

§11051-B. Administrative enforcement orders

1. Cease and desist. After notice and hearing, the administrator may order a person to cease and desist from engaging in violations of this chapter or a lawful rule adopted or order issued by the administrator and may further order that the person take appropriate corrective action to reimburse consumers in cases in which consumers have been charged amounts in excess of those permitted by this chapter. Notice and hearing need not be provided prior to issuance of an order to cease and desist when, in the opinion of the administrator, immediate action is required to protect the public interest and:

A. The debt collector has not complied with section 11031; or [PL 2021, c. 245, Pt. A, §12 (NEW).]

B. The debt collector does not maintain a permanent place of business in this State. [PL 2021, c. 245, Pt. A, §12 (NEW).]

A respondent aggrieved by an order of the administrator may obtain judicial review of the order in the Superior Court. The proceeding for review is initiated and conducted in accordance with Title 5, chapter 375, subchapter 7.

[PL 2021, c. 245, Pt. A, §12 (NEW).]

2. Objection not urged; remand. An objection not urged at the hearing under subsection 1 may not be considered by the court unless the failure to urge the objection is excused for good cause shown. A party may move the court to remand the case to the administrator in the interest of justice for the purpose of adducing additional specified and material evidence and seeking findings thereon upon good cause shown for the failure to adduce this evidence before the administrator.

[PL 2021, c. 245, Pt. A, §12 (NEW).]

3. Testimony available to parties. The administrator's copy of the testimony at the hearing under subsection 1 must be available at reasonable times to all parties for examination without cost.

[PL 2021, c. 245, Pt. A, §12 (NEW).]

4. Obtain decree. If no proceeding is initiated under subsection 1, the administrator, through the Attorney General, may obtain a decree of the Superior Court for enforcement of its order upon showing that the order was issued in compliance with this section, that no proceeding for review was timely initiated and that the respondent is subject to the jurisdiction of the court. The decree of the Superior Court may also provide any relief available in an action brought under Title 9-A, section 6-110.

[PL 2021, c. 245, Pt. A, §12 (NEW).]

5. Unconscionable agreements; fraudulent, unconscionable conduct. With respect to unconscionable agreements or fraudulent or unconscionable conduct by the respondent, the administrator may not issue an order pursuant to this section, but, through the Attorney General, may bring a civil action for an injunction.

[PL 2021, c. 245, Pt. A, §12 (NEW).]

SECTION HISTORY

PL 2021, c. 245, Pt. A, §12 (NEW).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Regular and Frist Special Session of the 131st Maine Legislature and is current through November

1, 2023. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.