

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

court may order the abatement with costs as provided under section 2702.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective May 18, 1993.

CHAPTER 125

S.P. 175 - L.D. 589

An Act to Continue Certain Provisions of the Seed Certification Laws That Encourage the Development of New Varieties

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

Sec. 1. 7 MRSA §2103-A, sub-§6, as enacted by PL 1987, c. 336, is amended to read:

6. Repeal. Subsection 4 is repealed January 1, 1994; subsection 7 is repealed July 1, 1988; and subsection 8 is repealed July 1, 1990.

See title page for effective date.

CHAPTER 126

H.P. 470 - L.D. 607

An Act to Clarify the Laws Related to Debt Collectors and Repossession Companies

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

Sec. 1. 32 MRSA §11002, sub-§6, as enacted by PL 1985, c. 702, §2, is amended to read:

6. Debt collector. "Debt collector" means any person conducting business in this State, the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another. The term includes persons who furnish collection systems carrying a name ~~which~~ that simulates the name of a debt collector and who supply forms or form letters to be used by the creditor even though the forms direct the debtor to make payments directly to the creditor. Notwithstanding the exclusion provided by section 11004, subsection 7, the term includes any creditor who, in the process of collecting ~~his~~ the creditor's own debts, uses any name other than ~~his own~~ which the creditor's ~~that~~ would indicate that a 3rd person is collecting or attempting to collect these debts. For purposes of

subchapter II, the term includes any attorney-at-law whose principal activities include collecting debts as an attorney on behalf of and in the name of clients. The term also includes any person in any business the principal purpose of which is regularly engaged in the enforcement of security interests securing debts. The term does not include any person who retrieves collateral when a consumer has voluntarily surrendered possession. A person is regularly engaged in the enforcement of security interests if that person enforced security interests more than 5 times in the previous calendar year. If a person does not meet these numerical standards for the previous calendar year, the numerical standards must be applied to the current calendar year.

Sec. 2. 32 MRSA §11003, sub-§6, as enacted by PL 1985, c. 702, §2, is repealed.

Sec. 3. 32 MRSA §11017 is enacted to read:

§11017. Repossession activity

1. Right to take possession after default. A debt collector acting on behalf of a creditor may take possession of collateral only if possession can be taken without entry into a dwelling, unless that entry has been authorized after default and without the use of force or other breach of the peace.

2. Return of private property. A debt collector shall inventory any unsecured property taken with repossessed collateral and immediately notify the consumer that the property will be made available in a manner convenient to the consumer.

See title page for effective date.

CHAPTER 127

H.P. 485 - L.D. 643

An Act to Restrict the Taking of Turtles and Snakes from the Wild for Export, Sale or Commercial Purposes

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

Sec. 1. 12 MRSA §7471 is enacted to read:

§7471. Taking of snakes and turtles from the wild for commercial purposes

The taking and possession of snakes and turtles from the wild for export, sale or commercial purposes, except snapping turtles taken in accordance with section 7470, are prohibited.

See title page for effective date.