

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 748

H.P. 553

House of Representatives, February 11, 2019

An Act To Provide Relief to Survivors of Economic Abuse

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative FAY of Raymond.
Cosponsored by Senator CARPENTER of Aroostook and
Representatives: BAILEY of Saco, HANINGTON of Lincoln, MASTRACCIO of Sanford,
MOONEN of Portland, RECKITT of South Portland, TALBOT ROSS of Portland, TEPLER
of Topsham, Senator: HERBIG of Waldo.

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

2 **Sec. 1. 10 MRSA §1310-H, sub-§2-A** is enacted to read:

3 **2-A. Economic abuse.** Notwithstanding any provision of federal law, if a consumer
4 provides documentation to the consumer reporting agency as set forth in Title 14, section
5 6001, subsection 6, paragraph H that the debt or any portion of the debt is the result of
6 economic abuse as defined in Title 19-A, section 4002, subsection 3-B, the consumer
7 reporting agency shall remove any reference to the debt or any portion of the debt
8 determined to be the result of economic abuse from the consumer's credit report.

9 **Sec. 2. 10 MRSA §1310-H, sub-§3,** as enacted by PL 2013, c. 228, §1, is
10 amended to read:

11 **3. Nonliability.** A person may not be held liable for any violation of this section if
12 the person shows by a preponderance of the evidence that at the time of the alleged
13 violation the person maintained reasonable procedures to ensure compliance with the
14 provisions of subsections 1 ~~and~~ 2 and 2-A.

15 **Sec. 3. 19-A MRSA §4002, sub-§3-B** is enacted to read:

16 **3-B. Economic abuse.** "Economic abuse" means causing or attempting to cause an
17 individual to be financially dependent by maintaining control over the individual's
18 financial resources, including, but not limited to, unauthorized use of credit or property,
19 withholding access to money or credit cards, forbidding attendance at school or
20 employment, stealing from or defrauding of money or assets, exploiting the individual's
21 resources for personal gain of the defendant or withholding physical resources such as
22 food, clothing, necessary medications or shelter.

23 **Sec. 4. 19-A MRSA §4007, sub-§1, ¶K-1** is enacted to read:

24 **K-1.** Ordering payment of monetary compensation to the abused person for losses
25 resulting from economic abuse. Upon motion of either party, for sufficient cause, the
26 court may set a later hearing on the issue of the amount of compensation, if any, to be
27 awarded;

28 **Sec. 5. 32 MRSA §11014, sub-§2-A** is enacted to read:

29 **2-A. Economic abuse.** If the consumer provides documentation to the debt collector
30 as set forth in Title 14, section 6001, subsection 6, paragraph H that the debt or any
31 portion of the debt is the result of economic abuse as defined in Title 19-A, section 4002,
32 subsection 3-B, the debt collector shall cease collection of the debt or any disputed
33 portion of the debt owed by the consumer subjected to economic abuse.

34 **SUMMARY**

35 This bill defines economic abuse in the context of protection from abuse and provides
36 for the court to order compensation for losses resulting from the economic abuse. The

1 bill also provides for an economic abuse survivor to be protected from debt collection and
2 for the economic abuse survivor's credit to be repaired.