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Date: (Filing No. S-)

HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES

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**STATE OF MAINE
SENATE
132ND LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 847, L.D. 2061, “An Act to Clarify the Prohibition on Paper Billing Statement Fees”

Amend the bill by inserting after the title and before the enacting clause the following:

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the current law regarding electronic records of transactions, as amended by Public Law 2025, chapter 35, prohibits a customer from being penalized or charged a fee for opting out of receiving a billing statement by electronic record rather than in paper form; and

Whereas, this legislation clarifies that law and allows a customer to be charged a reasonable fee for providing a replacement statement, a statement covering a custom date range or a statement requested for financial or legal purposes or for fulfilling any other labor-intensive or nonroutine request to provide copies of statements, as long as the fee is fully disclosed to and authorized by the customer prior to the copies of statements being provided; and

Whereas, this legislation must take effect immediately for the protection of customers; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Amend the bill by striking out everything after the enacting clause and inserting the following:

Sec. 1. 10 MRSA §9420, sub-§1, as enacted by PL 2011, c. 226, §1, is amended by enacting a new first blocked paragraph to read:

COMMITTEE AMENDMENT

1 For purposes of this subsection, "billing statement" means a monthly or periodic account
2 statement that a person is required to provide to a customer under federal or state law,
3 regulation or rule. This subsection does not prohibit a person from charging a reasonable
4 fee for providing a replacement statement, a statement covering a custom date range or a
5 statement requested for financial or legal purposes or for fulfilling any other labor-intensive
6 or nonroutine request to provide copies of statements, as long as the fee is fully disclosed
7 to and authorized by the customer prior to the copies being provided.

8 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
9 takes effect when approved.'

10 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
11 number to read consecutively.

12 SUMMARY

13 This amendment clarifies the bill to provide that a billing statement also includes a
14 periodic account statement and an account statement required to be provided under state
15 law or rule. The amendment also adds that, if a person charges a fee for providing a
16 replacement statement, a statement covering a custom date range or a statement requested
17 for financial or legal purposes or for fulfilling any other labor-intensive or nonroutine
18 request to provide copies of statements, the fee must be reasonable and disclosed to and
19 authorized by a customer prior to providing the copies.

20 The amendment adds an emergency preamble and emergency clause to the bill.