

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

FIRST SPECIAL SESSION

July 11, 1991 to July 18, 1991

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

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PUBLISHED BY THE REVISOR OF STATUTES
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PUBLIC LAWS
OF THE
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AS PASSED AT THE
FIRST SPECIAL SESSION

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JULY 11, 1991 to JULY 18, 1991

§1659. Exceptions to criteria

The commissioner shall adopt rules to ensure maximum uniformity and consistency of exceptions to the applicable OMB circulars except as otherwise provided for by state or federal law. Exceptions apply to state funds and to various federal funds to which the State is given authority to set standards of administration and cost principles. State departments must conform to the rules adopted by the commissioner.

§1660. Independent public accountant audits

Independent public accountant compliance audits that are performed in accordance with audit standards of Maine Uniform Accounting and Auditing Practices regulations satisfy the requirement that a single audit be performed under section 1654, subsection 3.

§1660-A. Report

Beginning on July 1, 1992, the commissioner shall report annually to the joint standing committee of the Legislature having jurisdiction over state and local government matters on the implementation of this chapter.

Effective October 17, 1991.

CHAPTER 612

S.P. 642 - L.D. 1690

An Act to Establish a Higher Education Loan Program and to Make Certain Amendments to the Laws Affecting Education Programs of the Finance Authority of Maine

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

Sec. 1. 10 MRSA §1013, sub-§§11 and 12, as enacted by PL 1989, c. 698, §10, are amended to read:

11. Student Educational Enhancement Deposit Plan. The Student Educational Enhancement Deposit Plan, as established in Title 20-A, chapter 430; ~~and~~

12. Maine Choice Program. The Maine Choice Program, as established in Title 20-A, chapter 430-A; ~~and~~

Sec. 2. 10 MRSA §1013, sub-§13 is enacted to read:

13. Higher Education Loan Program. The Higher Education Loan Program as established in Title 20-A, chapter 417-B.

Sec. 3. 20-A MRSA c. 417-B is enacted to read:

CHAPTER 417-B**HIGHER EDUCATION LOAN PROGRAM****§11441. Program established**

There is established the Higher Education Loan Program, administered by the Finance Authority of Maine, to carry out the purposes of this chapter.

§11442. 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. Eligible program of study. "Eligible program of study" means a certificate program of at least one year, an associate degree program, a baccalaureate degree program or a graduate degree program.

3. Institution of higher education. "Institution of higher education" means an accredited institution of higher education located within the United States.

4. Unmet need. "Unmet need" means the difference between the total cost of attendance for an academic year at an institution of higher education and the total of all sources of financial assistance, including loans, grants, work-study programs and all other available sources, as determined by the authority by rules adopted in accordance with Title 5, chapter 375.

§11443. Eligibility

Loans under this chapter are available only to or for the benefit of a resident of the State who:

1. Graduated. Has graduated from an approved secondary school, matriculated at a postsecondary school prior to high school graduation or successfully completed a high school equivalency diploma or its equivalent;

2. Accepted as undergraduate. Has been accepted for enrollment as an undergraduate or graduate student or is in good standing as an undergraduate or graduate student at an institution of higher education in an eligible program of study and has not previously received the degree for which the student is enrolled;

3. Application. Has applied for a loan under the program according to schedules and procedures and on forms specified by the authority and has provided or caused to be provided all information determined necessary by the authority in order to determine eligibility;

4. Unmet need. Has been determined by the authority to have an unmet need for financial assistance that,

if not met, will prevent the student from attending the institution of higher education of that student's choice;

5. Residency. Meets the state residency requirements that may be established by the authority by rule; and

6. Loan repayment. Has been determined by the authority to have a reasonable prospect of being able to repay the loan. In appropriate cases, the authority may allow repayments to be deferred and subordinated to repayment of other student loans for such period of time as may be necessary for the borrower to be able to afford to repay the loan.

7. Academic standing. Is maintaining a grade point average of at least 2.0 on a scale of 4.0, or the equivalent as determined by the authority, provided, however, that the authority may waive the minimum grade point average in the case of a student demonstrating special circumstances and a substantial likelihood of improvement.

§11444. Higher Education Loan Program Fund

1. Establishment. The Higher Education Loan Program Fund is established to be used by the authority as a nonlapsing, revolving fund for carrying out this chapter. In its discretion, the authority may combine this fund with other funds of the authority for accounting purposes and may establish separate accounts for loans and for a reserve for loan default payments. Money in the fund currently not needed to meet the obligations of the authority as lender or insurer is deposited with the authority to the credit of the fund or may be invested as provided by law.

2. Charges and credits. All amounts received by the authority for deposit to the fund pursuant to this chapter or otherwise must be deposited in the fund. All expenses of the authority in carrying out this chapter, including interest, principal and fee payments required by loan defaults, must be charged to the fund, except that bond proceeds and principal repayments must be used only for loans and not for administrative expenses of the program or other current expenditures.

§11445. Loans to minors

Notwithstanding any other law, if the borrower on a loan made or insured under this program is a minor, an otherwise valid note or other written agreement executed by the borrower for the purpose of the loan creates a binding obligation.

Sec. 4. 20-A MRSA §11613, first ¶, as enacted by PL 1989, c. 559, §10, is amended to read:

The authority shall establish the need of a student for a student incentive scholarship for an academic year for which the student applies. A student ~~shall be~~ is considered to have a need to qualify for a student incentive scholarship if the total of the expected family contribu-

tion, together with a any Pell Grant established pursuant to the Higher Education Act of 1965, Title IV, as amended, United States Code, Title 20, and a student incentive scholarship grant does not exceed 75% of the cost of attendance at the institution the student attends. This section does not require that a student receive or apply for a Pell Grant but only that a student be eligible for a Pell Grant provided, however, that the amount of any Pell Grant that a student is entitled to receive must be included in calculating the amount of a student incentive scholarship whether or not the student receives the Pell Grant.

Sec. 5. 20-A MRSA §11804-A, sub-§2, as amended by PL 1985, c. 737, Pt. A, §44, is further amended to read:

2. Forgiveness. Any student who, upon the conclusion of ~~his or her~~ the student's professional education, including, if applicable, internship, residency, fellowship, obligated public health service and obligated national service, elects to serve as a practitioner of allopathic medicine, dentistry, optometry or veterinary medicine in a designated, underserved area in the State ~~shall be~~ is forgiven 25% of the original outstanding indebtedness for each year of that practice.

A. Any student electing to complete an entire residency at any family practice residency program in the State is forgiven 50% of the original outstanding indebtedness upon completion.

B. Any student electing to serve as a practitioner of allopathic medicine or any other underserved specialty area established by rule under this chapter who practices in an underserved geographic area is forgiven the larger of 25% of the original outstanding indebtedness or \$10,000 for each year of that practice.

Any student who elects to practice in the State and receives the benefits of these provisions shall provide a reasonable level of service to all patients regardless of their ability to pay, including Medicare and Medicaid patients, and participate in public health clinics where necessary.

Sec. 6. 20-A MRSA §11805, sub-§3, ¶A, as amended by PL 1989, c. 698, §20 and c. 700, Pt. A, §60, is repealed and the following enacted in its place:

A. The Finance Authority of Maine may expend the money appropriated by the Legislature for the purchase of positions at accredited medical schools to purchase:

(1) Up to 18 positions each year, to a total of 72 positions, at accredited schools of allopathic medicine;

(2) Up to 2 positions each year, to a total of 8 positions, at accredited schools of dentistry;

(3) Up to 2 positions each year, to a total of 8 positions, at accredited schools of veterinary medicine; and

(4) Up to one position each year, to a total of 4 positions, at accredited schools of optometry.

Sec. 7. 20-A MRSA §11808, as repealed and replaced by PL 1989, c. 698, §24 and affected by §76, is repealed and the following enacted in its place:

§11808. Nonlapsing fund

There is created under the jurisdiction of the authority a nonlapsing, interest-earning, revolving fund 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 section 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 as determined appropriate by the authority.

The authority may allocate a portion of the annual loan repayments for the purpose of recruiting primary care physicians to designated underserved geographic areas of the State. Such portion may be used:

1. Generation of funds. To generate additional matching funds for recruitment of physicians to designated underserved geographic areas; or

2. Criteria established. In accordance with criteria established by the authority, to encourage primary care physicians to practice medicine in designated underserved areas.

Sec. 8. 20-A MRSA §11810, as amended by PL 1989, c. 698, §25 and affected by §76 and amended by c. 700, Pt. A, §61, is repealed and the following enacted in its place:

§11810. Rules

The authority shall establish all rules necessary to carry out the purposes of this chapter, except that the Commissioner of Human Services shall develop rules for determining underserved areas for the practice of allopathic medicine, dentistry and optometry and the Commissioner of Agriculture, Food and Rural Resources shall develop rules for the determination of underserved areas for the practice of veterinary medicine. The rules authorized by this section

are adopted in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II.

Sec. 9. 20-A MRSA §12002-A, as enacted by PL 1989, c. 698, §28 and affected by §76, is repealed and the following enacted in its place:

§12002-A. State Osteopathic Loan Fund

The State Osteopathic Loan Fund is created under the jurisdiction of the authority as a nonlapsing, interest-earning, revolving fund 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 section 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 as determined appropriate by the authority.

The authority may allocate a portion of the annual loan repayments for the purpose of recruiting primary care physicians to designated underserved geographic areas of the State. That portion may be used:

1. Generate funds. To generate additional matching funds for recruitment of physicians to designated underserved geographic areas; or

2. Criteria established. In accordance with criteria established by the authority, to encourage primary care physicians to practice medicine in a designated underserved area.

The chief executive officer shall include in the authority's biennial budget an appropriate request adequate to fund the loan program.

Sec. 10. 20-A MRSA §12005, sub-§1, as amended by PL 1989, c. 698, §30 and affected by §76 and amended by c. 700, Pt. A, §62, is repealed and the following enacted in its place:

1. Agreement. Any osteopathic loan student commencing professional education on or after July 1, 1981, shall, as a condition precedent to receiving the loan, enter into an agreement with the Commissioner of Education stating that following completion of professional education including internship, residency, fellowship, obligated public health service or obligated national service the student will pay the State an amount of money equal to the loan received.

After March 16, 1990, the agreement provided for in this subsection must be entered into by the student and the authority.

Sec. 11. 20-A MRSA §12005, sub-§4, as amended by PL 1989, c. 698, §30 and affected by §76, is further amended to read:

4. Forgiveness. Any student who, upon the conclusion of the student's professional education, including, if applicable, internship, residency, fellowship, obligated public health service, obligated national service, as defined in section 11802, subsection 7, elects to serve as a practitioner of osteopathic medicine in a designated, underserved area, as determined by the Commissioner of Human Services and as defined in section 11802, subsection 6, in the State ~~must be~~ is forgiven 25% of the original outstanding indebtedness for each year of that practice.

A. Any student electing to complete an entire residency at any family practice residency program in the State is forgiven 50% of the original outstanding indebtedness upon completion.

B. Any student who practices osteopathic medicine in an underserved geographic area is forgiven the larger of 25% of the original outstanding indebtedness or \$10,000 for each year of that practice.

Any student who elects to practice in the State and receive the benefits of these provisions shall provide a reasonable level of service to all patients regardless of their ability to pay, including Medicare and Medicaid patients, and participate in public health clinics where necessary.

Sec. 12. 20-A MRSA §12006, as amended by PL 1989, c. 698, §31 and affected by §76 and amended by c. 700, Pt. A, §63, is repealed and the following enacted in its place:

§12006. Rules

The authority shall establish rules necessary to carry out the purposes of this chapter, except that the Commissioner of Human Services shall develop rules for determining underserved areas for the practice of osteopathic medicine.

Sec. 13. 20-A MRSA §12501, sub-§1-A, as amended by PL 1989, c. 911, §5, is further amended to read:

1-A. College students. "College students" means those students who graduated from a Maine high school or the equivalent and are residents of Maine or who did not graduate from a Maine high school or the equivalent but have been residents of Maine for ~~5 years~~ at least one year and are attending an institution of higher education on a full-time basis at the time of application for program participation.

Sec. 14. 20-A MRSA §12501, sub-§5, as enacted by PL 1983, c. 859, Pt. F, §§1 and 2, is amended to read:

5. Preservice. "Preservice" means preparation to become a teacher, either through completion of not less than a 4-year teacher training program or through a liberal arts program; and teaching pedagogy leading to certification in the subject area or areas to be taught.

Sec. 15. 20-A MRSA §12502, as amended by PL 1989, c. 698, §33 and affected by §76 and amended by c. 911, §7, is repealed and the following enacted in its place:

§12502. Blaine House Scholars and Financial Assistance Program

There is established the Blaine House Scholars and Financial Assistance Program to recognize graduates from Maine high schools or the equivalent who attain high academic achievement and to provide financial assistance to college students and graduating high school seniors for postsecondary education and to teachers for advanced degree or continued study. The program recognizes outstanding college students and graduating high school seniors as described in section 12503 and disburses loans as described in section 12504. The chief executive officer shall administer the program and shall establish by rule the rates of interest to be charged.

Sec. 16. 20-A MRSA §12507, sub-§3, as amended by PL 1989, c. 698, §39 and affected by §76, is further amended to read:

3. Deferment. A recipient of a loan may seek a deferment of the annual principal payments for a period ~~not to exceed 2 years~~ or periods as established by rule of the authority. A request for deferment must be made to the chief executive officer who shall make a determination on a case-by-case basis. The decision of the chief executive officer is final.

Sec. 17. 20-A MRSA §12554, sub-§1, as amended by PL 1989, c. 698, §45 and affected by §76 and amended by c. 700, Pt. A, §64, is repealed and the following enacted in its place:

1. Application. A person desiring tuition waiver under this chapter may apply to the authority for determination of eligibility. Application must be on forms and in a manner prescribed by rule of the authority.

Sec. 18. 20-A MRSA §12658, sub-§2, as amended by PL 1989, c. 698, §70 and affected by §76 and amended by c. 700, Pt. A, §65, is repealed and the following enacted in its place:

2. Membership. The advisory board consists of 10 members, including: the Chief Executive Officer of the Finance Authority of Maine or the chief executive

officer's designee; the Director of Health Planning and Development or the director's designee; the Commissioner of Labor or the commissioner's designee; the Director of the State Planning Office or the director's designee; a member of the Maine Health Policy Advisory Council appointed by its chair; 2 representatives of the nursing profession appointed by the Governor; 2 representatives of other allied health professions appointed by the Governor; and one consumer appointed by the Governor.

Sec. 19. Report on postgraduate medical education. The Finance Authority of Maine shall report to the Joint Standing Committee on Education by January 15, 1992 on the existing programs for financial assistance for postgraduate medical education, including the Maine contract program and the osteopathic loan program. The report must include suggested changes to the programs designed to maximize the use of available funding to increase the supply of primary care physicians practicing in underserved areas of the State and to provide access to medical education for Maine students. In preparing its report, the Finance Authority of Maine shall consult with the Advisory Committee on Medical Education, the Special Select Commission on Access to Health Care, the Maine Medical Association, the Maine Osteopathic Association, the Maine Ambulatory Care Coalition, the Department of Human Services and other interested entities.

Effective October 17, 1991.

CHAPTER 613

H.P. 1230 - L.D. 1794

An Act to Amend the Minimum Requirements for Emergency Medical Technicians

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

32 MRSA §85, sub-§3, as amended by PL 1989, c. 857, §69, is further amended to read:

3. Minimum requirements for licensing. In setting rules for the licensure of emergency medical services persons, the board shall ensure that a person is not licensed to care for patients unless that person's qualifications are at least those specified in this subsection. Any person who meets these conditions is considered to have the credentials and skill demonstrations necessary for the ambulance attendant level of licensure to provide basic emergency medical treatment.

A. The person must have completed successfully the United States Department of Transportation course for first responders, with supplemental training specified in rules adopted by the board pursuant to the

Maine Administrative Procedure Act, or completed successfully the American Red Cross Advanced First Aid and Emergency Care Course, with supplemental training specified in rules adopted by the board pursuant to the Maine Administrative Procedure Act.

B. The person must have successfully completed the American Heart Association basic rescuer course in cardiopulmonary resuscitation or its American Red Cross equivalent.

C. The person must have successfully completed a state written and practical test for basic emergency medical treatment.

D. The person must be sponsored by a Maine licensed ambulance service or first responder service.

The board may set by rule intervals at which these qualifications must be renewed and appropriate courses and testing for that renewal.

For those individuals who are licensed or who relicense as basic emergency medical technicians after September 1, 1986, and who are not licensed at the advanced level, the basic emergency medical technician license is for a 3-year period. Licensure includes, but is not limited to, annual verification, as determined by the board through rules. ~~In addition, that licensure requires the successful passage of examinations not more than once every 3 years.~~ To maintain a valid license, a basic emergency medical technician ~~shall~~ **must** meet the criteria as set out in this subsection. If those criteria are not met, a person does not hold a valid license and must reapply for licensure.

Effective October 17, 1991.

CHAPTER 614

H.P. 1343 - L.D. 1934

An Act to Eliminate the Requirement of Reimbursement for Search and Rescue Activities

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

12 MRSA §7035, sub-§4, ¶B, as amended by PL 1983, c. 819, Pt. A, §19, is repealed.

Effective October 17, 1991.

CHAPTER 615

H.P. 1397 - L.D. 1981

An Act to Make Changes in the Workers' Compensation System