

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

NEW DRAFT

EIGHTY - SEVENTH LEGISLATURE

Legislative Document

No. 880

H. P. 1830

House of Representatives, March 29, 1935.

Reported by Mr. Jacobson from Committee on Judiciary and laid on table to be printed under Joint Rules.

HARVEY R. PEASE, Clerk.

NEW DRAFT OF H. P. 1209, L. D. 457

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-FIVE

AN ACT Relating to Collection Agencies.

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

Sec. 1. Collection agencies regulated. No person, partnership, association or corporation, not being an attorney at law duly authorized to practice in the state shall conduct a collection agency, collection bureau or collection office or engage in the state in the business of collecting or receiving payment for others of any account, bill or other indebtedness or engage in the state in soliciting the right to collect or receive payment for another of any account, bill or other indebtedness or advertise for or solicit in print the right to collect or receive payment for another of any account, bill or other indebtedness unless such person, partnership, association or corporation or the person, partnership, association or corporation, for whom he or it may be acting as agent has on file with the secretary of state a good and sufficient bond, and also a license from the secretary of state.

Sec. 2. Bond. Said bond shall be for the term of 3 years from the date thereof unless the secretary of state shall consent to a longer period. It shall be in the sum of \$5,000 and shall provide that the person, partnership, association or corporation, giving the same, shall upon written demand, pay and turn over to or for the person, partnership, association or corporation,

from whom any account, bill or other indebtedness is taken for collection the proceeds of such collection in accordance with the terms of the agreement upon which it was received for collection. Said bond shall run to the state of Maine for the use of the state and for any person or persons who may have a cause of action. Said bond shall be in such form and shall contain such further provisions and conditions as the secretary of state with the advice and consent of the governor and council deems necessary or proper.

Sec. 3. Bond, how executed. Said bond shall be executed by any person, partnership, association or corporation as principal with a surety company as surety, or cash may be accepted in lieu of the sureties. The bond shall not be accepted unless it is approved by the secretary of state. Upon its approval by the secretary of state it shall be filed in his office.

Sec. 4. License. The application for a license shall be in writing and shall contain the trade name, if any, under which the applicant does such bill collection business and if owned or operated by an individual the full name and address, both of the residence and place of business, of the applicant, and if the applicant is a co-partnership, of every member thereof, or if a corporation, of each officer thereof; also of the town or city, with street and number, if any, where the business is to be conducted. Every such applicant at the time of making such application shall pay the secretary of state the sum of \$100 as an annual license fee. All fees received under the provisions of this act shall be turned over to the general treasurer for the use of the state.

Sec. 5. Penalty. Any person doing any business for which a bond is required by section 1, or any member of a partnership or officer of an association or corporation doing business, who fails on written demand to render a true and complete account to the person, partnership, association or corporation from whom any account bill or indebtedness was taken for collection or to turn over to or for such person, partnership, association or corporation the proceeds of such collection within 30 days after written demand, or who fails to comply with any of the provisions of sections 1 to 4 inclusive, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 3 months or by both such fine and imprisonment.

Sec. 6. Advertising. No person, partnership, association or corporation shall advertise, publicly or privately, the fact that they are a bonded collec-

tion agency under the laws of the state of Maine or in any way advertise that they are a state of Maine bonded collection agency. Any person, partnership, association or corporation who violate this section shall be punished as required under section 5.