

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES (Filing No. H-818)  
109TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1755, L.D. 1879, Bill,  
"AN ACT to Adopt the Fair Debt Collection Practices Act."

Amend the bill in section 2 by striking out in that part designated "§8103." all of subsection 1 and inserting in its place the following:

'Communication. "Communication" means the conveyance or receipt of information regarding or facilitating the collection of a debt, directly or indirectly, to or from any person through any medium.'

Further amend the bill in section 2 by striking out in that part designated "§8103." all of subsection 5 and inserting in its place the following:

'5. Debt. "Debt" means any obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance or services which are the subject of the transaction are primarily for personal, family or household purposes or for purposes of a business opportunity, as defined in section 4691, to be carried on primarily in the consumer's principal residence, whether or not the obligation has been reduced to judgment.'

Further amend the bill in section 2 in that part designated "§8106." subsection 4, 2nd line (same in LD) by inserting after the underlined words and punctuation "includes the consumer's" the following underlined word 'resident'

Further amend the bill in section 2 in that part designated "§8107." in subsection 3 by striking out all of paragraph M and inserting in its place the following:

'M. Purchase, receive or solicit assignments of claims for the purposes of collection, or institute suits in its own name or on behalf of others.'

Further amend the bill in section 2 in that part designated "8110." by inserting at the end of subsection 1 the following underlined sentence:

'It is unlawful to knowingly furnish any form which violates this chapter.'

Further amend the bill in section 2 by adding at the end the following new section:

'§8307. Authority of the Attorney General

The grant of powers to the superintendent under this chapter shall not affect remedies available to the Attorney General under other principles of law or equity.'

#### Statement of Fact

The purposes of this amendment are to:

1. Change the definition of "communication" to include receipt as well as conveyance of information;
2. Change the definition of "debt" to include debts incurred to finance small business enterprises carried on in the debtor's home;
3. Change the definition of consumer's "spouse" to ensure

that only a consumer's resident spouse is entitled to communicate with a debt collector regarding a debt;

4. Add to the bill a provision of existing law which was inadvertently omitted;
5. Make unlawful the furnishing of debt collection forms which violate the Act; and
6. Ensure that the Attorney General's enforcement powers are not unintentionally impaired or restricted by the bill.

Reported by the Majority of the Committee on Business Legislation  
Reproduced and distributed under the direction of the Clerk of the  
House  
2/29/80 (Filing No. H-818)