

§11002. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1985, c. 702, §2 (NEW).]

1. Communication. "Communication" means the conveyance or receipt of information regarding or facilitating the collection of a debt, directly or indirectly, to or from any person through any medium. [PL 1985, c. 702, §2 (NEW).]

1-A. Collection action. "Collection action" means a lawsuit or arbitration proceeding initiated to collect a debt from a consumer. [PL 2015, c. 272, §1 (NEW).]

1-B. Charge-off. "Charge-off" means the act of a creditor removing an account from its books as an asset and treating it as a loss or expense because payment is unlikely. [PL 2017, c. 216, §2 (NEW).]

2. Conducting business in this State. "Conducting business in this State" means the collection or attempted collection of a debt due another by a debt collector located in this State; the solicitation of creditors in this State as clients and the collection or attempted collection of their debts by a debt collector, wherever located; or the collection or attempted collection of a debt from a consumer in this State by a debt collector, wherever located. [PL 2017, c. 317, §1 (AMD).]

3. Consumer. "Consumer" means any natural person obligated or allegedly obligated to pay any debt. [PL 1985, c. 702, §2 (NEW).]

4. Creditor. "Creditor" means any person who offers or extends credit creating a debt or to whom a debt is owed, but that term does not include any person to the extent that he receives an assignment or transfer of a debt in default solely for the purpose of facilitating collection of that debt for another. [PL 1985, c. 702, §2 (NEW).]

5. Debt. "Debt" means any obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance or services that are the subject of the transaction are primarily for personal, family or household purposes, whether or not the obligation has been reduced to judgment. "Debt" includes any obligation or alleged obligation for payment of child support owed to, or owed by, a resident of this State and any obligation or alleged obligation relating to a check returned because of insufficient funds if a consumer is subject to an enforcement program operated by a private entity. [PL 2007, c. 214, §1 (AMD).]

5-A. Debt buyer. "Debt buyer" means a person that is regularly engaged in the business of purchasing charged-off consumer debt for collection purposes, whether the person collects the debt or hires a 3rd party, which may include an attorney-at-law, in order to collect the debt. "Debt buyer" does not include a supervised financial organization as defined in Title 9-A, section 1-301, subsection 38-A or a person that acquires charged-off consumer debt incidental to the purchase of a portfolio predominantly consisting of consumer debt that has not been charged off. A debt buyer is considered a debt collector for all purposes under this chapter. [PL 2017, c. 216, §3 (NEW).]

6. Debt collector. "Debt collector" means any person conducting business in this State, the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another. "Debt collector" includes persons who furnish collection systems carrying a name that simulates the name of a debt collector and who supply forms or form letters to be used by the creditor even though the forms direct

the debtor to make payments directly to the creditor. Notwithstanding the exclusion provided by section 11003, subsection 7, "debt collector" includes any creditor who, in the process of collecting the creditor's own debts, uses any name other than the creditor's that would indicate that a 3rd person is collecting or attempting to collect these debts. "Debt collector" includes any attorney-at-law whose principal activities include collecting debts as an attorney on behalf of and in the name of clients, except that any such attorney licensed to practice law in this State is subject exclusively to subchapter 2 and any such attorney not licensed to practice law in this State is subject to this entire chapter. "Debt collector" also includes any person regularly engaged in the enforcement of security interests securing debts, including a repossession company and a residential real estate property preservation provider. "Debt collector" does not include any person who retrieves collateral when a consumer has voluntarily surrendered possession. A person is regularly engaged in the enforcement of security interests if that person enforced security interests more than 5 times in the previous calendar year. If a person does not meet these numerical standards for the previous calendar year, the numerical standards must be applied to the current calendar year.

[PL 2013, c. 521, Pt. E, §1 (AMD).]

7. Location information. "Location information" means a consumer's place of abode and his telephone number at that place or his place of employment.

[PL 1985, c. 702, §2 (NEW).]

8. Person. "Person" means any natural person, corporation, trust, partnership, incorporated or unincorporated association and any other legal entity.

[PL 1985, c. 702, §2 (NEW).]

8-A. Residential real estate property preservation provider. "Residential real estate property preservation provider" means a person who regularly provides residential real estate property preservation services. "Residential real estate property preservation provider" does not include a supervised financial organization, a supervised lender, a person licensed by the Plumbers' Examining Board, a person licensed by the Electricians' Examining Board, a person licensed by the Department of Professional and Financial Regulation under chapter 131, a person licensed by the Maine Fuel Board or a person licensed by the Real Estate Commission.

[PL 2013, c. 521, Pt. E, §2 (NEW).]

8-B. Residential real estate property preservation services. "Residential real estate property preservation services" means those services undertaken at the direction of a person holding or enforcing a mortgage on residential real estate that is in default or in which the property is presumed abandoned in entering or arranging for entry into a building to perform the services of winterizing the residence, changing the door locks or removing unsecured items from the residence.

[PL 2013, c. 521, Pt. E, §2 (NEW).]

8-C. Resolved debt. "Resolved debt" means a debt that has been paid, settled or discharged in bankruptcy.

[PL 2017, c. 216, §4 (NEW).]

9. Administrator. "Administrator" means the Superintendent of Consumer Credit Protection.

[PL 1995, c. 309, §22 (RPR); PL 1995, c. 309, §29 (AFF); PL 2007, c. 273, Pt. B, §6 (REV); PL 2007, c. 695, Pt. A, §47 (AFF).]

10. Supervised financial organization. "Supervised financial organization" has the same meaning as defined in Title 9-A, section 1-301, subsection 38-A.

[PL 1997, c. 66, §8 (AMD).]

SECTION HISTORY

PL 1985, c. 702, §2 (NEW). PL 1993, c. 126, §1 (AMD). PL 1995, c. 309, §§22,23 (AMD). PL 1995, c. 309, §29 (AFF). PL 1995, c. 397, §101 (AMD). PL 1997, c. 66, §8 (AMD). PL 1999,

c. 184, §20 (AMD). PL 2003, c. 562, §2 (AMD). PL 2005, c. 475, §1 (AMD). PL 2007, c. 214, §1 (AMD). PL 2007, c. 273, Pt. B, §6 (REV). PL 2007, c. 273, Pt. B, §7 (AFF). PL 2007, c. 695, Pt. A, §47 (AFF). PL 2013, c. 521, Pt. E, §§1, 2 (AMD). PL 2015, c. 272, §1 (AMD). PL 2017, c. 216, §§2-4 (AMD). PL 2017, c. 317, §1 (AMD).

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