

**CHAPTER 80**

**CHECK CASHERS AND CASH-DISPENSING MACHINES**

**SUBCHAPTER 1**

**MONEY TRANSMITTERS**

**(REPEALED)**

**§6101. Short title**

**(REPEALED)**

SECTION HISTORY

PL 1997, c. 155, §A2 (NEW). PL 2023, c. 662, §4 (RP).

**§6102. Definitions**

**(REPEALED)**

SECTION HISTORY

PL 1997, c. 155, §A2 (NEW). 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 2021, c. 245, Pt. A, §§9, 10 (AMD). PL 2023, c. 662, §4 (RP).

**§6103. License required**

**(REPEALED)**

SECTION HISTORY

PL 1997, c. 155, §A2 (NEW). PL 2021, c. 245, Pt. D, §§14, 15 (AMD). PL 2023, c. 662, §4 (RP).

**§6104. Exemptions**

**(REPEALED)**

SECTION HISTORY

PL 1997, c. 155, §A2 (NEW). PL 2001, c. 371, §13 (AMD). PL 2023, c. 662, §4 (RP).

**§6105. License qualifications**

**(REPEALED)**

SECTION HISTORY

PL 1997, c. 155, §A2 (NEW). PL 2023, c. 662, §4 (RP).

**§6106. License application**

**(REPEALED)**

SECTION HISTORY

PL 1997, c. 155, §A2 (NEW). PL 2023, c. 662, §4 (RP).

**§6107. Bond or other security device**

**(REPEALED)**

SECTION HISTORY

PL 1997, c. 155, §A2 (NEW). PL 2023, c. 662, §4 (RP).

**§6108. Application fee**

**(REPEALED)**

SECTION HISTORY

PL 1997, c. 155, §A2 (NEW). PL 2021, c. 245, Pt. D, §16 (RP).

**§6109. Issuance of license**

**(REPEALED)**

SECTION HISTORY

PL 1997, c. 155, §A2 (NEW). PL 2023, c. 662, §4 (RP).

**§6110. Renewal of license and annual report**

**(REPEALED)**

SECTION HISTORY

PL 1997, c. 155, §A2 (NEW). PL 2021, c. 245, Pt. D, §§17-19 (AMD). PL 2023, c. 662, §4 (RP).

**§6111. Extraordinary reporting requirements**

**(REPEALED)**

SECTION HISTORY

PL 1997, c. 155, §A2 (NEW). PL 2023, c. 662, §4 (RP).

**§6112. Changes in control of a licensee**

**(REPEALED)**

SECTION HISTORY

PL 1997, c. 155, §A2 (NEW). PL 2023, c. 662, §4 (RP).

**§6113. Examinations**

**(REPEALED)**

SECTION HISTORY

PL 1997, c. 155, §A2 (NEW). PL 2023, c. 662, §4 (RP).

**§6114. Maintenance of records**

**(REPEALED)**

SECTION HISTORY

PL 1997, c. 155, §A2 (NEW). PL 2023, c. 662, §4 (RP).

**§6115. Confidentiality of data submitted to the administrator**

**(REPEALED)**

SECTION HISTORY

PL 1997, c. 155, §A2 (NEW). PL 2023, c. 662, §4 (RP).

**§6116. Suspension or revocation of licenses**

**(REPEALED)**

SECTION HISTORY

PL 1997, c. 155, §A2 (NEW). PL 2023, c. 662, §4 (RP).

**§6117. Authorized delegate contracts**

**(REPEALED)**

SECTION HISTORY

PL 1997, c. 155, §A2 (NEW). PL 2023, c. 662, §4 (RP).

**§6118. Authorized delegate conduct**

**(REPEALED)**

SECTION HISTORY

PL 1997, c. 155, §A2 (NEW). PL 2023, c. 662, §4 (RP).

**§6119. Revocation or suspension of authorized delegates**

**(REPEALED)**

SECTION HISTORY

PL 1997, c. 155, §A2 (NEW). PL 2023, c. 662, §4 (RP).

**§6120. Licensee liability**

**(REPEALED)**

SECTION HISTORY

PL 1997, c. 155, §A2 (NEW). PL 2023, c. 662, §4 (RP).

**§6121. Hearings; procedures**

**(REPEALED)**

SECTION HISTORY

PL 1997, c. 155, §A2 (NEW). PL 2023, c. 662, §4 (RP).

**§6122. Civil penalties**

**(REPEALED)**

SECTION HISTORY

PL 1997, c. 155, §A2 (NEW). PL 2023, c. 662, §4 (RP).

**§6123. Enforcement**

**(REPEALED)**

SECTION HISTORY

PL 1997, c. 155, §A2 (NEW). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2023, c. 662, §4 (RP).

**§6124. Criminal penalties**

**(REPEALED)**

SECTION HISTORY

PL 1997, c. 155, §A2 (NEW). PL 2023, c. 662, §4 (RP).

**§6125. Adoption of rules**

**(REPEALED)**

## SECTION HISTORY

PL 1997, c. 155, §A2 (NEW). PL 2023, c. 662, §4 (RP).

**§6126. Designation of agent for service of process****(REPEALED)**

## SECTION HISTORY

PL 1997, c. 155, §A2 (NEW). PL 2023, c. 662, §4 (RP).

**§6127. Multiple licenses****(REPEALED)**

## SECTION HISTORY

PL 1997, c. 155, §A2 (NEW). PL 2023, c. 662, §4 (RP).

**§6128. Treatment of fees****(REPEALED)**

## SECTION HISTORY

PL 1997, c. 155, §A2 (NEW). PL 2023, c. 662, §4 (RP).

**§6129. Effective date****(REPEALED)**

## SECTION HISTORY

PL 1997, c. 155, §A2 (NEW). PL 2023, c. 662, §4 (RP).

**SUBCHAPTER 2****CHECK CASHING AND FOREIGN CURRENCY EXCHANGE****§6131. Short title**

This subchapter may be known and cited as the "Check Cashing and Foreign Currency Exchange Act." [PL 1997, c. 155, Pt. A, §2 (NEW).]

## SECTION HISTORY

PL 1997, c. 155, §A2 (NEW).

**§6132. Definitions**

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1997, c. 155, Pt. A, §2 (NEW).]

**1. Administrator.** "Administrator" means the Superintendent of Consumer Credit Protection. [PL 1997, c. 155, Pt. A, §2 (NEW); PL 2007, c. 273, Pt. B, §6 (REV); PL 2007, c. 695, Pt. A, §47 (AFF).]

**2. Applicant.** "Applicant" means a person filing an application for a license under this subchapter. [PL 1997, c. 155, Pt. A, §2 (NEW).]

**3. Capital adequacy.** "Capital adequacy" means that an applicant is financially sound and has liquid assets useable in the business of at least \$10,000, computed according to generally accepted accounting principles, for the full term of the registration. [PL 1997, c. 155, Pt. A, §2 (NEW).]

**4. Check.** "Check" means any check, draft, money order or other instrument for the transmission or payment of money. "Check" does not include a travelers check.

[PL 1997, c. 155, Pt. A, §2 (NEW).]

**5. Check cashing business.** "Check cashing business" means any person who engages in the business of cashing checks for a fee. "Check cashing business" does not include any of the following:

A. A supervised financial organization; [PL 1997, c. 155, Pt. A, §2 (NEW).]

B. A supervised lender; [PL 1997, c. 155, Pt. A, §2 (NEW).]

C. A licensee under the Maine Money Transmission Modernization Act; or [PL 2023, c. 662, §5 (AMD).]

D. A person who is primarily engaged in the business of selling tangible personal property or services at retail and does not derive more than 5% of its income from check cashing. [PL 1997, c. 155, Pt. A, §2 (NEW).]

[PL 2023, c. 662, §5 (AMD).]

**6. Foreign currency exchange business.** "Foreign currency exchange business" means a person who engages in the business of exchanging foreign currency for a fee. "Foreign currency exchange business" does not include any of the following:

A. A supervised financial organization; [PL 1997, c. 155, Pt. A, §2 (NEW).]

B. A licensee under the Maine Money Transmission Modernization Act; or [PL 2023, c. 662, §6 (AMD).]

C. A person who is primarily engaged in the business of selling tangible personal property or services at retail and does not derive more than 5% of that person's income from foreign currency exchange. [PL 1997, c. 155, Pt. A, §2 (NEW).]

[PL 2023, c. 662, §6 (AMD).]

**7. Identification.** "Identification" means, and is limited to, an unexpired and otherwise valid drivers license; a state identification card issued by any state of the United States or its territories or the District of Columbia showing a photograph and signature; a United States government resident alien identification card; a United States passport; or a United States military identification card.

[PL 1997, c. 155, Pt. A, §2 (NEW).]

**8. Person.** "Person" means an individual, partnership, association, joint-stock association, limited liability company, trust or corporation.

[PL 1997, c. 155, Pt. A, §2 (NEW).]

**9. Registrant.** "Registrant" means a person registered under this subchapter.

[PL 1997, c. 155, Pt. A, §2 (NEW).]

#### SECTION HISTORY

PL 1997, c. 155, §A2 (NEW). 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 2023, c. 662, §§5, 6 (AMD).

#### §6133. Registration required

**1. Registration.** On or after January 1, 1998, a person except one exempt pursuant to section 6132, subsection 5 or 6, may not engage in the business of check cashing or foreign currency exchange without registering as provided in this subchapter.

[PL 1997, c. 155, Pt. A, §2 (NEW).]

**2. Additional locations.** A registrant may conduct its business in this State at one or more locations, directly or indirectly owned, or through one or more authorized delegates, subject to the requirements set forth in this section.

[PL 2021, c. 245, Pt. D, §20 (AMD).]

**3. Nationwide mortgage licensing system and registry.** The administrator may require registration under this section through the nationwide mortgage licensing system and registry as defined in Title 9-A, section 13-102, subsection 8. The administrator is authorized to participate in the nationwide mortgage licensing system and registry.

[PL 2021, c. 245, Pt. D, §21 (NEW).]

**4. Registration requirements; fees.** In all cases, whether registration is through the nationwide mortgage licensing system and registry as defined in Title 9-A, section 13-102, subsection 8 or otherwise, the administrator may establish, by rule, requirements for registration under this section, including but not limited to:

A. Background checks for:

- (1) Criminal history through fingerprint or other databases;
- (2) Civil or administrative records;
- (3) Credit history; or
- (4) Any other information determined necessary by the nationwide mortgage licensing system and registry; [PL 2021, c. 245, Pt. D, §22 (NEW).]

B. The payment of fees to apply for or renew registrations, including for locations other than the applicant's main office location, except that the fee for an initial application may not exceed \$500 and for a renewal may not exceed \$500. If registration is through the nationwide mortgage licensing system and registry, an applicant must also pay a nationwide mortgage licensing system and registry processing fee in an amount to be determined by the administrators of the nationwide mortgage licensing system and registry. Renewal applications received after the due date are subject to an additional fee of \$100; [PL 2021, c. 245, Pt. D, §22 (NEW).]

C. The setting or resetting as necessary of renewal or reporting dates; and [PL 2021, c. 245, Pt. D, §22 (NEW).]

D. Other requirements for application for, amendment of or revocation of a registration or any other such activities as the administrator considers necessary. [PL 2021, c. 245, Pt. D, §22 (NEW).]

The aggregate of all fees, including those provided for by this section and in section 6140, is appropriated for the use of the administrator. Any balance of the funds does not lapse but must be carried forward to be expended for the same purposes in the following fiscal year.

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2021, c. 245, Pt. D, §22 (NEW).]

## SECTION HISTORY

PL 1997, c. 155, §A2 (NEW). PL 2021, c. 245, Pt. D, §§20-22 (AMD).

### §6134. Application

An application for registration must be in writing and under oath to the administrator, in such form as the administrator may prescribe. The application must include the following information: [PL 1997, c. 155, Pt. A, §2 (NEW).]

**1. Name and residence.** The legal name and residence and business addresses of the applicant, if the applicant is a natural person, or, if the applicant is a partnership, association, or corporation, the name of every partner, officer, or administrator of the applicant;

[PL 1997, c. 155, Pt. A, §2 (NEW).]

**2. Location.** The location of the principal office of the applicant;  
[PL 1997, c. 155, Pt. A, §2 (NEW).]

**3. Other locations.** The complete address of any other locations at which the applicant proposes to engage in the activities regulated by this subchapter; and  
[PL 1997, c. 155, Pt. A, §2 (NEW).]

**4. Other information.** Such other information as the administrator may reasonably require with respect to the applicant.  
[PL 1997, c. 155, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 1997, c. 155, §A2 (NEW).

**§6135. Registration standards**

**1. Investigation.** Upon the filing of an application for registration, the administrator shall investigate the applicant with respect to:

A. The business records and the capital adequacy of the person seeking the registration; [PL 1997, c. 155, Pt. A, §2 (NEW).]

B. The competence, experience, integrity and financial ability of any individual who:

- (1) Is a director, officer or supervisory employee of the business; or
- (2) Owns or controls the business; and [PL 1997, c. 155, Pt. A, §2 (NEW).]

C. The record of the applicant or of any person referenced in paragraph B with respect to:

- (1) Any criminal activity;
- (2) Any fraud or other act of personal dishonesty;
- (3) Any act, omission or practice that constitutes a breach of a fiduciary duty; or
- (4) Any suspension or removal, by any agency or department of the United States or any state, from participation in the conduct of any federally or state-licensed or regulated business. [PL 1997, c. 155, Pt. A, §2 (NEW).]

[PL 1997, c. 155, Pt. A, §2 (NEW).]

**2. Grounds for denial.** If the investigation under subsection 1 results in findings that the applicant is not properly qualified to conduct business under this subchapter, those findings are grounds for denial of the application.

[PL 1997, c. 155, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 1997, c. 155, §A2 (NEW).

**§6136. Registration term; renewal**

**1. Effective registrations.** Registration pursuant to this subchapter remains effective through the remainder of the calendar year of its date of issuance, unless sooner surrendered, suspended or revoked.  
[PL 1997, c. 155, Pt. A, §2 (NEW).]

**2. Annual renewal.** Registrations must be renewed annually, in such form as the administrator may prescribe.

[PL 1997, c. 155, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 1997, c. 155, §A2 (NEW).

**§6137. Fees****(REPEALED)**

## SECTION HISTORY

PL 1997, c. 155, §A2 (NEW). PL 2021, c. 245, Pt. D, §23 (RP).

**§6138. Limitations**

**1. Endorsement.** Before a registrant may deposit, with any financial institution, a payment instrument that is cashed by a registrant, the item must be endorsed with the actual name under which the registrant is doing business.

[PL 1997, c. 155, Pt. A, §2 (NEW).]

**2. Compliance with state and federal law.** Registrants must comply with all the laws of this State and any federal laws.

[PL 1997, c. 155, Pt. A, §2 (NEW).]

**3. Display of certificate of registration.** The administrator may require each check cashing business and foreign currency exchange business to display its registration certificate in its place of business.

[PL 1997, c. 155, Pt. A, §2 (NEW).]

**4. Prohibited activities.** A check cashing business may not:

A. Charge fees, except as otherwise provided by this subchapter, in excess of 5% of the face amount of the payment instrument, or 6% without the provision of identification, or \$5, whichever is greater; [PL 1997, c. 155, Pt. A, §2 (NEW).]

B. Charge fees in excess of 3% of the face amount of the payment instrument, or 4% without the provision of identification, or \$5, whichever is greater, if the payment instrument is the payment of any kind of state public assistance or federal social security benefit payable to the bearer of the payment instrument; [PL 1997, c. 155, Pt. A, §2 (NEW).]

C. Charge fees for personal checks or money orders in excess of 10% of the face amount of those payment instruments, or \$5, whichever is greater; [PL 1997, c. 155, Pt. A, §2 (NEW).]

D. Cash or advance any money on a postdated check; [PL 1997, c. 155, Pt. A, §2 (NEW).]

E. Agree to hold a check or draft for later deposit; [PL 1997, c. 155, Pt. A, §2 (NEW).]

F. Issue any check or draft without concurrently receiving the full principal amount in cash or its equivalent; or [PL 1997, c. 155, Pt. A, §2 (NEW).]

G. Engage in any false or misleading advertising. [PL 1997, c. 155, Pt. A, §2 (NEW).]

[PL 1997, c. 155, Pt. A, §2 (NEW).]

## SECTION HISTORY

PL 1997, c. 155, §A2 (NEW).

**§6139. Records of check cashing and foreign currency exchange business**

**1. Maintenance of records.** A registrant shall maintain all books, accounts, records and documents necessary to determine the registrant's compliance with the provisions of this subchapter. Books, accounts, records and documents must be retained for a period of at least 3 years.

[PL 1997, c. 155, Pt. A, §2 (NEW).]

**2. Location of records.** The records required to be maintained may be maintained by the registrant at any location, so long as the registrant notifies the administrator, in writing, of the location of the records in its application or otherwise. The registrant shall make such records available to the



administrator for examination and investigation in this State within 7 days after receipt of a written request.

[PL 1997, c. 155, Pt. A, §2 (NEW).]

**3. Expiration of retention period.** Registrants and authorized vendors are not required to preserve or retain any of the records required by this section or copies of those records for a period longer than 3 years unless a longer period is expressly required by the laws of this State or any federal law. A registrant or authorized vendor may destroy any of its records or copies after the expiration of the retention period required by this section.

[PL 1997, c. 155, Pt. A, §2 (NEW).]

**4. Electronic storage.** The original of any record of a registrant includes the data or other information comprising a record stored or transmitted in or by means of any electronic, computerized, mechanized or other information storage or retrieval or transmission system or device that can upon request generate, regenerate or transmit the precise data or other information comprising the records. An original also includes the visible data or other information so generated, regenerated, or transmitted if it is legible or can be made legible by enlargement or other process.

[PL 1997, c. 155, Pt. A, §2 (NEW).]

#### SECTION HISTORY

PL 1997, c. 155, §A2 (NEW).

#### §6140. Examinations

**1. Examination.** The administrator may examine the books, accounts and records of an applicant or registrant and make investigations to determine compliance with this subchapter.

[PL 1997, c. 155, Pt. A, §2 (NEW).]

**2. Expenses.** The expenses of the administrator necessarily incurred in the examination or investigation of any applicant or registrant are chargeable to that person.

[PL 1997, c. 155, Pt. A, §2 (NEW).]

#### SECTION HISTORY

PL 1997, c. 155, §A2 (NEW).

#### §6141. Reporting requirements

A registrant under this subchapter shall: [PL 1997, c. 155, Pt. A, §2 (NEW).]

**1. Disclose to administrator.** Disclose to the administrator the fees charged to consumers for services regulated by this subchapter; and

[PL 1997, c. 155, Pt. A, §2 (NEW).]

**2. Disclose to public.** Conspicuously disclose to the public, at each business location, the fees charged to consumers for its services.

[PL 1997, c. 155, Pt. A, §2 (NEW).]

#### SECTION HISTORY

PL 1997, c. 155, §A2 (NEW).

#### §6142. Suspension or revocation of registration

After notice and hearing, the administrator may suspend or revoke a registrant's registration if the administrator finds that: [PL 1997, c. 155, Pt. A, §2 (NEW).]

**1. Grounds for denial.** A fact or condition exists that, if it had existed at the time when the registrant applied for its registration, would have been grounds for denying the application;

[PL 1997, c. 155, Pt. A, §2 (NEW).]

**2. Inadequate net worth.** The registrant's net worth becomes inadequate and the registrant, after 10 days' written notice from the administrator, fails to take such steps as the administrator determines necessary to remedy the deficiency;  
[PL 1997, c. 155, Pt. A, §2 (NEW).]

**3. Violation.** The registrant knowingly violates a material provision of this subchapter or a rule or order validly adopted by the administrator under authority of this subchapter;  
[PL 1997, c. 155, Pt. A, §2 (NEW).]

**4. Safety and soundness.** The registrant is conducting its business in an unsafe or unsound manner;  
[PL 1997, c. 155, Pt. A, §2 (NEW).]

**5. Insolvency.** The registrant is insolvent;  
[PL 1997, c. 155, Pt. A, §2 (NEW).]

**6. Failure to meet obligations.** The registrant has suspended payment of its obligations, made an assignment for the benefit of its creditors, or admitted in writing its inability to pay its debts as they become due;  
[PL 1997, c. 155, Pt. A, §2 (NEW).]

**7. Bankruptcy.** The registrant has applied for an adjudication of bankruptcy, reorganization, arrangement or other relief under any bankruptcy;  
[PL 1997, c. 155, Pt. A, §2 (NEW).]

**8. Refusal of examination.** The registrant refuses to permit the administrator to make an examination authorized by this subchapter;  
[PL 1997, c. 155, Pt. A, §2 (NEW).]

**9. Failure to respond.** The registrant fails to promptly and adequately respond to communications from the administrator; or  
[PL 1997, c. 155, Pt. A, §2 (NEW).]

**10. Failure to report.** The registrant willfully fails to make a report required by this subchapter.  
[PL 1997, c. 155, Pt. A, §2 (NEW).]

#### SECTION HISTORY

PL 1997, c. 155, §A2 (NEW).

#### §6143. Penalties

**1. Criminal penalty.** A person who carries on a business regulated by this subchapter without a valid registration is guilty of a Class E crime.  
[PL 1997, c. 155, Pt. A, §2 (NEW).]

**2. Civil penalty.** A registrant who fails to comply with a provision of this subchapter is subject to a civil action in which a court may assess a penalty not to exceed \$5,000 or actual damages, whichever is greater.  
[PL 1997, c. 155, Pt. A, §2 (NEW).]

#### SECTION HISTORY

PL 1997, c. 155, §A2 (NEW).

#### §6144. Adoption of rules

Rules adopted under this subchapter are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. [PL 1997, c. 155, Pt. A, §2 (NEW).]

#### SECTION HISTORY

PL 1997, c. 155, §A2 (NEW).

**§6145. Designation of agent for service of process**

An applicant must designate and maintain an agent in this State for service of process. [PL 1997, c. 155, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 1997, c. 155, §A2 (NEW).

**§6146. Privacy of consumer financial information**

A check cashing business or foreign currency exchange business shall comply with the provisions of the federal Gramm-Leach-Bliley Act, 15 United States Code, Section 6801 et seq. (1999) and the applicable implementing federal Privacy of Consumer Information regulations, as adopted by the Office of the Comptroller of the Currency, 12 Code of Federal Regulations, Part 40 (2001); the Board of Governors of the Federal Reserve System, 12 Code of Federal Regulations, Part 216 (2001); the Federal Deposit Insurance Corporation, 12 Code of Federal Regulations, Part 332 (2001); the Office of Thrift Supervision, 12 Code of Federal Regulations, Part 573 (2001); the National Credit Union Administration, 12 Code of Federal Regulations, Part 716 (2001); the Federal Trade Commission, 16 Code of Federal Regulations, Part 313 (2001); or the Securities and Exchange Commission, 17 Code of Federal Regulations, Part 248 (2001), if the check cashing business or foreign currency exchange business is a financial institution as defined in those regulations. This section is not intended to permit the release of health care information except as permitted by Title 22, section 1711-C or Title 24-A, chapter 24. [PL 2001, c. 262, Pt. E, §2 (NEW).]

SECTION HISTORY

PL 2001, c. 262, §E2 (NEW).

### SUBCHAPTER 3

#### CASH-DISPENSING MACHINES ESTABLISHED BY NONBANKS

**§6151. Definitions**

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1999, c. 229, §2 (NEW).]

**1. Administrator.** "Administrator" means the Superintendent of Consumer Credit Protection within the Department of Professional and Financial Regulation.

[PL 1999, c. 229, §2 (NEW); PL 2007, c. 273, Pt. B, §6 (REV); PL 2007, c. 695, Pt. A, §47 (AFF).]

**2. Cash-dispensing machine.** "Cash-dispensing machine" means an electronic device that, operating in conjunction with a processor and network, allows a customer to debit an account in exchange for dispensing cash and that may allow a customer to effectuate account transfers subject to the limitations of section 6152. It does not include a satellite facility operated by a financial institution or service corporation, a point-of-sale terminal or a consumer-owned and consumer-operated personal computer terminal.

[PL 1999, c. 229, §2 (NEW).]

**3. Establish.** "Establish" means to own, lease or otherwise legally control.

[PL 1999, c. 229, §2 (NEW).]

**4. Financial institution.** "Financial institution" means any financial institution as defined in Title 9-B, section 131, subsection 17; any credit union as defined in Title 9-B, section 131, subsection 12; or

any bank, commercial bank, savings bank, trust company, building and loan association, savings and loan association, savings association, cooperative bank, credit union or similar banking or credit union organization chartered by any other state or by the Federal Government.

[PL 1999, c. 229, §2 (NEW).]

**5. Network.** "Network" means a person who engages primarily in the establishment and maintenance of a computer-operated system for transmitting items and messages between financial institutions, processors and cash-dispensing machines or similar electronic devices.

[PL 1999, c. 229, §2 (NEW).]

**6. Operator.** "Operator" means the person who owns, leases or otherwise legally controls a cash-dispensing machine and is responsible for registering the cash-dispensing machine.

[PL 1999, c. 229, §2 (NEW).]

**7. Person.** "Person" means an individual, partnership, corporation or other business association recognized under state law.

[PL 1999, c. 229, §2 (NEW).]

**8. Processor.** "Processor" means a person who electronically acquires financial data emanating from a cash-dispensing machine and relays that data to a network.

[PL 1999, c. 229, §2 (NEW).]

**9. Satellite facility.** "Satellite facility" means a satellite facility as defined in Title 9-B, section 131, subsection 35.

[PL 1999, c. 229, §2 (NEW).]

**10. Service corporation.** "Service corporation" means a service corporation, as defined in Title 9-B, section 131, subsection 37, owned by one or more financial institutions.

[PL 1999, c. 229, §2 (NEW).]

**11. Servicing agent.** "Servicing agent" means a person who contracts with an operator to provide customer relations, financial recordkeeping or similar services in regard to a cash-dispensing machine.

[PL 1999, c. 229, §2 (NEW).]

#### SECTION HISTORY

PL 1999, c. 229, §2 (NEW). PL 2007, c. 273, Pt. B, §6 (REV). PL 2007, c. 273, Pt. B, §7 (AFF). PL 2007, c. 695, Pt. A, §47 (AFF).

#### §6152. Establishment of cash-dispensing machines; limitations

**1. Cash-dispensing machines.** A person may not establish or operate a cash-dispensing machine unless that person has first complied with the provisions of this subchapter.

[PL 1999, c. 229, §2 (NEW).]

**2. Limitations.** A cash-dispensing machine:

A. May not accept deposits or loan payments or effectuate account transfers other than those transfers between the customer's accounts in the same financial institution; and [PL 1999, c. 229, §2 (NEW).]

B. Must be operated in such a way as to comply with the Electronic Funds Transfer Act, 15 United States Code, Section 1693 et seq. or regulations adopted under that Act. [PL 1999, c. 229, §2 (NEW).]

[PL 1999, c. 229, §2 (NEW).]

#### SECTION HISTORY

PL 1999, c. 229, §2 (NEW).

#### §6153. Registration

**1. Initial operation; notice.** Prior to the date of the initial operation of any cash-dispensing machine, the operator shall provide the following information to the administrator for the purpose of registering the cash-dispensing machine:

A. An initial notice that includes:

- (1) The operator's name, address and telephone number;
- (2) The name and address of where the cash-dispensing machine is to be located;
- (3) The anticipated date of the initial operation of the cash-dispensing machine;
- (4) The types of transactions available;
- (5) The processor's name, address and telephone number;
- (6) The servicing agent's name, address and telephone number;
- (7) The name, title, address and telephone number of the person completing the notice; and
- (8) Any other information required by the administrator; and [PL 1999, c. 229, §2 (NEW).]

B. A registration fee of \$50 for the first cash-dispensing machine location and \$25 for each additional location, payable to the Treasurer of State. [PL 1999, c. 229, §2 (NEW).]  
[PL 1999, c. 229, §2 (NEW).]

**2. Annual notice; fee.** After filing an initial notice, as required by subsection 1, the operator shall provide annually, no later than January 31st, to the administrator a notice and registration fee in accordance with subsection 1, paragraphs A and B.  
[PL 1999, c. 229, §2 (NEW).]

**3. Notification of change.** The operator shall promptly notify the administrator in writing:

A. Of any changes to the information required under subsection 1, paragraph A; or [PL 1999, c. 229, §2 (NEW).]

B. If the operation of the cash-dispensing machine is terminated. [PL 1999, c. 229, §2 (NEW).]  
[PL 1999, c. 229, §2 (NEW).]

**4. Verification.** The administrator may, at any time, verify the completeness and accuracy of any required notice under this section.  
[PL 1999, c. 229, §2 (NEW).]

**5. Violation; inadequate documentation.** The operator is in violation of this section if the operator fails to promptly provide adequate documentation to and upon request of the administrator or if the documentation is determined to be incomplete or inaccurate. The administrator shall inform the operator of any such failure or discrepancy under this subsection and shall inform the operator of the penalty established in accordance with subsection 6.  
[PL 1999, c. 229, §2 (NEW).]

**6. Fine.** The administrator may impose a fine of \$5 per day on any person failing to comply with the requirements of this section.  
[PL 1999, c. 229, §2 (NEW).]

## SECTION HISTORY

PL 1999, c. 229, §2 (NEW).

### §6154. Required disclosures to customers

**1. Disclosure of pertinent information.** An operator shall clearly and conspicuously disclose on a sign posted on the cash-dispensing machine or in clear view of a customer viewing the cash-dispensing machine:

- A. The name of the operator; [PL 1999, c. 229, §2 (NEW).]
- B. A disclaimer indicating that the operator is not a financial institution or a credit union; [PL 1999, c. 229, §2 (NEW).]
- C. The name, address and 24-hour toll-free telephone number where a customer may direct inquiries or complaints; [RR 1999, c. 1, §45 (COR).]
- D. A statement that the Bureau of Consumer Credit Protection is responsible for the operator's compliance with state law and the address and telephone number of the bureau; and [PL 1999, c. 229, §2 (NEW); PL 2007, c. 273, Pt. B, §5 (REV); PL 2007, c. 695, Pt. A, §47 (AFF).]
- E. That a fee may be assessed by the operator. [PL 1999, c. 229, §2 (NEW).]  
[RR 1999, c. 1, §45 (COR); PL 2007, c. 273, Pt. B, §5 (REV); PL 2007, c. 695, Pt. A, §47 (AFF).]

**2. Fees imposed.** Any operator may not charge a fee for use of a cash-dispensing machine unless the amount of the fee is clearly and conspicuously disclosed electronically during the course of the transaction in a manner that permits the customer to cancel the transaction without incurring the fee. [PL 1999, c. 229, §2 (NEW).]

**3. Receipt for transaction.** A cash-dispensing machine must provide a receipt for the transaction that must include the following information in a clear and conspicuous manner:

- A. The amount of the transaction; [PL 1999, c. 229, §2 (NEW).]
- B. The amount of any fee imposed by the operator; [PL 1999, c. 229, §2 (NEW).]
- C. The total amount debited to the customer's account, including any fee imposed by the operator; [PL 1999, c. 229, §2 (NEW).]
- D. The date and time of the transaction; [PL 1999, c. 229, §2 (NEW).]
- E. A number or code that identifies the customer and the account accessed; and [PL 1999, c. 229, §2 (NEW).]
- F. The location of the cash-dispensing machine. [PL 1999, c. 229, §2 (NEW).]  
[PL 1999, c. 229, §2 (NEW).]

#### SECTION HISTORY

PL 1999, c. 229, §2 (NEW). RR 1999, c. 1, §45 (COR). PL 2007, c. 273, Pt. B, §5 (REV). PL 2007, c. 273, Pt. B, §7 (AFF). PL 2007, c. 695, Pt. A, §47 (AFF).

#### §6155. Effects of violations on rights of parties

**1. Violation of subchapter; unfair practices; civil penalty.** An operator that violates any provision of this subchapter or any rule adopted by the administrator or that through any unfair, unconscionable or deceptive practice causes actual damage to a customer, is subject to the following:

- A. Examination and investigation pursuant to section 6156; [PL 1999, c. 229, §2 (NEW).]
- B. After notice and hearing, a cease and desist order from the administrator; [PL 1999, c. 229, §2 (NEW).]
- C. A civil action by the administrator through the Attorney General after which a court may assess a civil penalty of not more than \$5,000; and [PL 1999, c. 229, §2 (NEW).]
- D. Revocation, suspension or nonrenewal of the operator's registration pursuant to section 6157.  
[PL 1999, c. 229, §2 (NEW).]  
[PL 1999, c. 229, §2 (NEW).]

**2. Penalty.** A person who establishes a cash-dispensing machine pursuant to this subchapter without having filed notice with the administrator is guilty of a Class E crime.

[PL 1999, c. 229, §2 (NEW).]

#### SECTION HISTORY

PL 1999, c. 229, §2 (NEW).

#### §6156. Examination of books, accounts and records

**1. Compliance.** The administrator may examine the cash-dispensing machines, books, accounts and records of an operator or servicing agent and make investigations to determine compliance with this subchapter.

[PL 1999, c. 229, §2 (NEW).]

**2. Chargeable expenses.** The expenses of the administrator incurred in the examination or investigation of any operator or servicing agent are chargeable to the operator required to file notice under this subchapter.

[PL 1999, c. 229, §2 (NEW).]

#### SECTION HISTORY

PL 1999, c. 229, §2 (NEW).

#### §6157. Suspension or revocation of registration

After notice and hearing, the administrator may suspend or revoke an operator's registration if the administrator finds that: [PL 1999, c. 229, §2 (NEW).]

**1. Violation.** The operator knowingly violated a provision of this subchapter or a rule or order adopted by the administrator pursuant to this subchapter;

[PL 1999, c. 229, §2 (NEW).]

**2. Refusal to permit examination or pay exam fees.** The operator or servicing agent refused to permit the administrator to make an examination authorized by this subchapter or refused to reimburse the administrator for the expenses of an examination;

[PL 1999, c. 229, §2 (NEW).]

**3. Failure to respond.** The operator failed to promptly and adequately respond to requests from the administrator; or

[PL 1999, c. 229, §2 (NEW).]

**4. Failure to submit notice.** The operator willfully failed to submit a notice required by this subchapter.

[PL 1999, c. 229, §2 (NEW).]

#### SECTION HISTORY

PL 1999, c. 229, §2 (NEW).

#### §6158. Treatment of fees

The aggregate of fees, examination expense reimbursement and other payments made pursuant to this subchapter are appropriated for the use of the administrator. Any balances of the funds do not lapse but must be carried forward to be expended for the same purposes in the following fiscal year. [PL 1999, c. 229, §2 (NEW).]

#### SECTION HISTORY

PL 1999, c. 229, §2 (NEW).

#### §6159. Rulemaking

The administrator may adopt reasonable rules for the implementation and administration of this subchapter. Rules adopted pursuant to this subchapter are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. [PL 1999, c. 229, §2 (NEW).]

#### SECTION HISTORY

PL 1999, c. 229, §2 (NEW).

#### **§6160. Exclusions**

This subchapter does not apply to any cash-dispensing machine established by a financial institution or service corporation. [PL 1999, c. 229, §2 (NEW).]

#### SECTION HISTORY

PL 1999, c. 229, §2 (NEW).

#### **§6161. Effective date**

This subchapter takes effect January 31, 2000. [PL 1999, c. 229, §2 (NEW).]

#### SECTION HISTORY

PL 1999, c. 229, §2 (NEW).

#### **§6162. Privacy of consumer financial information**

A cash-dispensing machine operator shall comply with the provisions of the federal Gramm-Leach-Bliley Act, 15 United States Code, Section 6801 et seq. (1999) and the applicable implementing federal Privacy of Consumer Information regulations, as adopted by the Office of the Comptroller of the Currency, 12 Code of Federal Regulations, Part 40 (2001); the Board of Governors of the Federal Reserve System, 12 Code of Federal Regulations, Part 216 (2001); the Federal Deposit Insurance Corporation, 12 Code of Federal Regulations, Part 332 (2001); the Office of Thrift Supervision, 12 Code of Federal Regulations, Part 573 (2001); the National Credit Union Administration, 12 Code of Federal Regulations, Part 716 (2001); the Federal Trade Commission, 16 Code of Federal Regulations, Part 313 (2001); or the Securities and Exchange Commission, 17 Code of Federal Regulations, Part 248 (2001), if the cash-dispensing machine operator is a financial institution as defined in those regulations. This section is not intended to permit the release of health care information except as permitted by Title 22, section 1711-C or Title 24-A, chapter 24. [PL 2001, c. 262, Pt. E, §3 (NEW).]

#### SECTION HISTORY

PL 2001, c. 262, §E3 (NEW).

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