

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

SUMMARY

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

FISCAL NOTE REQUIRED
(See attached)