

MAINE STATE LEGISLATURE

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TRANSPORTATION

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 237, L.D. 297, Bill, "An Act To Ensure That Medical Equipment Found in a Repossessed Vehicle Is Returned to the Owner"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 29-A MRSA §665, sub-§6, as enacted by PL 2003, c. 133, §1, is amended to read:

6. Repossession. Upon the exercise of the right to take possession of a vehicle by a lienholder that is a supervised financial organization creditor as defined in Title 9-A, section 1-301, subsection 17, or the assignee of that creditor, ownership of the vehicle vests in the lienholder, subject to the rights granted to the owner and the duties imposed on the lienholder under Title 9-A, Article 5, Part 1 and, Title 11, Article 9-A, Part 6 and Title 32, section 11017.

Sec. 2. 32 MRSA §11017, sub-§3 is enacted to read:

3. Special treatment for necessary medical device or equipment in a repossessed vehicle. A consumer who has unsecured property taken when a vehicle is repossessed pursuant to Title 29-A, section 665, subsection 6 may have that property returned by complying with this subsection.

The consumer shall notify the debt collector that:

- A. Unsecured property was taken with a repossessed vehicle;
B. The unsecured property includes a medical device or equipment necessary for health or welfare; and
C. The consumer does not have practicable means to retrieve the medical device or equipment.

If the consumer makes a reasonable request for the return of the medical device or equipment, the debt collector shall arrange to have the medical equipment or device

COMMITTEE AMENDMENT

1 promptly returned to the consumer. If the debt collector incurs expenses in actually
2 returning the medical device or equipment to the consumer, those reasonable expenses
3 are considered a reasonable charge incurred in realizing on a security interest in personal
4 property, pursuant to Title 9-A, section 3-402, subsection 1, paragraph B, which may be
5 added to the consumer's indebtedness.'

6 **SUMMARY**

7 This amendment, which replaces the bill, provides that if a consumer notifies a debt
8 collector that unsecured property taken with a repossessed vehicle includes a medical
9 device or equipment necessary for health and welfare and that the consumer does not
10 have practicable means to retrieve the medical device or equipment, then the debt
11 collector is required to make arrangements to have the medical device or equipment
12 promptly returned to the consumer if the consumer has made a reasonable request that the
13 medical device or equipment be returned. It also provides that the debt collector can add
14 the cost of returning the medical device or equipment to the consumer's debt.

FISCAL NOTE REQUIRED

(See attached)



124th MAINE LEGISLATURE

LD 297

LR 432(02)

An Act To Ensure That Medical Equipment Found in a Repossessed Vehicle Is Returned to the Owner

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Transportation

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Increases the number of civil suits.

The collection of additional filing fees may also increase General Fund revenue by minor amounts.