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## **Harassment by Debt Collectors**

If debt collectors, also known as collection agencies, start calling you or already have, we recommend that you get their address and send each a “cease communication” letter. Legal Services for Maine Elders can provide you with a “cease communication” form letter to use.

A “cease communication” letter should be sent to a debt collector via certified mail, return receipt requested, and you should keep a copy of the letter for your records.

Under both federal and state law, debt collectors are prohibited from continuing to seek repayment on a debt once you’ve told them not to contact you again. If a debt collector continues to bother you after you have sent them the “cease communication” letter, you should report them to the Maine Bureau of Consumer Protection by calling 1-800-332-8529, by submitting a complaint using a paper form available on the Bureau’s website, or by submitting an online complaint on the Bureau’s website. However, please be aware that your original creditor may still contact you regarding the outstanding debt.

Do not be surprised if more than one debt collector calls about a debt. Once you send the “cease communication” letter to the first debt collector, it may sell your debt to another debt collector that will start contacting you. Keep sending the letters and remember that you do not need to talk to any debt collector no matter what they tell you.

Debt collectors are extremely skillful at pressuring people to make payments on debts. Debt collectors will say anything to try to get money out of you and may resort to telling lies about the debt collection process and making threats. You may want to screen your calls to avoid answering calls from debt collectors. If you do answer a call from a debt collector, you may state, “I exercise my rights under federal and Maine law and demand that you immediately stop contacting me.” Then, simply hang up the phone. It may feel strange to be so abrupt with a debt collector, but any conversation on your part will encourage the debt collector to continue to try to get repayment from you. Just keep in mind that you are under no legal obligation to speak to any debt collector.

At some point, you will be served with court documents. When you are, please contact our agency immediately for help by calling the Helpline number below. In the meantime, feel free to call the Helpline if you have further questions or if you would like to obtain Legal Services for Maine Elders’ “cease communication” form letter.

### **Telling debt collectors to stop contacting you**

If debt collectors are calling you and you don’t want to speak to them, you should demand that they stop. Get their address and send each a “cease communication” letter. Legal Services for Maine Elders can provide you with a “cease communication” form letter to use, just call the Helpline at 1-800-750-5353.

A “cease communication” letter should be sent to a debt collector using certified mail, return receipt requested and you should keep a copy of the letter for your own records.

Once they receive your “cease communication” letter, the debt collector may call you to say

that there will be no further contact or to tell you that it will be taking a specific action, such as filing a lawsuit. But, they are not allowed to talk to you about your debt. If a debt collector keeps bothering you about your debt after you have sent the “cease communication” letter, they are breaking the law and you should report it to the Maine Bureau of Consumer Credit Protection at 1-800-332-8529. The “cease communication” letter does not cancel the debt and you may still be sued on the debt. Remember, your original creditor **may** still contact you about the debt.

Do not be surprised if more than one debt collector calls about a debt. Once you send the “cease communication” letter to the first debt collector, your debt will probably be sold to another debt collector who will start contacting you. Just keep sending the letters and remember that you do not need to talk to any debt collector **no matter what** they tell you.

Debt collectors are very good at pressuring people to make payments on debts. Debt collectors will say anything to try to get money out of you. Some might even break the law and lie to you about the debt collection process or worse, threaten you. You may want to screen your calls to avoid answering calls from debt collectors.

If you do answer a call from a debt collector, say, “I exercise my rights under federal and Maine law and demand that you immediately stop contacting me.” Then, just hang up the phone. It may feel strange to be so abrupt with a debt collector, but anything you say will just encourage them to keep trying to get money from you. Remember, you do not have to speak to any debt collector.

At some point, you will be served with court documents. When you are, call the Legal Services for Maine Elders Helpline immediately at 1-800-750-5353. In the meantime, feel free to call the Helpline if you have further questions or if you would like to obtain Legal Service for Maine Elders' “cease communication” form letter.

## The Federal Fair Debt Collection Practices Act

The Fair Debt Collection Practices Act (FDCPA) prohibits debt collectors from using abusive, unfair or deceptive practices to collect debts from consumers. The FDCPA only covers personal or household debts, such as money owed on a personal credit card account, a medical bill and an auto loan. Under the law, a debt collector is someone who regularly collects debts owed to others, including collection agencies, lawyers who regularly collect debts, and companies who buy delinquent debts; it does not include original creditors.

The FDCPA prohibits debt collectors from calling you before 8:00 am or after 9:00 pm, unless you agree to receive calls at other times. A debt collector may not contact you at work if you have told the debt collector that you are not allowed to receive phone calls at work. A debt collector may contact third parties, such as relatives and friends, but only to inquire about your contact information such as your address, phone number and place of employment. Generally, a debt collector cannot discuss the debt with any third party or contact a third party more than once.

Debt collectors are not allowed to abuse, harass or lie to consumers when trying to collect a debt. For example, a debt collector cannot threaten you with physical violence or harm, use obscene language, falsely identify themselves as attorneys or government representatives or say that you will be arrested if you do not pay the debt.

The FDCPA provides consumers with the right to send debt collectors a written demand to

stop contacting them. This “cease communication” letter should be sent by certified mail, return receipt requested. After a debt collector has received a demand to cease communication, it is not allowed to contact you about the debt again. However, the debt collector may call you to say that there will be no further contact or to inform you that it will be taking a specific action, such as filing a lawsuit. The “cease communication” letter does not cancel the debt and you may still be sued on the debt. Legal Services for Maine Elders can provide you with a “cease communication” form letter you can use to send to debt collectors. If you’re interested in obtaining a “cease communication” form letter or would like advice on a debt collection matter, please contact the Legal Services for Maine Elders Helpline at 1-800-750-5353.

## Maine Attorney General’s Consumer Law Guide

The Office of the Maine Attorney General has very helpful information on several consumer topics in its [“Consumer Law Guide” online by clicking here.](#)

## Resources

### **Legal Services for Maine Elders**

If you are a Maine resident who is 60 or older and you are having a problem with a debt collector, or if you have questions about your debt, call the Legal Services for Maine Elders Helpline at 1-800-750-5353 to speak to an attorney for free.

### **The Office of the Maine Attorney General**

For helpful information on several consumer topics, [check out the “Consumer Law Guide” by clicking here.](#)

### **Maine Bureau of Consumer Credit Protection**

The Bureau of Consumer Credit Protection will receive and investigate complaints about debt collection agencies. To report a debt collection agency that is ignoring your “cease communication” demands, call 1-800-332-8592

### **Consumer Financial Protection Bureau**

The CFPB is a government agency dedicated to helping American consumers. If you are being harassed by a debt collector, you can submit a complaint to the CFPB by filling out the “complaint” forms available on the official CFPB website. For more information, [visit the CFPB’s website by clicking here.](#)

### **Federal Trade Commission**

The FTC is a government agency that protects American consumers. For more information about your rights with regard to debt collection, [visit the FTC’s website by clicking here.](#)