



126th MAINE LEGISLATURE

SECOND REGULAR SESSION-2014

Legislative Document

No. 1648

S.P. 639

In Senate, December 23, 2013

An Act To Protect Maine Consumers from Abusive and Deceptive Debt Collection Practices

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 23, 2013. Referred to the Committee on Labor, Commerce, Research and Economic Development pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator MAZUREK of Knox.

Cosponsored by Representative THERIAULT of Madawaska and

Senators: BOYLE of Cumberland, GRATWICK of Penobscot, JACKSON of Aroostook,
PATRICK of Oxford, VALENTINO of York, Representatives: BERRY of Bowdoinham,
McCABE of Skowhegan.

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

2 **Sec. 1. 32 MRSA §11013, sub-§2, ¶¶O and P,** as enacted by PL 1985, c. 702,
3 §2, are amended to read:

4 O. The false representation or implication that documents are not legal process forms
5 or do not require action by the consumer; ~~or~~

6 P. The false representation or implication that a debt collector operates or is
7 employed by a consumer reporting agency, as defined by Title 10, section ~~1312~~ 1308,
8 subsection ~~4-3~~; or

9 **Sec. 2. 32 MRSA §11013, sub-§2, ¶Q** is enacted to read:

10 Q. Collecting or attempting to collect a debt that is barred by the statute of
11 limitations or other relevant time limit without including a specific disclosure to the
12 consumer that the debt cannot be pursued through civil litigation.

13 **Sec. 3. 32 MRSA §11014, sub-§1, ¶E,** as enacted by PL 1985, c. 702, §2, is
14 amended to read:

15 E. A statement that, upon the consumer's written request within the 30-day period,
16 the debt collector will provide the consumer with the name and address of the
17 original creditor, if different from the current creditor and verification of the debt or a
18 copy of a judgment against the consumer. The statement must include instructions on
19 how to make the written request.

20 **SUMMARY**

21 This bill amends the Maine Fair Debt Collection Practices Act to prohibit a debt
22 collector from collecting or attempting to collect a debt from a consumer after the statute
23 of limitations has run on that debt unless the debt collector informs the consumer that the
24 debt cannot be pursued through civil litigation. This bill also requires a debt collector to
25 provide to a consumer, upon the written request of the consumer, verification of the debt
26 or a copy of the judgment against the consumer.