

MAINE STATE LEGISLATURE

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L.D. 503

(Filing No. S-48)

STATE OF MAINE
SENATE
113TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 177, L.D. 503,
Bill, "AN ACT to Clarify and Simplify the Maine Consumer Credit Code."

Amend the Bill in section 1, subsection 4, in the last 2 lines (page 2, lines 1 and 2 in L.D.) by striking out the following: "6 years after the date of settlement." and inserting in its place the following:

'the earlier of:

A. Six years after the date of settlement; or

B. The limitation period applicable to the original claim which was the subject of the settlement.'

Further amend the Bill in section 3, in that part designated "§1-111." in the 3rd and 4th lines (page 2, lines 13 and 14 in L.D.) by striking out the following: "~~in conformity with generally accepted accounting principles and practices~~" and inserting in its place the following: 'in conformity with generally accepted accounting principles and practices or'

Further amend the Bill in section 17, in subsection 8, in the 4th line (page 7, line 8 in L.D.) by inserting after the word "debt" the following: 'or open-end credit plan'

Further amend the Bill in section 17, in subsection 8, paragraph C, in the last line (page 7, line 19 in L.D.) by inserting after the following: "rents" the following: 'if the amounts would not otherwise be included in the finance charge'

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COMMITTEE AMENDMENT "A " to S.P. 177, L.D. 503

1 Further amend the Bill in section 18, in subsec-
2 tion 10, in the 3rd line (page 7, line 29 in L.D.) by
3 inserting after the following: "cosigner." the fol-
4 lowing: 'The term includes a natural person who en-
5 ters into a consumer lease.'

6 Further amend the Bill in section 19, in para-
7 graph B, in the last line (page 8, line 10 in L.D.)
8 by striking out the following: "terms" and inserting
9 in its place the following: 'term'

10 Further amend the Bill in section 20, in subsec-
11 tion 13, by inserting after paragraph D a new blocked
12 paragraph to read:

13 'A person is regularly engaged in the business of
14 leasing if he enters into consumer leases more than
15 25 times in the preceding calendar year. If a person
16 did not meet this numerical test in the preceding
17 calendar year, the numerical standard shall be ap-
18 plied to the current calendar year.'

19 Further amend the Bill in section 27, in para-
20 graph B, in the 5th line (page 12, line 36 in L.D.)
21 by striking out the word "either" and inserting in
22 its place the following: 'either'

23 Further amend the Bill by striking out all of
24 section 37.

25 Further amend th Bill in section 45, in that part
26 designated "§2-402." in subsection 2, in the first
27 line (page 18, line 12 in L.D.) by striking out the
28 word "made" and inserting in its place the following:
29 'made earned'

30 Further amend the Bill in section 45, in that
31 part designated "§2-402." by striking out all of sub-
32 section 3 and inserting in its place the following:

33 '3. The charge earned in each billing cycle
34 shall not exceed the greater of the product of the

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COMMITTEE AMENDMENT "A" to S.P. 177, L.D. 503

1 average daily balance times the number of days in the
2 billing cycle times .049315% or if, if the billing
3 cycle is monthly, the charge may not exceed 1 1/2% of
4 the amount pursuant to subsection 2. If the billing
5 cycle is not monthly, the maximum charge is that per-
6 centage which bears the same relation to the applica-
7 ble monthly percentage as the number of days in the
8 billing cycle bears to 30. A billing cycle is monthly
9 if the closing date of the cycle is the same date
10 each month or does not vary by more than 5 4 days
11 from the regular date.'

12 Further amend the Bill by striking out all of
13 sections 63 and 64.

14 Further amend the Bill by striking out all of
15 section 68 and inserting in its place the following:

16 'Sec. 68. 9-A MRSA §5-201, sub-§4, as enacted by
17 PL 1973, c. 762, §1, is amended to read:

18 4. If a creditor has contracted for or received
19 a charge in excess of that allowed by this Act, or if
20 a debtor is entitled to a refund and a person liable
21 to the debtor refuses to make a refund within a rea-
22 sonable time after demand, the debtor may recover
23 from the creditor or the person liable an amount de-
24 termined by the court not less than \$250 ~~or~~ nor more
25 than \$1,000. With respect to excess charges arising
26 from open-end credit, no action pursuant to this sub-
27 section may be brought more than 2 years after the
28 time the excess charge was made. With respect to ex-
29 cess charges arising from other consumer credit
30 transactions, no action pursuant to this subsection
31 may be brought more than one year after the due date
32 of the last scheduled payment of the agreement pursu-
33 ant to which the charge was made, or the date the
34 agreement was paid in full, whichever was earlier.'

35 Further amend the Bill by inserting after section
36 75 the following:

