

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2003

next valuation is filed and is the basis for the computation and apportionment of the state and county taxes;

See title page for effective date.

CHAPTER 427

H.P. 985 - L.D. 1340

An Act To Amend the Educators for Maine Program

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

Sec. 1. 20-A MRSA §12501, as amended by PL 1999, c. 783, §2, is repealed.

Sec. 2. 20-A MRSA §12501-A is enacted to read:

§12501-A. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Academic achievement. "Academic achievement" means earning a grade point average of 3.0 or more, based on a 4.0 grade point system, or the equivalent, based upon the most recent cumulative grade point average.

2. Authority. "Authority" means the Finance Authority of Maine.

3. Chief executive officer. "Chief executive officer" means the chief executive officer of the Finance Authority of Maine.

4. Child care. "Child care" means a regular service of care and protection provided for compensation for any part of a day less than 24 hours to a child or children under 13 years of age whose parents work outside the home, attend an educational program or are otherwise unable to care for their children.

5. Child care facility. "Child care facility" means a child care center or a home day care provider as defined in Title 22, section 8301-A.

6. Child care provider qualifications. "Child care provider qualifications" means a degree or certificate in child development or a related area as determined by rule of the authority.

7. Cost of attendance. "Cost of attendance" has the same meaning as in 20 United States Code, Section 108711 and the regulations, guidelines and procedures promulgated under that section except, for students attending less than half-time, cost of attend-

ance is determined on the same basis as for students attending half-time.

8. Duly enrolled. "Duly enrolled" means, for an undergraduate, enrolled full-time and, for a graduate student, enrolled at least part-time at an institution of higher education, as evidenced in a form satisfactory to the authority.

9. Eligible individual. "Eligible individual" means a student who meets the eligibility requirements of section 12505.

10. Graduating high school senior. "Graduating high school senior" means a student who is a resident of the State, who graduates from a secondary school approved pursuant to section 2901 and who is entering that student's first year in an institution of higher education at the beginning of the next academic year. An academic year for graduating high school seniors is considered to be from September to June.

11. Institution of higher education. "Institution of higher education" means an institution of higher education located within this State, another state or a foreign country that meets the requirements of and conforms to the definitions contained in the federal Higher Education Act of 1965, as amended, 20 United States Code, Section 1001(a) and the regulations, guidelines and procedures promulgated by the Secretary of Education pursuant to these sections of the law.

12. Return service. "Return service" means service in public elementary or secondary school or private school in this State approved for tuition purposes for a full school year as a certified teacher or a speech pathologist or service for a 12-month period in a child care facility by an individual who has attained child care provider qualifications.

13. Student pursuing postbaccalaureate certification. "Student pursuing postbaccalaureate certification" means a student who has earned a baccalaureate degree or its equivalent and is pursuing a program of study leading to certification as a teacher or speech pathologist or to the attainment of child care provider qualifications.

14. Undergraduate. "Undergraduate" means an individual who has not been awarded any baccalaureate degree and who is currently enrolled or accepted for enrollment as a full-time student at an institution of higher education, including a graduating high school senior.

15. Underserved subject areas. "Underserved subject areas" means those subjects or programs, required or authorized to be taught in the public schools, for which there is an insufficient supply of teachers or speech pathologists as determined by the

chief executive officer in consultation with the commissioner.

Sec. 3. 20-A MRSA §12502, as repealed and replaced by PL 1999, c. 783, §3, is amended to read:

§12502. Educators for Maine Program

There is established the Educators for Maine Program to provide financial assistance for postsecondary education to college undergraduate students, graduating high school seniors and students pursuing postbaccalaureate certification, child development associate certification or an associate's degree in child development who demonstrate academic achievement and an interest in pursuing a career in teaching, speech pathology or child care in this State for postsecondary education and to teachers and speech pathologists for advanced degree or continued study. The program recognizes outstanding graduating high school seniors, college students and students pursuing postbaccalaureate certification or child development associate certification or an associate's degree in child development. The chief executive officer shall administer the program and shall establish by rule pursuant to rules of the authority the rates of interest or fees to be charged.

Sec. 4. 20-A MRSA §12503, as amended by PL 1999, c. 441, §7, is further amended to read:

§12503. Educators for Maine loan recipients

Each year graduating high school seniors, college students undergraduates and students pursuing postbaccalaureate certification who show evidence of academic achievement may be considered for recognition as Educators for Maine loan recipients. Applications must be submitted to the chief executive officer at a time and in a format to be determined by rule of the chief executive officer authority. In determining loan recipients, the chief executive officer shall consider candidates in 3 categories: graduating high school seniors; undergraduates, other than graduating high school seniors; and students pursuing postbaccalaureate certification.

The Governor, after consultation with the chief executive officer, shall announce the names of those individuals selected by the chief executive officer to be Educators for Maine loan recipients.

Sec. 5. 20-A MRSA §12504, as amended by PL 2001, c. 417, §25, is further amended to read:

§12504. Allocation of funds

The ~~chief executive officer~~ authority shall establish by rule the allocation of funds available under this chapter.

Loans of up to ~~\$1,500~~ \$2,000 per academic year or ~~\$6,000~~ \$8,000 total may be made to students pursuing postbaccalaureate certification. Loans of up to \$3,000 per academic year or \$12,000 total may be made to eligible ~~graduating high school seniors and college students.~~ Loans of up to \$3,000 per academic year or \$6,000 total may be made to eligible child development students pursuing an associate's degree in child development, and loans of up to \$3,000 total but not exceeding the cost of tuition, books and fees may be made to child development students pursuing a child development associate certification undergraduate students. An individual who has received ~~a~~ an Educators for Maine loan or a Blaine House Scholars Program loan as a ~~graduating high school senior or as a college student~~ as an undergraduate may also receive a loan for students pursuing postbaccalaureate certification or as a teacher or speech pathologist engaged in graduate education or continuing education. In no event may an individual receive more than ~~\$18,000~~ \$20,000 in total Educators for Maine loans. Loans for undergraduate students, postbaccalaureate recipients and child development students pursuing an associate's degree in child development are for one academic year and are ~~automatically renewed~~ renewable if the recipient maintains a grade point average of at least 2.5 based on a 4.0 grade point system or the equivalent and submits a complete renewal application by the deadline annually.

Sec. 6. 20-A MRSA §12505, sub-§1, as amended by PL 1999, c. 441, §9, is further amended to read:

1. Eligibility for loans for undergraduate education. ~~A postsecondary education loan may be given only to a high school graduate, or the equivalent, who is a resident of the State, who has been recognized as a Educators for Maine loan recipient and who has met other eligibility criteria established by rule of the authority.~~ An Educators for Maine loan recipient must be an undergraduate at an institution of higher education. Preference must be given to students enrolled in a program that has been determined to be an underserved subject area.

Sec. 7. 20-A MRSA §12505, sub-§2, as amended by PL 1999, c. 441, §9, is repealed.

Sec. 8. 20-A MRSA §12505, sub-§3, as amended by PL 1999, c. 441, §9, is further amended to read:

3. Eligibility for postbaccalaureate certification. A loan to a student pursuing postbaccalaureate certification may be given only to a resident of the State who has shown academic achievement, who has a baccalaureate degree, who is ~~not eligible for a loan for graduate study or continuing education pursuant to subsection 2,~~ pursuing a course of study that will lead

to certification as a teacher, to licensure as a speech pathologist or to attainment of child care provider qualifications and who has met other eligibility criteria established by rule of the authority.

Sec. 9. 20-A MRSA §12506, 2nd ¶, as enacted by PL 1989, c. 7, Pt. O, §5, is amended to read:

These loans ~~shall~~ must only be used to substitute or replace the family contribution or interest-accruing loans. A loan recipient may not receive student financial assistance in excess of the cost of attendance.

Sec. 10. 20-A MRSA §12507, as amended by PL 1999, c. 783, §5, is further amended to read:

§12507. Repayment and return service provisions

Each ~~graduating high school senior or college student~~ who receives a loan may cancel the total amount of the loan by completing one year of return ~~services~~ service in the public schools or private schools approved for tuition purposes in the State for each year the individual receives a loan. An individual who received that individual's first program loan after January 1, 2000 may also cancel the total amount of the loan by completing one year of return service by working in a child care facility. The return service requirement is one year for every 2 years or less that the individual receives a loan if return service is performed in an underserved subject areas or in educator shortage areas area. Return service for this purpose must be performed within 5 years of graduation from the institution of higher education. If the chief executive officer grants a deferment, the time period for performance of return service may be extended for the same period as the deferment. Return service may not be credited for the same semester for which an individual receives a loan pursuant to this chapter. Pro rata loan forgiveness may be granted for part-time return service as determined by rule of the authority. Failure to fulfill the return service option necessitates repayment to the authority as follows.

1. Debt calculation. The debt must include the total amount of the loan and interest at the rate established by rule of the authority, less the amount, if any, that has been cancelled by return service.

2. Time for repayment. The total debt must be repaid to the authority within ~~40~~ 11 years of graduation from the institution of higher education according to a schedule established by the chief executive officer. Due dates for repayments are set by the chief executive officer and may be extended for the same period of any deferment granted by the chief executive officer.

3. Deferment. A recipient of a loan may seek a deferment of the annual payments for a period 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 chief executive officer may grant a deferment in the event that a recipient of a loan evidences intent to teach and inability to secure employment necessary to obtain forgiveness of the loan at the time the deferment is sought. The chief executive officer shall require certification of the intent annually and grant a ~~one-year~~ deferment for each successful request for deferment for a period not to exceed one year. A recipient may not receive more than 5 one-year deferments. ~~The decision of the chief executive officer is final~~ may establish limits to the number of deferments that may be granted to any recipient by rule of the authority.

4. Child development students. ~~A child development student may fulfill a return service requirement under this section by working in a licensed day care center or for a certified home day care provider, as defined in Title 22, section 8301-A.~~

5. Death or disability. The authority may forgive loans of loan recipients who have died or who have become permanently disabled, as determined by the chief executive officer.

Sec. 11. 20-A MRSA §12508, as amended by PL 1999, c. 441, §11, is repealed.

Sec. 12. 20-A MRSA §12511 is enacted to read:

§12511. Rules

Rules adopted by the authority pursuant to this chapter are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 13. Promissory note. Educators for Maine loans under the Maine Revised Statutes, Title 20-A, chapter 428 may be originated using a master promissory note that allows all Educators for Maine loans provided over a period of up to 7 years to be originated on the same promissory note.

See title page for effective date.

CHAPTER 428

H.P. 1100 - L.D. 1507

**An Act To Clarify and Update the
Laws and Rules Related to Health
Care**

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