

§11019. Collection action by debt buyer

1. Complaint; required allegations. A debt buyer may not initiate a collection action against a consumer unless the debt buyer alleges all of the following information in the complaint:

- A. The information described in section 11013, subsection 9, including that the debt buyer possesses the documentation described in section 11013, subsection 9; [PL 2017, c. 216, §6 (NEW).]
- B. The basis for any interest and fees described in section 11013, subsection 9; [PL 2017, c. 216, §6 (NEW).]
- C. The basis for the request for attorney's fees, if applicable; [PL 2017, c. 216, §6 (NEW).]
- D. That the debt buyer is the current owner of the debt; and [PL 2017, c. 216, §6 (NEW).]
- E. That the cause of action is filed within the applicable statute of limitations period. [PL 2017, c. 216, §6 (NEW).]

[PL 2021, c. 245, Pt. F, §1 (AMD).]

2. Debt collection complaint; attachments. In a collection action initiated by a debt buyer, the debt buyer shall attach all of the following materials to the complaint:

- A. A copy of the contract, application or other document evidencing the consumer's agreement to the debt. If a signed writing evidencing the original debt does not exist, the debt buyer shall attach a copy of a document provided to the consumer before charge-off demonstrating that the debt was incurred by the consumer or, for a revolving credit account, the most recent monthly statement recording the extension of credit for the purchase of goods or services, for the lease of goods or as a loan of money or the last payment or balance transfer; and [PL 2017, c. 216, §6 (NEW).]
- B. A copy of the bill of sale or other writing establishing that the debt buyer is the owner of the debt. If the debt was assigned more than once, the debt buyer shall attach each assignment or other writing evidencing the transfer of ownership to establish an unbroken chain of ownership, beginning with the original creditor to the first debt buyer and each subsequent debt buyer. [PL 2017, c. 216, §6 (NEW).]

[PL 2017, c. 216, §6 (NEW).]

3. Requirements for judgment. Regardless of whether the consumer appears in the action, the court may not enter a judgment in favor of a debt buyer in a collection action against a consumer, including an action brought in small claims court pursuant to Title 14, chapter 738, unless the debt buyer files with the court:

- A. A copy admissible under the Maine Rules of Evidence of the contract, application or other writing establishing the consumer's agreement to the debt and any contract interest or fees alleged to be owed. If a signed writing evidencing the original debt does not exist, the debt buyer must file a copy of a document provided to the consumer before charge-off demonstrating that the debt was incurred by the consumer or, for a revolving credit account, the most recent monthly statement recording the extension of credit for the purchase of goods or services, for the lease of goods or as a loan of money or the last payment or balance transfer; [PL 2017, c. 216, §6 (NEW).]
- B. Business records or other evidence admissible under the Maine Rules of Evidence to establish the amount due at charge-off; [PL 2017, c. 216, §6 (NEW).]
- C. A copy admissible under the Maine Rules of Evidence of each bill of sale or other writing establishing transfer of ownership of the debt from the original creditor to the debt buyer. If the debt was assigned more than once, the debt buyer must file each assignment or other writing evidencing the transfer of ownership to establish an unbroken chain of ownership, beginning with

the original creditor to the first debt buyer and each subsequent debt buyer; and [PL 2017, c. 216, §6 (NEW).]

D. Notwithstanding any other law, if attorney's fees are sought under contract, a copy admissible under the Maine Rules of Evidence of the contract evidencing entitlement to attorney's fees. [PL 2017, c. 216, §6 (NEW).]
[PL 2017, c. 216, §6 (NEW).]

SECTION HISTORY

PL 2017, c. 216, §6 (NEW). PL 2021, c. 245, Pt. F, §1 (AMD).

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