

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

SECOND SPECIAL SESSION

December 12, 1991 to January 7, 1992

SECOND REGULAR SESSION

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1992

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
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

(3) A representative of an institution of osteopathic medical education at which the authority secures positions for students;

(4) A Maine student who has obtained a position secured by the authority at an institution of allopathic medical education;

(5) A Maine student who has obtained a position secured by the authority at an institution of osteopathic medical education;

(6) A representative of a major teaching hospital in the State.

3. Vacancies. In the case of vacancies or resignations, appointments must be made as for a new member to fill the vacancies until the expiration of the terms.

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

§12107. Rules

The authority shall establish rules necessary to implement this chapter. The Commissioner of Human Services shall develop rules for determining health professional shortage areas for the practice of primary health care medicine and dentistry, for determining the reasonableness of the service provided by loan recipients to Medicaid and Medicare patients and participation by loan recipients in public health clinics, for determining underserved groups and for determining underserved specialties. The Commissioner of Agriculture, Food and Rural Resources shall develop rules for the determination of insufficient veterinary services. The rules authorized by this section must be adopted in accordance with Title 5, chapter 375, subchapter II.

Sec. 5. 22 MRSA §396-E, sub-§1, ¶C, as amended by PL 1991, c. 545, §3, is further amended to read:

C. Except as provided in paragraph I, gifts Gifts and grants from federal, state and local governmental agencies are considered available resources.

Sec. 6. 22 MRSA §396-E, sub-§1, ¶I, as enacted by PL 1991, c. 545, §4, is repealed.

Sec. 7. 22 MRSA §396-F, sub-§3, as enacted by PL 1983, c. 579, §10, is amended to read:

3. Differentials. The commission shall provide for revenue deductions which that reflect differentials established and approved pursuant to section 396-G. In calculating revenue deductions to reflect differentials under the Medicare program, the commission shall exclude from its determination any amounts that the commission finds have been paid by the Medicare program for the follow-

ing activities, to the extent that the activities have been approved under section 396-R, unless any costs of the activities have been added to a hospital's financial requirements:

A. The expansion of a family practice residency program after June 30, 1992; and

B. The provision of spaces in a residency program in internal medicine, pediatrics or obstetrics and gynecology, in any given year, for the number of first-year residents that is greater than the number of first-year residents in that program at the same hospital prior to June 30, 1992.

Sec. 8. 22 MRSA §396-R is enacted to read:

§396-R. Approval of primary care resident spaces

The commission, after seeking advice from the Advisory Committee on Medical Education described in Title 20-A, section 12106, shall approve the addition of a primary care resident space by a hospital if the commission finds that the additional space is consistent with the comprehensive programs developed by the Finance Authority of Maine under Title 20-A, chapter 424 or, in the absence of any such comprehensive programs, with the orderly development of primary care training and recruitment programs in the State.

See title page for effective date.

CHAPTER 831

H.P. 1719 - L.D. 2404

An Act to Assist the State's Shellfish Industry

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

Whereas, this Act must take effect immediately in order to be in effect for this year's shellfish harvesting season; 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. 12 MRSA §6671, sub-§3-A, ¶A, as enacted by PL 1989, c. 257, §§4 and 5, is amended to read:

A. No municipal commercial license may be issued unless the applicant has a current shellfish license, as provided in section 6601. A municipality may issue licenses under this section regardless of whether or not the area has been closed by the commissioner. A person taking shellfish from a closed area for depuration under a depuration certificate issued by the commissioner is not required to hold a municipal shellfish license.

Sec. 2. 12 MRSA §6856, sub-§§7 and 8 are enacted to read:

7. Resident depuration harvesters. When harvesting soft-shelled clams under a depuration certificate, the person holding the certificate shall, to the extent possible, employ one person who is a resident of the municipality as harvester for every person employed as harvester who is not a resident of that municipality.

8. Payments to municipalities. A person holding a depuration certificate shall pay each municipality an amount equal to 50¢ for each bushel of soft-shelled clams taken in that municipality under that depuration certificate. When submitting payment to a municipality under this subsection, the depuration certificate holder shall include a copy of the applicable record and report of takings submitted to the department pursuant to rules adopted under subsection 4.

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

Effective April 6, 1992.

CHAPTER 832

H.P. 1722 - L.D. 2408

An Act to Implement the Recommendations of the Advisory Committee on Medical Education

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

Sec. 1. 5 MRSA §12004-I, sub-§7, as enacted by PL 1987, c. 786, §5, is amended to read:

7.	Advisory Committee on Medical Education	Not Authorized	20-A MRSA §11807 §12106
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Sec. 2. 10 MRSA §1017, as enacted by PL 1989, c. 698, §10, is repealed.

Sec. 3. 20-A MRSA §11614, sub-§1, as enacted by PL 1989, c. 559, §10, is amended to read:

1. Priority for awards of scholarships. ~~Full-time students~~ Students with the lowest expected family contributions ~~shall~~ must be given priority over all other eligible students for the awards of scholarships.

Sec. 4. 20-A MRSA §11804-A, as amended by PL 1991, c. 612, §5, is further amended to read:

§11804-A. Agreement for contract students after July 1, 1981 and prior to January 1, 1993

1. Agreement. Any state contract student commencing professional education on or after July 1, 1981; and prior to January 1, 1993 shall, as a condition precedent to the commencement of the education, enter into an agreement with the State under which the student shall agree:

A. To pay tuition to the institution; and

B. Upon the conclusion of professional education, including internship, residency, fellowship, obligated public health service and obligated national service, to pay the State an amount of money equal to the difference between the nonresident tuition at the institution being attended by the state contract student and the tuition charged the state contract student.

(1) This amount is payable at 9% simple annual interest over a period not to exceed 10 years; however, students may extend the repayment period by one to 10 years with the approval of the chief executive officer for a total repayment period not to exceed 20 years.

(2) These installment payments ~~shall~~ commence upon conclusion of the state contract student's professional education under rules ~~promulgated~~ adopted by the authority.

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

2. Forgiveness. Any student who, upon the conclusion of 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 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.