

MAINE STATE LEGISLATURE

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R. of S

L.D. 1992

(Filing No. S-529)

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STATE OF MAINE
SENATE
114TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT " A" to S.P. 767, L.D. 1992, Bill, "An Act to Improve Credit Reporting"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 10 MRSA §1316, sub-§2, as amended by PL 1987, c. 306, §1, is further amended to read:

2. **Methods.** The disclosures required under section 1315 shall must be made to the consumer by one or more of the following methods:

A. In person, if he the consumer appears in person and furnishes proper identification, and, in any such case, the consumer shall must be permitted a personal visual inspection of his that consumer's file and, upon his request, shall must be furnished copies of any report at a charge not to exceed the agency's actual costs for photocopying or otherwise producing the report;

B. By telephone, if he the consumer presents proper identification, and the toll charge, if any, for the telephone call is prepaid by or charged directly to the consumer; or

C. By promptly mailing a copy of the consumer's file to him the consumer, if he the consumer has made a written request by ordinary mail with proper identification, at a charge not to exceed the agency's actual costs for photocopying or otherwise producing the report and mailing it. The agency is not held responsible for improper disclosure of a consumer's file resulting from improper delivery by the United States Postal Service when the agency properly mailed the file, correctly addressed, to the consumer who is the subject of the file.

COMMITTEE AMENDMENT "A " to S.P. 767, L.D. 1992

2 ~~In the event that the request for a copy of a consumer's file is~~
 4 ~~made after an adverse credit determination, the cost of the~~
 6 ~~disclosure shall be paid by the consumer reporting agency. The~~
 8 ~~agency shall not be held responsible for improper disclosure of a~~
 10 ~~consumer's file resulting from improper delivery by the United~~
 12 ~~States Postal Service when the agency properly mailed the file,~~
 14 ~~correctly addressed, to the consumer who is the subject of the~~
 16 ~~file. Notwithstanding other provisions of this section, a~~
consumer reporting agency shall furnish upon request by a
consumer one free report of that consumer's file under this
section in a 12-month period. Agencies shall additionally
furnish to a consumer upon request free copies of that consumer's
file if the request is made as a result of an adverse credit
determination. If proper identification is presented, agencies
shall honor requests for free copies if made in person, by phone
or by mail.

18 **Sec. 2. 10 MRSA §1328, sub-§1, ¶¶E and F,** as enacted by PL
 20 1979, c. 636, §2, are amended to read:

22 E. Issue advisory rulings designed to clarify the
 applicability of any statutory provision; and

24 F. Maintain a public file of all enforcement proceedings
 26 instituted and of their disposition, including all
 assurances of voluntary compliance accepted and their terms
 28 and the pleadings and briefs in all actions in which the
 administrator is a party; and

30 **Sec. 3. 10 MRSA §1328, sub-§1, ¶G** is enacted to read:

32 G. Adopt rules pursuant to the Maine Administrative
 34 Procedure Act to carry out the purposes of this chapter.'

STATEMENT OF FACT

38 Currently consumers may obtain free, upon request, a copy of
 40 their credit file whenever they are subject to an adverse credit
 determination. This amendment provides, in addition to these
 reports, for one other free report per year. It also gives
 42 rule-making authority to the Bureau of Credit Protection.

Reported by the Majority for the Committee on Business
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