

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND THIRTIETH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 2020 to March 30, 2021**

**FIRST SPECIAL SESSION**  
**April 28, 2021 to July 19, 2021**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2021**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 18, 2021**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2021**

**CHAPTER 296  
H.P. 351 - L.D. 477**

**An Act To Allow for Fair  
Restitution by Providing That  
Restitution Includes the Cost of  
Analysis of Suspected Illegal  
Drugs If the Defendant Was  
Convicted of Trafficking and  
Was Motivated by Profit**

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

**Sec. 1. 17-A MRSA §2002, sub-§3, ¶B,** as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

B. "Critical investigation expense" means a necessary expense incurred by a government or by a victim while investigating or prosecuting suspected criminal conduct. "Critical investigation expense" is limited to the cost of an audit or other financial analysis when that analysis is necessary to determine whether and to what extent a victim has suffered financial harm from criminal conduct by an employee or other person in a position of trust and the cost of analysis of suspected illegal drugs if the defendant is convicted of trafficking a scheduled drug under chapter 45 and the court in sentencing the defendant makes a finding that the conduct underlying the conviction was motivated by profit.

See title page for effective date.

**CHAPTER 297  
S.P. 205 - L.D. 522**

**An Act To Protect Consumers  
against Predatory Lending  
Practices**

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

**Sec. 1. 9-A MRSA Art. 2, Pt. 7** is enacted to read:

**PART 7**

**FRAUDULENT PRACTICES**

**§2-701. Engaging in pretense to evade requirements  
of this Article prohibited**

An entity covered by this Article may not engage in any device, subterfuge or pretense to evade the requirements of this Article, including, but not limited to, making a loan disguised as a personal property sale and leaseback transaction, disguising loan proceeds as a cash rebate for the pretextual installment sale of goods or services or making, offering, assisting or arranging a

debtor to obtain a loan with a greater rate of interest, consideration or charge than is permitted by this Article through any method. A loan made in violation of this Part is void and uncollectible as to any principal, fee, interest or charge.

**§2-702. Purporting to act as agent or service provider for another entity exempt from this Article**

A person is a lender subject to the requirements of this Article notwithstanding the fact that the person purports to act as an agent or service provider or in another capacity for another entity that is exempt from this Article, if, among other things:

1. The person holds, acquires or maintains, directly or indirectly, the predominant economic interest in the loan;
2. The person markets, brokers, arranges or facilitates the loan and holds the right, requirement or first right of refusal to purchase the loan or a receivable or interest in the loan; or
3. The totality of the circumstances indicate that the person is the lender and the transaction is structured to evade the requirements of this Article. Circumstances that weigh in favor of a person being a lender include, without limitation, when the person:

A. Indemnifies, insures or protects an exempt entity for any costs or risks related to the loan;

B. Predominantly designs, controls or operates the loan program; or

C. Purports to act as an agent or service provider or in another capacity for an exempt entity while acting directly as a lender in other states.

**Sec. 2. 9-A MRSA §5-201, sub-§2,** as amended by PL 1993, c. 496, §1, is further amended to read:

2. If a creditor has violated the provisions of this Act applying to authority to make supervised loans, section 2-301, the debtor is not obligated to pay any application fee, prepaid finance charge or closing cost, nor the loan finance charge owed for the first 12 months of the loan. If the debtor has paid any part of the application fee, prepaid finance charge, closing cost or loan finance charge owed for the first 12 months of the loan, the debtor has a right to recover the payment from the person violating this Act or from an assignee of that person's rights who undertakes direct collection of payments or enforcement of rights arising from the debt. With respect to violations arising from loans made pursuant to open-end credit, no action pursuant to this subsection may be brought more than 2 years after the violation occurred. With respect to violations arising from other loans, no action pursuant to this subsection may be brought more than one year after the due date of the

last scheduled payment of the agreement pursuant to which the charge was paid.

**Sec. 3. 9-A MRSA §5-201, sub-§2-A** is enacted to read:

2-A. If a lender has violated the provisions of this Act applying to authority to make supervised loans as set forth in section 2-301, the lender:

A. May not furnish information concerning a debt associated with that violation to a consumer reporting agency, as defined in Title 10, section 1308, subsection 3; and

B. May not refer a debt associated with that violation to a debt collector, as defined in Title 32, section 11002, subsection 6.

**Sec. 4. Short-term, small dollar loan study.**

The Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection shall study the use by Maine residents of short-term, small dollar loans in accordance with this section. In conducting the study, the bureau shall seek input from consumer advocates, regulators in other states, federal regulatory agencies, members of the lending industry and other interested parties.

1. At a minimum, the study must include the following:

A. A survey of the laws of other New England states related to maximum interest rates, permitted fees and finance charges and other provisions regulating consumer debt;

B. A survey of other policies that help consumers avoid the debt trap, including prohibitions on postdated checks or loan limits accompanied by cooling-off periods;

C. A review of complaints from Maine consumers and a survey of credit counselors and nonprofit organizations that provide legal or other assistance to Maine consumers to provide insight into the types of debt that are causing the most difficulty to Maine consumers; and

D. An analysis of the extent to which lenders and other entities use the provisions of the Maine Revised Statutes, Title 9-A, section 2-201, subsection 6 to receive a minimum charge on short-term, small dollar loans and the impact of those minimum charges on overall interest rates charged to Maine consumers.

2. The bureau shall submit the report, including any suggested legislation, to the Joint Standing Committee on Health Coverage, Insurance and Financial Services no later than December 1, 2021. The Joint Standing Committee on Health Coverage, Insurance and Financial Services may submit a bill to the Second

Regular Session of the 130th Legislature in response to the report.

See title page for effective date.

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**CHAPTER 298  
S.P. 213 - L.D. 528**

**An Act To Advance Energy Storage in Maine**

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

**Sec. 1. 35-A MRSA §3145** is enacted to read:

**§3145. State energy storage policy goals**

The state goal for energy storage system development is 300 megawatts of installed capacity located within the State by December 31, 2025 and 400 megawatts of installed capacity located within the State by December 31, 2030. Beginning January 1, 2031, and every 2 years thereafter, the Governor's Energy Office established in Title 2, subsection 9 shall set the state goal for energy storage system development and report that goal to the joint standing committee of the Legislature having jurisdiction over energy and utilities matters. For the purposes of this section, "energy storage system" has the same meaning as in section 3481, subsection 6.

**Sec. 2. 35-A MRSA §10102, sub-§5-A** is enacted to read:

**5-A. Energy storage system.** "Energy storage system" has the same meaning as in section 3481, subsection 6.

**Sec. 3. 35-A MRSA §10109, sub-§4, ¶A**, as amended by PL 2019, c. 69, §1, is further amended to read:

A. Trust funds must be allocated for measures, investments, loans, technical assistance and arrangements that reduce electricity consumption, increase energy efficiency or reduce greenhouse gas emissions and lower energy costs at commercial or industrial facilities and for investment in measures that lower residential heating energy demand and reduce greenhouse gas emissions. The measures that lower residential heating demand must be fuel-neutral and may include, but are not limited to, energy efficiency improvements to residential buildings, energy storage systems and upgrades to efficient heating systems that will reduce residential energy costs and greenhouse gas emissions, as determined by the board. The trust shall ensure that measures to reduce the cost of residential heating are available for low-income households as defined by the trust. When promoting electricity cost and consumption reduction, the