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HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1082, L.D. 1466, “An Act To Improve the Efficiency of Certain Consumer Credit Protection Laws”

Amend the bill in Part A by striking out all of section 9 and inserting the following:

'Sec. A-9. 32 MRSA §6102, sub-§10, as enacted by PL 1997, c. 155, Pt. A, §2, is amended to read:

10. Money transmission. "Money transmission" means the business of selling or issuing payment instruments or the business of receiving money, including virtual currencies, for transmission or transmitting money, including virtual currencies, within the United States or to locations abroad by any means, including, but not limited to, payment instrument, wire, facsimile or electronic transfer.

Sec. A-10. 32 MRSA §6102, sub-§15 is enacted to read:

15. Virtual currency. "Virtual currency":

A. Means a digital representation of value that:

- (1) Is used as a medium of exchange, unit of account or store of value; and
- (2) Is not legal tender, whether or not denominated in legal tender; and

B. Does not include:

- (1) A transaction in which a merchant grants, as part of an affinity or rewards program, value that cannot be taken from or exchanged with the merchant for legal tender, bank credit or virtual currency; or
- (2) A digital representation of value issued by or on behalf of a publisher and used solely within an online game, game platform or family of games sold by the same publisher or offered on the same game platform.'

Amend the bill in Part E by striking out all of section 1 and inserting the following:

'Sec. E-1. 32 MRSA §11013, sub-§11 is enacted to read:

COMMITTEE AMENDMENT

1 **11. Collection action prohibited on debt from medical expenses if eligible for free**
2 **or charity care.** If a debt collector has been notified, orally or in writing, by a creditor or
3 the consumer of the consumer’s actual or potential qualification for free or charity care
4 under guidelines adopted pursuant to Title 22, section 1716, a debt collector may not collect
5 or attempt to collect a debt for medical expenses against a consumer who has been
6 determined to be qualified for free or charity care under guidelines adopted pursuant to
7 Title 22, section 1716 or against a consumer who would have been determined to be
8 qualified for free or charity care under guidelines adopted pursuant to Title 22, section 1716
9 but did not apply for good cause. If the notification is provided to a debt collector, the debt
10 collector shall suspend collection efforts until the creditor has notified the debt collector
11 and the consumer that the consumer is not qualified for free or charity care and, in that
12 case, the debt collector may renew debt collection efforts.'

13 Amend the bill in Part F by inserting after section 2 the following:

14 'Sec. F-3. **32 MRSA §11021** is enacted to read:

15 **§11021. Collection actions prohibited in small claims court**

16 A debt collector may not commence a collection action against a consumer to collect a
17 debt in small claims court pursuant to Title 14, chapter 738.'

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

20 **SUMMARY**

21 This amendment, which is the unanimous report of the committee, adds a definition of
22 "virtual currency" to make clear that it does not include digital representations of value as
23 part of merchant rewards programs that may not be exchanged for legal tender or tokens
24 issued for use solely within online games or game platforms. The amendment clarifies that
25 debt collectors may not collect a debt for medical expenses against a consumer who has
26 been determined to be qualified for free or charity care when the debt collector has been
27 notified of the actual or potential qualification for free or charity care. The amendment also
28 provides that a debt collector may not initiate collection actions on any debt in small claims
29 court. The bill includes that prohibition for debt collection actions on credit card debt and
30 student loan debt.