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LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1056, L.D. 1549, Bill, “An Act To Amend the Laws Governing Oversight of and Responsibility for the Kim Wallace Adaptive Equipment Loan Program Fund”

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 10 MRSA §372, sub-§1, as amended by PL 2005, c. 191, §1, is further amended to read:

1. Creation of fund. There is established the Kim Wallace Adaptive Equipment Loan Program Fund, which must be used to provide funding for loans to qualified borrowers within the State in order to acquire adaptive equipment designed to assist the borrower in becoming independent and for other purposes as allowed under section 376. The fund must be deposited with, and maintained ~~and administered~~ by the Finance Authority of Maine or other state agency and contain appropriations provided for that purpose, interest accrued on the fund balance, funds received by the board to be applied to the fund and funds received in repayment of loans. This fund is a nonlapsing revolving fund. All money in the fund must be continuously applied to carry out the purposes of this chapter.

Sec. 2. 10 MRSA §374, as amended by PL 2005, c. 191, §§2 to 4, is further amended to read:

§374. Duties of board

The board ~~shall have~~ has the following powers and duties.

1. Receipt of money and property. The board may accept and receive gifts, grants, bequests or devises from any source, including funds from the Federal Government or any of its political subdivisions.

2. Contracts. The board may, with the approval of the Governor, enter into any necessary contracts and agreements with appropriate ~~state or community-based groups dealing with disabled persons~~ entities.

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1 **3. Administer loan program.** The board shall administer the Kim Wallace
2 Adaptive Equipment Loan Program Fund established by this chapter and may contract
3 with ~~the Finance Authority of Maine and state or community based groups dealing with~~
4 ~~disabled persons~~ appropriate entities for such assistance in administering the program as
5 the board may require. The board may employ persons, including private legal counsel
6 and financial experts, on either a temporary or permanent basis, in order to carry out any
7 of its powers and duties. Employees of the board are not subject to Title 5, chapter 71
8 and Title 5, chapter 372, subchapter 2.

9 **4. Rules.** The board may adopt rules to carry out the purposes of this chapter.
10 Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5,
11 chapter 375, subchapter ~~H-A~~ 2-A. The rules must ensure that:

12 A. Individuals and business entities are eligible for loans; and

13 B. A preference is given for loans to qualifying individual borrowers seeking loans
14 to acquire adaptive equipment for personal, family or household purposes; ~~and~~

15 ~~D.—Loan applications may be approved or denied by the board only at a regular or~~
16 ~~special meeting except as follows:~~

17 ~~(1) Approval of applications for loans may be delegated by the board to a~~
18 ~~subcommittee of the board containing at least 5 members if an applicant would~~
19 ~~suffer undue hardship by waiting for the next regular meeting; or~~

20 ~~(2) Approval of applications for loans may be delegated to outside contractors~~
21 ~~with criteria and terms as provided by the board and approved no less than~~
22 ~~annually.~~

23 ~~All approved loans must be ratified by the board at the board's next regular or special~~
24 ~~meeting. All loans recommended for denial by the delegated authority must be acted~~
25 ~~upon by the board at the board's next regular or special meeting.~~

26 **5. Loan awards.** Loan applications may be approved or denied by the board or by
27 an entity with which the board has contracted to provide financial services pursuant to
28 subsection 2, referred to in this subsection as "the financial services provider," and
29 appeals from denials may be made to the board in accordance with this subsection.

30 A. The board or the financial services provider shall approve all loan applications
31 that meet the following criteria:

32 (1) The application is consistent with the underwriting guidelines proposed by
33 the financial services provider and approved at least annually by the board; and

34 (2) The loan will be used for a purpose established in section 376.

35 B. The financial services provider shall submit a report to the board at least monthly
36 identifying the number of loan applications received and the number of applications
37 approved and denied during the period covered by the report as well as the number of
38 applications for which no decision has yet been rendered.

39 C. A loan applicant may appeal a denial by the financial services provider to the
40 board by submitting a written notice to the financial services provider within 30 days
41 of the date of the denial. The financial services provider shall notify the board of the

1 appeal and provide the board with copies of the application at the next regularly
2 scheduled board meeting. The board shall grant the appeal if it finds that the
3 financial services provider inappropriately applied the criteria in paragraph A.

4 **Sec. 3. 10 MRSA §376, first ¶**, as amended by PL 2003, c. 99, §2, is further
5 amended to read:

6 The board or an entity with which the board has contracted to provide financial
7 services pursuant to section 374, subsection 2 may award loans to qualifying borrowers
8 for the following purposes:

9 **Sec. 4. 10 MRSA §377, first ¶**, as enacted by PL 2003, c. 99, §3, is amended to
10 read:

11 The board or an entity with which the board has contracted to provide financial
12 services pursuant to section 374, subsection 2 may award loans for the purpose of
13 assisting persons with disabilities to purchase used vehicles necessary to obtain or retain
14 employment or employment training, subject to the following limitations.'

15 **SUMMARY**

16 This amendment replaces the bill. It authorizes the Kim Wallace Adaptive
17 Equipment Loan Program Fund Board to contract with appropriate entities, including a
18 financial services provider, for assistance in administering the program. The board or
19 financial services provider may approve or deny a loan application based on its
20 determination of whether the application meets the purposes of the fund and satisfies the
21 underwriting guidelines approved by the board. Applicants whose applications are
22 denied by a financial services provider may appeal to the board for reconsideration.