

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## FIRST REGULAR SESSION - 1989

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Legislative Document

No. 1035

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S.P. 390

In Senate, April 4, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

A handwritten signature in cursive script, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator CLARK of Cumberland.

Cosponsored by Senator ANDREWS of Cumberland, Senator PERKINS of Hancock and Representative FOSTER of Ellsworth.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-NINE

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An Act Providing for Amendments to the Adaptive Equipment Loan Program.

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(EMERGENCY)  
(After Deadline)



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

5           Whereas, under current law, there is uncertainty regarding  
7 borrower eligibility under the Adaptive Equipment Loan Program;  
and

9           Whereas, there is further uncertainty regarding Legislative  
11 responsibility for confirmation of members of the Adaptive  
Equipment Loan Program Fund Board; and

13           Whereas, this Act is necessary to permit implementation of  
15 the loan program to further the beneficial purposes of the  
program; and

17           Whereas, in the judgment of the Legislature, these facts  
19 create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
21 necessary for the preservation of the public peace, health and  
safety; now, therefore,

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

25           **Sec. 1. 10 MRSA §371, sub-§3,** as enacted by PL 1987, c. 817,  
27 §2, is amended to read:

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

35           **Sec. 2. 10 MRSA §373, sub-§1,** as enacted by PL 1987, c. 817,  
37 §2, is amended to read:

39           **1. Establishment; membership.** There is established the  
Adaptive Equipment Loan Program Fund Board which shall consist of  
41 9 7 members as follows: The Commissioner of Human Services or the  
commissioner's designee; the Treasurer of State or the Treasurer  
43 of State's designee; an experienced consumer lender; a certified  
public accountant; and 5 persons with a range of disabilities,  
45 all to be appointed by the Governor ~~and confirmed by the~~  
Legislature. The board shall annually elect a chairman from  
47 among its members.

49           **Emergency clause.** In view of the emergency cited in the  
preamble, this Act shall take effect when approved.

51

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## STATEMENT OF FACT

3           The purpose of this bill is to clarify the current  
5           legislation establishing the Adaptive Equipment Loan Program,  
7           established to provide loans to benefit disabled Maine citizens.  
          The proposed changes will clarify the program's ability to  
          fulfill the purposes for which it was established by the  
          Legislature.

9

11           Section 1 makes it clear that for-profit corporations as  
          well as nonprofit corporations qualify for loans, thereby  
          providing the program with increased flexibility and coverage.

13

15           Section 2 eliminates the requirement of Legislative  
          confirmation for members of the program's board.