**94-178 ADAPTIVE EQUIPMENT LOAN PROGRAM FUND BOARD**

**Chapter 502: PROCEDURES GOVERNING ADMINISTRATION OF THE ADAPTIVE EQUIPMENT LOAN PROGRAM FUND BOARD**

**Summary**: This rule establishes procedures of the Adaptive Equipment Loan Program Fund Board (the "Board"), including the conduct of hearings for appeals.

**1. Administrative Functions**

 The Board may hire contractors or employees to perform the necessary administrative functions of the Board. The authority of each Contractor shall be delineated in a written agreement between the Board and the Contractor.

**2. Bylaws of the Members of the Board**

A. **Name**. The name of the Board is the Adaptive Equipment Loan Program Fund Board (10 M.R.S. §371).

B. **Purpose**. The Board was created by vote of citizens of the State of Maine for the purposes set forth in the Adaptive Equipment Loan Program Act (10 M.R.S. §371 and following).

C. **Office**. The principal office of the Board may be at such location as it shall determine. If the Board chooses not to maintain an office, the Board shall maintain such mailing address as it shall determine.

D. **Members of the Board**. The members of the Board shall be appointed and compensated and shall serve such terms as the Act may specify (10 M.R.S. §373).

E. **Quorum**. A majority of members serving on the Board constitutes a quorum.

F. **Distance attendance at meetings**. Upon the prior approval of the Chair, a member may be deemed present at a meeting for purposes of quorum and voting, if the member participates by means of a conference telephone, videophone, or other telecommunication medium through which the proceedings can be heard or perceived by all persons present and all can communicate with the Board. Such attendance shall only be approved in special circumstances determined in the discretion of the Chair.

G. **Officers**. The members shall elect from among themselves one person as Chair, one person as Vice Chair who shall serve as secretary, and such other officers as it may from time to time determine (10 M.R.S. §373). The officers shall have a term of one year and shall serve until the election of their successors. The Chair shall preside over meetings of the members. In the absence or incapacity of the Chair or if for any reason there is no Chair, then the Vice Chair shall perform the duties of the Chair. The Chair shall sign the minutes of all meetings of the members, after such minutes have been approved by the members.

H. **Nominating Committee**. At least four weeks before the date scheduled for the annual meeting, the Chair shall appoint a nominating committee consisting of three members, who shall report to the members, presenting a slate of nominees for officers of the Board. Nominations may be accepted from the floor.

I. **Regular meetings**. The Board shall establish annually a schedule of regular meetings.

J. **Special meetings**. Special meetings of the members may be called by either the Chair or any three members.

K. **Annual Meeting**. The annual meeting of the members shall be held in July of each year at which time the members shall elect the officers.

L. **Location of Meetings**. Meetings shall ordinarily be held in Augusta, unless another location is designated by the chair.

M. **Compensation Requests**. A member's request for payment for reimbursement of expenses in connection with a duly called regular or special meeting of the members shall be presented to the service provider contracted by the Board for approval and payment pursuant to 5 M.R.S. §12002.

N. **Notice of Meetings**. Notice of meetings shall be set forth on the website of the Board and the website of the service provider contracted by the Board.

O. **Agenda**. The service provider for the Board, in consultation with the Board Chair, shall send an agenda for the meeting to each Board member at least two (2) business days prior to a meeting.

**3. Advisory Rulings**

 The Chair is authorized to issue nonbinding advisory rulings as to the applicability of the Adaptive Equipment Loan Program Act (the "Act") or the Board's rules to an applicant, its property or circumstances. Requests for advisory rulings must be in writing and must specifically identify the section or provision of the statute or rule on which the ruling is sought. The Chair may decline to issue any ruling if the request is not sufficiently specific, is not accompanied by adequate information, does not adequately identify the applicant or the purpose for which the ruling is sought, require additional information before issuing a ruling, or if the Chair determines that issuance of a ruling would not assist the applicant or would be contrary to the purposes of the Act. All rulings shall be in writing. Rulings shall not be binding upon the Board. The Board may charge an applicant for a ruling the Authority's actual, out-of-pocket costs and expenses, if any, in preparing any ruling.

**4. Hearing Procedures for Appeals**

 In any appeal of a denial decision by the service provider in accordance with 94-178 CMR chapter 501, the hearing shall be conducted substantially as follows:

A. The service provider contracted by the Board may make a statement summarizing their findings that support the denial of the loan application. The Board may ask questions of the service provider.

B. The applicant may make a statement in support of the appeal and shall be provided an opportunity to respond to any statements made by the service provider. The Board may ask questions of the applicant.

C. Board members shall be given an opportunity to state the basis of their votes on the appeal.

D. Appeals shall be based on the record on the date of denial. If the applicant has information that supports his or her ability to repay the loan which was not presented to the service provider, the Board may deny the appeal, but recommend that the applicant re-apply for the loan.

E. The Board shall grant the appeal and approve the application if it finds that the Board’s established criteria for approving applications under 94-178 CMR Chapter 501 were not appropriately applied and the applicant has the ability to repay the loan.

**5. Conflict of Interest**

 No Board member may participate in a vote on an application where that member has a direct or indirect pecuniary interest in the outcome of the vote.

STATUTORY AUTHORITY:

 10 M.R.S. §374 (4); 5 M.R.S. §§ 8051, 9001

EFFECTIVE DATE:

 December 1, 1990 – filing 90-519

EFFECTIVE DATE (ELECTRONIC CONVERSION):

 May 4, 1996 – filing 96-159

NON-SUBSTANTIVE CORRECTIONS:

 October 2, 1996 - minor spelling.

AMENDED:

 June 14, 1999 - added Section 5, Code of Ethics, filing 99-241

 March 18, 2020 – filing 2020-054