

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

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

90 days after adjournment unless enacted as emergencies; and

Whereas, revenue is scheduled to be deposited into the TransCap Trust Fund beginning July 1, 2009 for capital improvements to bridges and highways; and

Whereas, this legislation affects the allocation of that revenue; 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. 30-A MRSA §6006-G, sub-§2, ¶B, as enacted by PL 2007, c. 470, Pt. D, §1, is amended to read:

B. Sums transferred to the fund from time to time by the Treasurer of State pursuant to Title 29-A, section ~~459~~ 453, subsection 2; Title 29-A, section 501, subsection 1; Title 29-A, section 504, subsection 1; and Title 29-A, section 603, subsection 1; and

Sec. 2. 30-A MRSA §6006-G, sub-§4, ¶A, as enacted by PL 2007, c. 470, Pt. D, §1, is amended to read:

A. To make grants and loans to the Department of Transportation and municipalities under this section, except that such grants may be used only for capital projects that have an anticipated useful life of at least 10 years and such bonds may be used only for capital projects that have an anticipated useful life of at least 5 years greater than as long as the bond term;

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect July 1, 2009.

Effective July 1, 2009.

CHAPTER 412

H.P. 519 - L.D. 760

An Act To Improve Landfill Capacity

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

PART A

Sec. A-1. 38 MRSA §1310-N, sub-§5-A, ¶B, as enacted by PL 2007, c. 583, §4, is amended to read:

B. The provisions of this paragraph apply to solid waste processing facilities that generate residue requiring disposal.

(1) An applicant for a new or expanded solid waste processing facility that generates residue requiring disposal shall demonstrate that all requirements of this paragraph will be satisfied. On an annual basis, an owner or operator of a licensed solid waste processing facility that generates residue requiring disposal shall demonstrate compliance with all the requirements of this paragraph. The annual demonstration of compliance must be included as an element of the facility's annual report to the department submitted in conformance with the provisions of subsection 6-D, paragraph B and department rules.

(2) A solid waste processing facility that generates residue requiring disposal shall recycle or process into fuel for combustion all waste accepted at the facility to the maximum extent practicable, but in no case at a rate less than 50%. For purposes of this subsection, "recycle" includes, but is not limited to, reuse of waste as shaping, grading or alternative daily cover materials at landfills; aggregate material in construction; and boiler fuel substitutes.

(3) A solid waste processing facility subject to this paragraph shall demonstrate consistency with the recycling provisions of the state plan.

(4) The requirements of this paragraph do not apply to solid waste composting facilities; solid waste processing facilities whose primary purpose is volume reduction or other waste processing or treatment prior to disposal of the waste in a landfill or incineration facility; solid waste processing facilities that are licensed in accordance with permit-by-rule provisions of the department's rules; or solid waste processing facilities that are exempt from the requirements of the solid waste management rules related to processing facilities adopted by the board.

(5) If the department amends the rules relating to fuel quality for construction and demolition wood fuel and the amendment adversely affects the ability of a solid waste processing facility to meet the 50% standard in subparagraph (2), the department may not enforce the requirements of subparagraph (2) against that processing facility and the department shall submit to the joint standing committee of the Legislature having jurisdiction over natural resources matters a report relating to the rule change. The joint standing