

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1553

H. P. 1258

House of Representatives, April 2, 1975

On Motion of Mrs. Clark of Freeport referred to Committee on Business Legislation. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Clark of Freeport.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Concerning the Agency Collection Act.

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

Sec. 1. 32 MRSA § 578, as last amended by PL 1973, c. 685, § 11, is repealed and the following enacted in place thereof:

§ 578. Investigation, suspension and revocation of licenses

The Bureau of Consumer Protection may investigate the records and practices of a licensee in accordance with Title 9-A, section 6-106. If a licensee violates any provisions of this chapter, or any administrative rules issued pursuant to this chapter, or fail to maintain its financial condition sufficient to qualify for a license on an original application, the Superintendent of the Bureau of Consumer Protection may, after notice and hearing in accordance with Title 9-A, sections 2-303, and 6-410 through 6-415, revoke a license or suspend such license for such period as he may deem proper.

Sec. 2. 32 MRSA § 579, as last amended by PL 1967, c. 544, § 77, is repealed and the following enacted in place thereof.

§ 579. Appeals

Any appeal from the decision of the bureau may be taken in accordance with Title 9-A, sections 6-410 through 6-415.

Sec. 3. 32 MRSA § 580, sub-§ 2, as last amended by PL 1973, c. 585, § 11, is repealed and the following enacted in place thereof:

2. Books and records.

A. The superintendent shall require the licensee to keep such books and records as will enable the bureau to determine whether the provisions of this

chapter are being complied with. Every such licensee shall preserve the records of final entry used in such business for a period of 3 years after final remittance is made on any account placed with the licensee for collection or after any account has been returned to the claimant on which one or more payments have been made.

B. The record-keeping system of a licensee shall be sufficient if he makes the required information reasonably available.

C. If the licensee's records are located outside this State, the licensee at the superintendent's option shall make them available to the superintendent at a convenient location within this State, or pay the reasonable and necessary expenses for the superintendent or his representative to examine them at the place where they are maintained. The superintendent may designate representatives, including comparable officials of the State in which the records are located, to inspect them on his behalf.

Sec. 4. 32 MRSA § 584 is enacted to read:

§ 584. Fees

1. Expenses of administration; assessments. The expenses of the administrator necessarily incurred in the examination of licensees shall be chargeable to such licensees. Every such licensee shall be assessed for the actual expenses, including travel expenses, incurred by the administrator in connection with any examination or investigation, whether regular or special, such assessments to include the proportionate part of the salaries and expenses of examiners while engaged in such examinations. Such assessment shall be made by the administrator as soon as feasible after the close of such examination or investigation and notice thereof shall forthwith be sent to such licensee. All assessments so made shall be paid to the administrator by such person within 30 days following such notice.

2. Aggregate; carrying account. The aggregate of license and examination fees provided for by this chapter is appropriated for the use of the Bureau of Consumer Protection. Any balance of said funds shall not lapse but shall be carried forward to be expended for the same purposes in the following fiscal year.

STATEMENT OF FACT

This proposal seeks to eliminate the requirement that collection agencies operating in Maine maintain an office in the State of Maine. The proposal also seeks to clarify the record-keeping and fee requirements.