

## CHAPTER 11

### KIM WALLACE ADAPTIVE EQUIPMENT LOAN PROGRAM

#### §371. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1987, c. 817, §2 (NEW).]

**1. Board.** "Board" means the Kim Wallace Adaptive Equipment Loan Program Fund Board. [PL 1999, c. 731, Pt. FF, §3 (AMD).]

**2. Fund.** "Fund" means the Kim Wallace Adaptive Equipment Loan Program Fund. [PL 1999, c. 731, Pt. FF, §3 (AMD).]

**3. Qualifying borrower.** "Qualifying borrower" means any individual, for-profit or nonprofit corporation or partnership which demonstrates that the loan will assist one or more persons with disabilities to improve their independence or become more productive members of the community. The individual, corporation or partnership must demonstrate credit worthiness and repayment abilities to the satisfaction of the board.

[PL 1989, c. 191, §1 (AMD).]

#### SECTION HISTORY

PL 1987, c. 817, §2 (NEW). PL 1989, c. 191, §1 (AMD). PL 1999, c. 731, §FF3 (AMD).

#### §372. Fund established

**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 by the Treasurer of State 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. The Treasurer of State may make disbursements only upon written direction from the board. This fund is a nonlapsing revolving fund. All money in the fund must be continuously applied to carry out the purposes of this chapter.

[PL 2019, c. 166, §1 (AMD).]

**2. Administrative expenses.** Costs and expenses of maintaining, servicing and administering the Kim Wallace Adaptive Equipment Loan Program Fund established by this chapter may be paid out of amounts in the fund.

[PL 1999, c. 731, Pt. FF, §4 (AMD).]

#### SECTION HISTORY

PL 1987, c. 817, §2 (NEW). PL 1999, c. 731, §FF4 (AMD). PL 2003, c. 99, §1 (AMD). PL 2005, c. 191, §1 (AMD). PL 2015, c. 412, §1 (AMD). PL 2019, c. 166, §1 (AMD).

#### §373. Board

**1. Establishment; membership.** There is established the Kim Wallace Adaptive Equipment Loan Program Fund Board that consists of 9 members as follows: the Director of the Bureau of Rehabilitation Services or the director's designee; the Treasurer of State or the Treasurer of State's designee; an experienced consumer lender; a certified public accountant; and 5 persons with a range of disabilities, all nondesignated members to be appointed by the Governor. The board shall annually elect a chair from among its members.

[PL 1999, c. 731, Pt. FF, §5 (AMD).]

**2. Terms.** The members appointed by the Governor serve for terms of 4 years. All other members serve during their tenure in the position that they represent on the board. Any vacancy is filled in the same manner as the original appointment for the unexpired term of that position. Members appointed by the Governor upon completion of the terms of the initial members are appointed as follows:

- A. One member for one year; [PL 1991, c. 871, §1 (NEW).]
- B. Two members for 2 years; [PL 1991, c. 871, §1 (NEW).]
- C. Two members for 3 years; and [PL 1991, c. 871, §1 (NEW).]
- D. Two members for 4 years. [PL 1991, c. 871, §1 (NEW).]

Thereafter, the terms of office of members appointed by the Governor are for 4 years.

[PL 1991, c. 871, §1 (AMD).]

**3. Compensation.** Members shall be compensated according to Title 5, chapter 379.  
[PL 1987, c. 817, §2 (NEW).]

#### SECTION HISTORY

PL 1987, c. 817, §2 (NEW). PL 1989, c. 276 (AMD). PL 1991, c. 871, §1 (AMD). PL 1995, c. 322, §3 (AMD). PL 1995, c. 519, §3 (AMD). PL 1997, c. 489, §1 (AMD). PL 1999, c. 731, §FF5 (AMD).

#### §374. Duties of board

The board has the following powers and duties. [PL 2015, c. 412, §2 (AMD).]

**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.

[PL 1987, c. 817, §2 (NEW).]

**2. Contracts.** The board may, with the approval of the Governor, enter into any necessary contracts and agreements with appropriate entities.

[PL 2015, c. 412, §2 (AMD).]

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

[PL 2015, c. 412, §2 (AMD).]

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

- A. Individuals and business entities are eligible for loans; and [PL 2015, c. 412, §2 (AMD).]
- B. A preference is given for loans to qualifying individual borrowers seeking loans to acquire adaptive equipment for personal, family or household purposes. [PL 2015, c. 412, §2 (AMD).]
- C. [PL 2005, c. 191, §3 (RP).]
- D. [PL 2015, c. 412, §2 (RP).]

[PL 2015, c. 412, §2 (AMD).]

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

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

- (1) The application is consistent with the underwriting guidelines proposed by the financial services provider and approved at least annually by the board; and
- (2) The loan will be used for a purpose established in section 376. [PL 2015, c. 412, §2 (NEW).]

B. The financial services provider shall submit a report to the board at least monthly identifying the number of loan applications received and the number of applications approved and denied during the period covered by the report as well as the number of applications for which no decision has yet been rendered. [PL 2015, c. 412, §2 (NEW).]

C. A loan applicant may appeal a denial by the financial services provider to the board by submitting a written notice to the financial services provider within 30 days of the date of the denial. The financial services provider shall notify the board of the appeal and provide the board with copies of the application at the next regularly scheduled board meeting. The board shall grant the appeal if it finds that the financial services provider inappropriately applied the criteria in paragraph A. [PL 2015, c. 412, §2 (NEW).]

[PL 2015, c. 412, §2 (NEW).]

## SECTION HISTORY

PL 1987, c. 817, §2 (NEW). PL 1997, c. 489, §2 (AMD). PL 1999, c. 731, §FF6 (AMD). PL 2005, c. 191, §§2-4 (AMD). PL 2015, c. 412, §2 (AMD).

## §375. Loans

**1. Demonstration of purpose of loan.** The board may enter into loan agreements with any qualifying borrower and exercise all powers of a lender or creditor. Loan security may include the acquisition, use, management, improvement or disposition of any interest in, or type of, real or personal property, including grant, purchase, sale, borrow, loan, lease, foreclosure, mortgage, assignment or other lawful means, with or without public bidding and also including the assessment of fees, the forgiveness of indebtedness, the receipt of reimbursements for expenses incurred in carrying out its purposes and the expenditure or investment of its funds. The borrower must demonstrate that:

- A. The loan will assist one or more persons with disabilities to improve their independence or become more productive members of the community; and [PL 1987, c. 817, §2 (NEW).]
  - B. The applicant has the ability to repay the loan. [PL 1987, c. 817, §2 (NEW).]
- [PL 2005, c. 191, §5 (AMD).]

**2. Loan limit.** Any necessary loan limitation shall be determined by the board.  
[PL 1987, c. 817, §2 (NEW).]

**3. Terms.** All loans must be repaid within such terms and at such interest rates as the board may determine to be appropriate in accordance with guidelines established by rulemaking pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375.

[PL 1987, c. 817, §2 (NEW).]

## 4. Distribution.

[PL 1997, c. 489, §3 (RP).]

## SECTION HISTORY

PL 1987, c. 817, §2 (NEW). PL 1989, c. 191, §2 (AMD). PL 1997, c. 489, §3 (AMD). PL 2005, c. 191, §5 (AMD).

### §376. Purposes for which loans may be awarded

The board or an entity with which the board has contracted to provide financial services pursuant to section 374, subsection 2 may award loans to qualifying borrowers for the following purposes: [PL 2015, c. 412, §3 (AMD).]

**1. Individual independence.** To assist one or more persons with disabilities to improve their independence through the purchase of adaptive equipment;  
[PL 2003, c. 99, §2 (AMD).]

**2. Productive members of community.** To assist one or more persons with disabilities to become more independent members of the community and improve quality of life within the community through the purchase of adaptive equipment; and  
[PL 2003, c. 99, §2 (AMD).]

**3. Transportation assistance.** For the purpose set forth in section 377.  
[PL 2005, c. 191, §6 (AMD).]

## SECTION HISTORY

PL 1987, c. 817, §2 (NEW). PL 2003, c. 99, §2 (AMD). PL 2005, c. 191, §6 (AMD). PL 2015, c. 412, §3 (AMD).

### §377. Loans for transportation assistance program

The board or an entity with which the board has contracted to provide financial services pursuant to section 374, subsection 2 may award loans for the purpose of assisting persons with disabilities to purchase used vehicles necessary to obtain or retain employment or employment training, subject to the following limitations. [PL 2015, c. 412, §4 (AMD).]

**1. Qualifications of borrower.** A loan may be made under this section only to a qualifying borrower who meets the other requirements of this chapter and who demonstrates a need for a vehicle as part of an individualized plan toward employment developed with a state or community-based organization that provides employment services to persons with disabilities and that is approved by the board.  
[PL 2003, c. 99, §3 (NEW).]

**2. Limitation on loan amount.**

[PL 2005, c. 191, §7 (RP).]

**3. Aggregate amount of loans.** The maximum aggregate amount of loans issued under this section may not exceed 7% of the value of program gross notes receivable.  
[PL 2005, c. 191, §7 (AMD).]

**4. Repeal.**

[PL 2005, c. 191, §7 (RP).]

## SECTION HISTORY

PL 2003, c. 99, §3 (NEW). PL 2005, c. 191, §7 (AMD). PL 2015, c. 412, §4 (AMD).

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