

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 754

H. P. 611

House of Representatives, February 21, 1975

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

EDWIN H. PERT, Clerk

Presented by Mrs. Clark of Freeport.

Cosponsor: Mr. Peakes of Dexter.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Concerning the Powers of the Bureau of Consumer Protection
Concerning Fraudulent and Unconscionable Conduct and Unconscionable
Agreements.

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

Sec. 1. **9-A MRSA § 6-108, sub-§ 6**, as enacted by PL 1973, c. 762, § 1, is repealed.

Sec. 2. **9-A MRSA § 6-111, sub-§ 1, first ¶**, as enacted by PL 1973, c. 762, § 1, is amended to read:

1. The administrator may issue an administrative enforcement order in accordance with section 6-108 or, through the Attorney General, may bring a civil action to restrain a creditor or a person acting in his behalf from engaging in a course of:

Sec. 3. **9-A MRSA § 6-111, sub-§ 2, first ¶**, as enacted by PL 1973, c. 762, § 1, is amended to read:

2. ~~In an action brought pursuant~~ Pursuant to this section, the administrator or the court may ~~grant~~ order relief only if it finds:

STATEMENT OF FACT

This set of amendments to the Maine Consumer Credit Code will permit the Bureau of Consumer Protection, after notice and hearing, to require creditors in violation of the code to cease unconscionable or fraudulent conduct

and unconscionable agreements without the necessity of securing a court order. The creditor may still appeal any such order to the Superior Court.

As enacted, the Consumer Creditor Code permits the Bureau of Consumer Protection to issue administrative orders, following notice and hearing, for any violations of the code except unconscionable or fraudulent conduct or unconscionable agreements. These amendments will allow the bureau to consider such activities in the course of its administrative hearings.