

MAINE STATE LEGISLATURE

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(After Deadline)

FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 1518

S.P. 502

In Senate, April 26, 1983

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

Referred to the Committee on Business Legislation. Sent down for concurrence and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Clark of Cumberland.

Cosponsor: Representative Brannigan of Portland.

STATE OF MAINE

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

AN ACT to Clarify the Authority
of the Superintendent of the Bureau of
Consumer Credit Protection.

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

9-A MRSA §6-108, sub-§1, as amended by PL 1977, c. 694, §155-F, is further amended to read:

1. After notice and hearing, the administrator may order any person to cease and desist from engaging in violations of this Act or any lawful regulation issued by the administrator and may further order that the person take appropriate corrective action to reimburse consumers in cases where consumers have been charged amounts in excess of those permitted by this Act. Notice and hearing need not be provided, when, in the opinion of the administrator, immediate action is required to protect the public interest, and:

1 violations of Title 9-A, Articles 1 to 6. Without
2 this authority the superintendent's only recourse to
3 obtain refunds is by having the Attorney General
4 bring a civil action in Superior Court. This prac-
5 tice would result in needless expense and delay for
6 all concerned. Moreover, any creditor subject to the
7 superintendent's order to refund is always free to
8 challenge the appropriateness of that order by
9 appealing to Superior Court.

10 This bill explicitly declares the
11 superintendent's authority to order "appropriate cor-
12 rective actions to reimburse consumers." Such ac-
13 tions include ordering that a credit be placed on the
14 consumer's account where there is still a current
15 relationship between the consumer and creditor and
16 ordering a direct cash refund when a business rela-
17 tionship no longer exists between them. By clari-
18 fying the scope of the superintendent's authority
19 this bill will ratify the practice that has been fol-
20 lowed by the superintendent for years and thereby
21 ensure that consumers who have been overcharged
22 receive prompt reimbursement of those excess charges.

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