

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 12, 2009

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

Augusta, Maine
2009

further effect. The business and affairs of the interstate commission must be concluded, and surplus funds must be distributed in accordance with the bylaws.

§20117. Severability and construction - Article 17

1. Severability. The provisions of this compact are severable, and if any phrase, clause, sentence or provision is unenforceable, the remaining provisions of the compact are enforceable.

2. Construction. The provisions of this compact must be liberally construed to effectuate its purposes. Nothing in this compact may be construed to prohibit the applicability of other interstate compacts to which the states are members.

§20118. Binding effect of compact and other laws - Article 18

1. Other laws. Nothing in this chapter prevents the enforcement of any other law of a member state that is not inconsistent with this chapter. All member states' laws conflicting with this compact are superseded to the extent of the conflict.

2. Binding effect of the compact. All lawful actions of the interstate commission, including all rules and bylaws promulgated by the interstate commission, are binding upon the member states. All agreements between the interstate commission and the member states are binding in accordance with their terms. In the event any provision of the compact exceeds the constitutional limits imposed on the legislature of any member state, the provision is ineffective to the extent of the conflict with the constitutional provision in question in that member state.

Sec. 2. Legislative intent. The text and numbering of the Interstate Compact on Educational Opportunity for Military Children have been changed to conform to Maine statutory conventions. The changes are technical in nature, and it is the intent of the Legislature that this Act be interpreted as substantively the same as the original interstate compact.

See title page for effective date.

**CHAPTER 410
S.P. 322 - L.D. 853**

An Act To Encourage Maine Residents To Attend Medical School and Practice in Maine

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

Whereas, Maine currently faces an acute shortage of primary care physicians, particularly in rural

areas of the State, as a result of a number of factors; and

Whereas, due to concerns regarding limited access and the high cost of medical education, Maine students who graduate from college are the least likely to enter medical school as compared to college graduates in other states; and

Whereas, Maine is one of only 6 states in the nation without a state-supported, allopathic medical school; and

Whereas, collaborative partnerships between the Tufts University School of Medicine and the Maine Medical Center and between the University of Vermont School of Medicine and the Eastern Maine Medical Center and involving the University of New England will encourage more Maine students to pursue careers in medicine and will develop support for the establishment of medical education programs in the State; and

Whereas, leveraging the private resources of these universities and health care organizations to match funding available due to the enhanced Federal Medicaid Assistance Percentage provided in the American Recovery and Reinvestment Act of 2009 will provide start-up funding for the establishment of a medical student scholarship fund; and

Whereas, this innovative, public-private funding model will result in the training of medical students in the State which will increase the likelihood that these physicians will remain in the State once their medical training is completed; 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 §12101, sub-§8-A is enacted to read:

8-A. Qualifying Maine-based medical school program. "Qualifying Maine-based medical school program" means an allopathic or osteopathic medical school program affiliated with a medical school accredited by the Liaison Committee on Medical Education or its successor or the American Osteopathic Association or its successor in which:

A. An educational or health care institution located in this State participates in curriculum development and the selection of students for admission;

B. No fewer than 10 students per class year are enrolled and in which these students are required

to complete not less than one academic year of the medical school curriculum at facilities located in this State;

C. Funds are raised through philanthropic resources and the private sector to match 100% of those funds appropriated or allocated by the State for scholarships under section 12103; and

D. The program curriculum includes required clerkship experiences in and training and course completion in rural health care and primary care.

Sec. 2. 20-A MRSA §12103, sub-§1, as amended by PL 1997, c. 765, §1, is further amended to read:

1. Positions. The Access to Medical Education Program is established under this section. Under this program, the chief executive officer shall secure up to 21 positions annually for Maine students at schools of allopathic, osteopathic or veterinary medical education up to an aggregate of 84 positions. Five positions are for students of osteopathic medicine, 15 positions are for students of allopathic medicine and one position is for students of veterinary medicine. If there is an insufficient number of qualified applicants for positions in either allopathic or osteopathic medicine, the chief executive officer may increase or decrease the number of positions available in either discipline. The allopathic and osteopathic medicine positions are available only to eligible students commencing professional education on or after January 1, 1993 and on or before September 30, 2009. Commencing January 1, 2010, the chief executive officer may not secure any new positions for students at schools of allopathic or osteopathic medicine and shall secure only the number of positions necessary to allow students already occupying such positions as of January 1, 2010 to complete their remaining medical education, up to 3 years, at the institution. Commencing July 1, 2013, the chief executive officer may not secure any further positions at schools of allopathic or osteopathic medicine under this section. The veterinary medicine position is available to a student commencing medical education on or after January 1, 1999.

Sec. 3. 20-A MRSA §12103-A is enacted to read:

§12103-A. Doctors for Maine's Future Scholarship Program

There is established the Doctors for Maine's Future Scholarship Program, referred to in this section as "the scholarship program," to provide a tuition subsidy of 50% of the cost of attendance annually, up to a maximum of \$25,000 per student annually, for eligible students who enter qualifying Maine-based medical school programs for the purpose of increasing the number of physicians in this State who practice in primary care, underserved specialties or underserved areas of the State. For the purposes of this section,

"cost of attendance" means the tuition and fees applicable to an eligible student, together with estimated other expenses reasonably related to cost of attendance at a qualifying Maine-based medical school program.

1. Eligibility. For purposes of this section, "eligible student" means a student who meets eligibility requirements set by the authority by rule that include at least the following:

A. The student is or will be enrolled in a qualifying Maine-based medical school program; and

B. The student has a substantial connection to the State as evidenced by factors such as prior education in this State, parental residence in this State and at least one year of non-education-related residence in this State.

2. Priority. In awarding scholarships, the authority shall give priority to an eligible student who meets at least 2 of the following provisions:

A. The student has received a high school diploma, or its equivalent, in this State;

B. The student has received a baccalaureate degree from a 4-year college or university in this State; and

C. The legal residence of a parent of the student is in this State.

3. Allocation. The total number of scholarships available under the scholarship program must be allocated equally among qualifying Maine-based medical school programs, except that a program may not be allocated more than the number of scholarships for which the program has raised matching funds as of January 1st immediately preceding the scholarship award.

4. Matching funds. Commencing January 1, 2013, if a qualifying Maine-based medical school program raises matching funds in an amount less than the amount of scholarship funds allocable to it under this section from the State for a given year or does not have a sufficient number of qualified applicants to fill the number of scholarships allocable to it, the number of scholarships allocated to that program must be reduced accordingly and scholarships must be reallocated for that year to students of other qualifying Maine-based medical school programs. Qualifying Maine-based medical school programs must use funds raised through philanthropic and private medical education fundraising to increase the number of scholarships available to eligible students and must use matching funds to provide no fewer than the number of scholarships allocated to the program by the State in a given academic year.

5. Notification. For each student receiving a scholarship under this section, the student's qualifying Maine-based medical school program must notify the

authority of the location of the student's medical residency, specialty and place of employment for each of the 8 years after the student's graduation from the school.

6. Doctors for Maine's Future Scholarship Fund created. A nonlapsing, interest-earning, revolving fund under the jurisdiction of the authority, known as the Doctors for Maine's Future Scholarship Fund, and referred to in this subsection as "the fund," is created to carry out the purposes of this section. Any unexpended balance in the fund carries over for continued use under this section. The authority may receive, invest and expend on behalf of the fund money from gifts, grants, bequests and donations or other sources in addition to money appropriated or allocated by the State. Money in the fund 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 purposes of this section; interest income may be used for such purposes or to pay student financial assistance administrative costs incurred by the authority.

Sec. 4. 20-A MRSA §12104, sub-§2-A is enacted to read:

2-A. Access to Medical Education Program students. As long as the student is otherwise eligible, a student occupying a position at a school of allopathic or osteopathic medicine pursuant to section 12103 that was secured by the chief executive officer on or before June 30, 2009 continues to be eligible for loans under the program under this section through June 30, 2012.

Sec. 5. 20-A MRSA §12105, sub-§1, as amended by PL 2001, c. 479, §1, is further amended to read:

1. Fund created. A nonlapsing, interest-earning, revolving fund under the jurisdiction of the authority is created to carry out the purposes of ~~this chapter sections 12103 and 12104~~ through June 30, 2012. ~~From July 1, 2012, the fund must be used to carry out the purposes of section 12103 as it pertains to positions of veterinary medicine only and of section 12104. From July 1, 2009 to June 30, 2013, the authority shall use the portion of the fund allocated under section 12103 to secure positions only for students of veterinary medicine and to secure positions for students of allopathic or osteopathic medicine who occupied positions on September 30, 2009 as necessary to allow them to complete their remaining medical education, up to 3 years, at the institution. From July 1, 2009, the authority shall use any unexpended balance of funds previously allocated for the purchase of positions of allopathic or osteopathic medicine under section 12103 to fund the scholarships described in section 12103-A. Any unexpended balance in the fund after the unused portion is reallocated to support the scholarships described in section 12103-A carries over for continued~~

~~use under this chapter section 12103, as it pertains to positions of veterinary medicine only, and section 12104. The authority may receive, invest and expend, on behalf of the fund, money from gifts, grants, bequests and donations, or other sources in addition to money appropriated or allocated by the State. Loan repayments under this chapter or other repayments to the authority under sections 12103 or 12104 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 such purposes; interest income may be used for such purposes or to pay student financial assistance administrative costs incurred by the authority.~~

Sec. 6. 20-A MRSA §12105, sub-§2, as enacted by PL 1991, c. 830, §4 and c. 832, §10, is amended to read:

2. Separate account authorized. The authority may divide ~~the fund~~ each of the funds under subsection 1 and section 12103-A, subsection 6 into separate accounts it determines necessary or convenient for implementing this chapter, including, but not limited to, accounts reserved for the purchase of positions and accounts reserved for loans.

Sec. 7. 20-A MRSA §12105, sub-§3, as enacted by PL 1991, c. 830, §4 and c. 832, §10, is amended to read:

3. Allocation of repayments. The authority may allocate a portion of the annual loan repayments ~~received under section 12104~~ for the purpose of recruiting primary health care physicians for designated health professional shortage areas. That portion may be used:

A. To generate additional matching funds for recruitment of physicians for designated health professional shortage areas; or

B. In accordance with criteria established by the authority, to encourage primary health care physicians to practice medicine in health professional shortage areas.

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

Effective June 16, 2009.

CHAPTER 411

H.P. 654 - L.D. 951

An Act Relating to the TransCap Trust Fund

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until