, as enacted by PL 1987, c. 735, §14, is amended to read:

§10959. Refunding indebtedness

Pursuant to sections 10953 to 10955, the university may enter into financing transactions and issue evidences of indebtedness for the purpose of refinancing obligations or evidences of indebtedness issued under this chapter or to refund general obligation debt of the State issued previously to finance any project or projects, including the payment of any redemption premium on the evidences of indebtedness or general obligation debt of the State and any interest accrued or to accrue to the date of redemption of those obligations, and if deemed advisable by the university for the additional purpose of construction or enabling the construction of improvements, extensions, enlargements or additions of the project or projects in connection with which the obligations to be refunded shall have been issued. The university's refunding authority shall include authority to borrow and issue evidences of indebtedness for the combined purpose of refunding any evidences of indebtedness issued under this chapter then outstanding or refunding general obligation debt of the State issued previously to finance any project or projects, including the payment of any redemption premium on the evidences of indebtedness or general obligation debt of the State and any interest accrued or to accrue to the date of redemption of those obligations, and paying all or any part of the cost of acquiring or constructing or enabling the acquisition or construction of any additional project or projects or part of a project, or any improvements, extensions, enlargements or additions of any project or projects. The incurring of indebtedness for refunding purposes and the issuance of evidences of indebtedness in connection with the indebtedness, the maturities and other details, the rights and remedies of the holders and the rights, powers,

privileges, duties and obligations of the university with respect to the indebtedness shall be governed by this chapter insofar as the chapter may be applicable.

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

Effective July 11, 1989.

CHAPTER 579

H.P. 956 - L.D. 1324

An Act Relating to the Status of Nursing Professions in Maine

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

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

7-A. Education Maine Choice Expenses Only 20-A MRSA
Advisory Board for Nonstate §12658
Employees

Sec. 2. 20-A MRSA c. 430-A is enacted to read:

CHAPTER 430-A

MAINE CHOICE PROGRAM

§12651. Maine Choice Program

1. Establishment. There is established the Maine Choice Program to recognize secondary school graduates who show strong academic ability and to provide financial assistance for post-secondary education of secondary school students. The program shall recognize secondary school students and post-secondary students enrolled in programs in health care subject areas who demonstrate academic ability to complete the program, and shall disburse interest-free loans as described in section 12653. The commissioner shall administer the program.

2. Allocation of funds. At least 50% of the funds loaned under this program shall be made available to students enrolled in nursing programs. The remainder of the funds loaned shall be made available to students in allied health occupation programs, including nurse practitioner and physician's assistant programs.

§12652. Maine Choice Scholars

Each year graduating secondary school students and individuals enrolled in post-secondary education programs who show evidence of academic achievement may be nominated or may apply for recognition as Maine Choice Scholars. Nominations and applications shall be submitted to the commissioner at a time and in a format to be determined by rule of the commissioner. The Maine Choice Advisory Board shall determine the finalists.

The Governor shall announce the names of those individuals who are recognized as Maine Choice Scholars.

§12653. Allocation of funds

1. Loans. Pursuant to rules adopted under section 12659, the commissioner may grant to students recognized under section 12652 interest-free loans for post-secondary education of up to \$2,500 per academic year. The loans shall be made from the fund established in section 12657. The loans may not exceed a total of \$12,500 per student for post-secondary education. Loans shall be for one academic year and shall be automatically renewed if the recipient maintains a grade point average of 2.5 based on a 4.0 grade point system or a passing grade in courses based on a pass-fail grading system. Students whose instruction does not fall within a strict semester structure shall be eligible for a maximum of \$12,500 in loans for their post-secondary education based on loan disbursement guidelines promulgated by the commissioner.

§12654. Eligibility requirements

1. Eligibility for post-secondary education loans. Post-secondary education loans shall be given only to secondary school graduates who are residents of Maine, who have been recognized as Maine Choice Scholars and who have met other eligibility criteria established by rule of the commissioner. Preference shall be given to students enrolled in a health care program which has been determined to be in an underserved health care region or subject area. For the purpose of this chapter, "underserved health care region or subject area" means a geographic area underserved by health care professionals, an underserved health care specialty subject area, a population group underserved by health care professionals or any combination of these in the State.

Underserved health care subject areas shall include any undergraduate work that may be required to complete an advanced degree in an underserved health care specialty subject area.

2. Determination of underserved health care regions or subject areas. The Maine Choice Advisory Board shall make a determination of underserved health care regions and subject areas by considering the following:

A. Statistics on current employment patterns detailing the level of qualified applicants for health care positions available in underserved regions or subject areas;

B. Numbers of students currently enrolled in programs leading to health care professions; and

C. Projected need for health care professionals within the State within the next 5 to 10 years and other criteria deemed necessary by the board.

3. Change of status. If a loan recipient is enrolled in a program which was determined to be in an underserved