

# MAINE STATE LEGISLATURE

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L.D. 2116  
(Filing No. S- 451)

STATE OF MAINE  
SENATE  
112TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT " A " to S.P. 834, L.D. 2116, Bill, "AN ACT to Adopt the Maine Fair Debt Collection Practices Act."

Amend the bill in section 2, in that part designated "§11002." in subsection 2, in the 4th line (page 2, line 12 in L.D.) by striking out the underlined word "direct" and inserting in its place the following: 'face-to-face'

Further amend the bill in section 2, in that part designated "§11003." in subsection 3, in the 3rd line (page 3, line 33 in L.D.) by inserting after the underlined word "state" the following: 'or agencies or instrumentalities of the State'

Further amend the bill in section 2, in that part designated "§11012." in subsection 1, in the 4th line (page 5, line 32 in L.D.) by striking out the underlined word "or" and inserting in its place the underlined word 'of'

Further amend the bill in section 2, in that part designated "§11013." in subsection 3, in paragraph M, in the last line (page 12, line 6 in L.D.) by inserting at the end the underlined word 'or'

Further amend the bill in section 2, in that part designated "§11013." in subsection 3, in paragraph N, in the last line (page 12, line 9 in L.D.) by striking out the underlined punctuation ";" and inserting in its place the underlined punctuation '.'

Further amend the bill in section 2, in that part designated "§11013." in subsection 3, by striking out paragraphs O and P (page 12, lines 10 to 13 in L.D.)

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COMMITTEE AMENDMENT " A " to S.P. 834, L.D. 2116

1 Further amend the bill in section 2, in that part  
2 designated "§11014." in subsection 1, in paragraph D,  
3 in the first line (page 12, line 29 in L.D.) by  
4 striking out the underlined word "notified" and in-  
5 serting in its place the underlined word 'notifies'

6 Further amend the bill in section 2, in that part  
7 designated "§11014." in subsection 2, in the first  
8 line (page 13, line 6 in L.D.) by striking out the  
9 underlined word "notified" and inserting in its place  
10 the underlined word 'notifies' and in the 3rd line  
11 from the end (page 13, line 15 in L.D.) by inserting  
12 after the underlined word "creditor" the following  
13 underlined punctuation ','

14 Further amend the bill in section 2, in that part  
15 designated "§11031." in subsection 1, in the last 2  
16 lines (page 14, lines 9 and 10 in L.D.) by striking  
17 out the underlined words "Superintendent of Consumer  
18 Credit Protection" and inserting in their place the  
19 following underlined word: 'superintendent'

20 Further amend the bill in section 2, in that part  
21 designated "§11033." in the 2nd and 3rd lines (page  
22 16, lines 19 and 20 in L.D.) by inserting after the  
23 underlined words "individual applicant" the following  
24 underlined punctuation: ','

25 Further amend the bill in section 2, in that part  
26 designated "§11052." by striking out the first para-  
27 graph (page 22, lines 2 to 4 in L.D.) and inserting  
28 in its place the following:

29 'Any appeal from the decision of the superintend-  
30 ent may be taken in accordance with Title 5, chapter  
31 375, subchapter VII.'

32 Further amend the bill in section 2, in that part  
33 designated "§11053." in the 3rd line (page 22, line 8  
34 in L.D.) by inserting after the underlined word "who"  
35 the following underlined word: 'willfully'

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COMMITTEE AMENDMENT "A" to S.P. 834, L.D. 2116

1 Further amend the bill in section 2, in that part  
2 designated "§11054." subsection 3, in the 2nd line  
3 (page 23, line 21 in L.D.) by striking out the under-  
4 lined word "section" and inserting in its place the  
5 underlined word "chapter"

6 Further amend the bill in section 3, in the first  
7 line (page 23, line 39 in L.D.) by inserting after  
8 the word "licenses" the words 'and rules' and in the  
9 2nd line from the end (page 24, line 4 in L.D.) by  
10 inserting after the word "until" the following: ', in  
11 the case of licenses'

12 STATEMENT OF FACT

13 This amendment makes 3 substantive changes in the  
14 bill. The remaining changes are grammatical or  
15 stylistic.

16 The first substantive change is made by changing  
17 the word "direct" to "face-to-face." This change  
18 eliminates the ambiguity in "direct" because "direct  
19 contact" could be made in person, by phone or by  
20 mail. The amendment makes clear that solicitation  
21 must occur face-to-face, in this State, before the  
22 debt collector will be subject to this bill and sub-  
23 ject to licensing.

24 The 2nd change is made by deleting paragraph P  
25 from section 11013, subsection 3. This paragraph is  
26 inconsistent with federal law and conflicts with the  
27 definition of "creditor" in the bill.

COMMITTEE AMENDMENT "A" to S.P. 834, L.D. 2116

1           The final substantive change is made by changing  
2    the cross reference on appellate procedure from the  
3    Maine Consumer Credit Code, Article VI, Part 4 to the  
4    Maine Administrative Procedure Act, Title 5, chapter  
5    375, subchapter VII. The latter citation is more ap-  
6    propriate as that subchapter controls all appeals of  
7    final administrative action.

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Reported by Sen. Kerry for the Committee on Business  
and Commerce. Reproduced and Distributed Pursuant  
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