

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
102nd LEGISLATURE

SENATE AMENDMENT "A" to H. P. 1150, L. D. 1582, Bill, "An Act
Regulating Collection Agencies."

Amend said Bill, in that part designated "§573." of section 1, by inserting after the underlined word "Act" in the 3rd line of subsection 3 the underlined words and punctuation ', and annually thereafter such license may be renewed so long as the commissioner regards the business as responsible and safe, but in all cases to terminate unless renewed on the first day of the succeeding January'; and by striking out in the 6th line the underlined words 'not more than'; and by inserting at the end of subsection 5, the following: 'In addition, any foreign business, incorporated or unincorporated, before obtaining such license in order to engage in the business of a collection agency within the State of Maine, must furnish the commissioner with:

- A. A certified copy of its charter and bylaws;
- B. A power of attorney appointing the commissioner to be the true and lawful attorney of such business in and for this State, upon whom all lawful process in an action or proceeding against the business may be served with the same effect as it the business existed in this State. Said power of attorney shall stipulate and agree on the part of the business that any lawful process against the company which is served on said attorney shall be the same in legal force and validity as if served on the business itself, and that the authority shall continue in force irrevocable so long as any liability remains outstanding against the business in this State. A certificate of such appointment, duly certified and authenticated shall be filed in the office of the commissioner and copy certified by him shall be received in evidence in all courts of this State.'

Further amend said Bill, in that part designated "§578." of section 1, by adding at the end the following underlined sentences: 'Any such revocation or suspension may be reviewed by the Credit and Collection Board upon request of the licensee made within 30 days of the revocation or suspension. Any appeal from the decision of the board may be taken in accordance with Title 5, chapters 305 and 307.'

Further amend said Bill, in that part designated "§580." of section 1, by striking out in the first line of subsection 2 the underlined words "The commissioner" and inserting in place thereof the underlined words and punctuation 'Each licensee shall maintain a place of business in this State, and the commissioner'

Further amend said Bill, in section 1, by striking out all of that part designated "§582." and inserting in place thereof the following sections:

(Filing No. S-291)

"§582." Rule making power

The commissioner may make such reasonable rules and regulations, not inconsistent with this chapter, pertaining to the operation of the business of licensees as he may deem necessary to safeguard the interest of the public. Such rules and regulations shall be adopted in the manner prescribed in Title 9, section 6, subsection 4. The Credit and Collection Board shall perform the functions and enjoy the privileges of the advisory committee referred to in that section.

§583. Credit and Collection Board

The commissioner shall appoint a Credit and Collection Board, with each member to serve a term of 3 years from date of appointment, and such board shall have power, jurisdiction and authority to make recommendations to the Department of Banks and Banking relative to collection agencies, their administration and supervision, and to investigate the conditions and ascertain the facts with reference to the collection of accounts and other matters of a particular collection agency when the license of a collection agency has been revoked or suspended by the commissioner. The Credit and Collection Board will be composed of the commissioner and 4 individuals engaged in the collection business in the State and subject to this law. The Credit and Collection Board shall receive no compensation for their services but may be reimbursed for their actual and necessary traveling expenses. Such expenses shall be audited and paid and charged to the Department of Banks and Banking for the administration of this chapter."

Further amend said Bill, in section 2, by striking out in the 2nd line the figure "\$2,800" and inserting in place thereof the figure '\$3,300' and by striking out in the 3rd line the figure "\$5,414" and inserting in place thereof the figure '\$5,914'; and by striking out all of the last 2 lines and inserting in place thereof the following:

'All Other	<u>800</u>	<u>1,000</u>
	\$3,300	\$5,914 '

Proposed by Senator VIOLETTE of Aroostook

Reproduced and distributed pursuant to Senate Rule No. 11A

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