

MAINE STATE LEGISLATURE

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1964

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Titles 1 to 10



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CHAPTER 327

ENFORCEMENT

Sec.

3521. Complaints.

3522. Powers of commissioner.

3523. Penalties.

§ 3521. Complaints

Any retail buyer having reason to believe that chapters 321 to 327 relating to his retail installment contract have been violated may file with the commissioner a written complaint setting forth the details of such alleged violation and the commissioner, upon receipt of such complaint, may inspect the pertinent books, records, letters and contracts of the licensee and of the retail seller involved, relating to such specific written complaint. Said commissioner may make inspections of the records of sales finance companies without the receipt of a specific complaint for any reasonable cause.

1957, c. 386, § 1.

§ 3522. Powers of commissioner

The commissioner shall have the power to issue subpoena to compel the attendance of witnesses and the production of documents, papers, books, records and other evidence before him in any matter over which he has jurisdiction, control or supervision pertaining to chapters 321 to 327. He shall have the power to administer oaths and affirmation to any person whose testimony is required.

If any person shall refuse to obey any such subpoena or to give testimony or to produce evidence as required thereby, the Superior Court may, upon application and proof of such refusal, order the issuance of a subpoena, or subpoena duces tecum, out of the Superior Court, for the witness to appear before the Superior Court to give testimony, and to produce evidence as required thereby. Upon filing such order in the office of the clerk of the Superior Court, the clerk shall issue such subpoena, as directed, requiring the person to whom it is directed to appear at the time and place therein designated.

If any person served with any such subpoena shall refuse to obey the same, and to give testimony, and to produce evidence

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as required thereby, the commissioner may apply to the Superior Court for a proof of such refusal, shall issue such citation, directed to any sheriff, for the arrest of such person, and upon his being brought before such court, proceed to a hearing of the case. The court shall have power to enforce obedience to such subpoena, and the answering of any question, and the production of any evidence, that may be proper, by a fine not exceeding \$100 or by imprisonment in the county jail, or by both.

For the enforcement of chapters 321 to 327 the commissioner is authorized to appoint, subject to the Personnel Law, such personnel as are necessary. The salary, traveling expenses and all expenses of administration and enforcement of chapters 321 to 327 shall be paid out of such amounts as the Legislature may appropriate. Fees received from licenses issued under chapters 321 to 327 shall be paid to the Treasurer of State for deposit in the General Fund.

1957, c. 386, § 1; 1963, c. 414, § 56.

§ 3523. Penalties

1. Willfully and intentionally; no license. Any person who shall willfully and intentionally violate any provisions of chapters 321 to 327 or engage in the business of a sales finance company in this State without a license therefor as provided in chapters 321 to 327 shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding \$500.

2. Willful violation of sections 3481 or 3482. Any person willfully violating sections 3481 or 3482 shall be barred from recovering any finance charge, delinquency or collection charge on the contract.

1957, c. 386, § 1.