

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
128<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON INSURANCE AND  
FINANCIAL SERVICES**

October 2018

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# STATE OF MAINE

128<sup>TH</sup> LEGISLATURE

FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions of the 128<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

*CARRIED OVER*..... carried over to a subsequent session of the Legislature  
*CON RES XXX*..... chapter # of constitutional resolution passed by both houses  
*CONF CMTE UNABLE TO AGREE*..... Committee of Conference unable to agree; legislation died  
*DIED BETWEEN HOUSES*..... House & Senate disagreed; legislation died  
*DIED IN CONCURRENCE*..... defeated in each house, but on different motions; legislation died  
*DIED ON ADJOURNMENT*..... action incomplete when session ended; legislation died  
*EMERGENCY*..... enacted law takes effect sooner than 90 days after session adjournment  
*FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE*..... emergency failed to receive required 2/3 vote  
*FAILED, ENACTMENT or FINAL PASSAGE*..... failed to receive final majority vote  
*FAILED, MANDATE ENACTMENT*..... legislation proposing local mandate failed required 2/3 vote  
*HELD BY GOVERNOR*..... Governor has not signed; final disposition to be determined at subsequent session  
*LEAVE TO WITHDRAW*..... sponsor's request to withdraw legislation granted  
*NOT PROPERLY BEFORE THE BODY*..... ruled out of order by the presiding officer; legislation died  
*INDEF PP*..... indefinitely postponed; legislation died  
*ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X*... ought-not-to-pass report accepted; legislation died  
*P&S XXX*..... chapter # of enacted private & special law  
*PUBLIC XXX*..... chapter # of enacted public law  
*RESOLVE XXX*..... chapter # of finally passed resolve  
*VETO SUSTAINED*..... Legislature failed to override Governor's veto

The effective dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128<sup>th</sup> Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

*Joint Standing Committee on Insurance and Financial Services*

**LD 1663 An Act To Improve the Regulation of Debt Collectors**

**PUBLIC 317**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHITTEMORE R	OTP	

This bill modernizes the Maine Fair Debt Collection Practices Act by removing the condition that a debt collector's solicitation of business from Maine creditors be "face to face" before a license must be obtained and by requiring that a debt collector, wherever located, obtain a license before collecting debts from a consumer in this State.

**Enacted Law Summary**

Public Law 2017, chapter 317 modernizes the Maine Fair Debt Collection Practices Act by removing the condition that a debt collector's solicitation of business from Maine creditors be "face to face" before a license must be obtained and by requiring that a debt collector, wherever located, obtain a license before collecting debts from a consumer in this State.

**LD 1677 An Act Regarding the Information Required of Debt Buyers for Debt Collection**

**PUBLIC 318**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN H	OTP	

This bill amends the law regarding the information that a debt buyer must possess for purposes of debt collection by clarifying that the debt buyer must possess not the principal amount due the original creditor at charge-off, when the creditor removed the debt from its books as an asset and began to treat it as a loss or expense because payment was unlikely, as in current law, but rather the total amount due at charge-off.

**Enacted Law Summary**

Public Law 2017, chapter 318 amends the law regarding the information that a debt buyer must possess for purposes of debt collection by clarifying that the debt buyer must possess not the principal amount due the original creditor at charge-off, when the creditor removed the debt from its books as an asset and began to treat it as a loss or expense because payment was unlikely, as in current law, but rather the total amount due at charge-off.

**LD 1753 An Act To Protect Consumers from Bank Overdraft Fees by Prohibiting the Resequencing of Withdrawal Transactions**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M TERRY M	ONTP	

This bill prohibits a bank or credit union from posting withdrawal transactions by amount from largest to smallest or otherwise posting withdrawals in a manner that incurs avoidable overdraft coverage fees.