

MAINE STATE LEGISLATURE

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24
R. of S.

L.D. 1992

(Filing No. S-530)

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STATE OF MAINE
SENATE
114TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT " B" 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 §1320, sub-§2-A is enacted to read:

2-A. Social security number. Before requesting a consumer report from a consumer reporting agency, a user shall request that the consumer provide the consumer's social security number, to the extent not prohibited by federal law. If the consumer provides it, the user shall include the social security number with, or as a supplement to, the request for the consumer report, and shall include the social security number when a user reports accounts receivable information to a credit reporting agency. A user may not deny credit to a consumer solely on the basis that the consumer has declined to provide the consumer's social security number.

Sec. 2. 10 MRSA §1320, sub-§2-B is enacted to read:

2-B. Consumer request for consumer report. A person may not request a consumer report in connection with an application for credit, employment or insurance unless that person has informed the applicant in writing or in the same manner in which the application is made that the person applied to may request a consumer report in connection with the application, and that the applicant may request to be informed whether a consumer report was requested, and if a report was requested, to be informed of the name and address of the consumer reporting agency that furnished the report.

Sec. 3. 10 MRSA §1320, sub-§4, as enacted by PL 1977, c. 514, is amended to read:

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2 4. **Nonliability.** No person shall may be held liable for any
4 violation of this section if he that person shows by a
6 preponderance of the evidence that at the time of the alleged
violation he that person maintained reasonable procedures to
assure compliance with the provisions of subsections 1, ~~2~~ and to
3.

8
10 **Sec. 4. 10 MRSA §1328, sub-§1, ¶¶E and F,** as enacted by PL
1979, c. 636, §2, are amended to read:

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

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

22 **Sec. 5. 10 MRSA §1328, sub-§1, ¶G** is enacted to read:

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

26 **Sec. 6. Effective date.** This Act takes effect January 1, 1991.'

28
30 **STATEMENT OF FACT**

32 The original bill required identifying consumers by age and
social security number for credit reporting purposes. This
34 amendment eliminates the age provision and provides more detail
on how the social security number is to be obtained.

36 The amendment eliminates the provision of the original bill
that required that a copy of information to be added to a
38 consumer's file be sent to the consumer 30 days before it is
added.

40 The amendment adds a provision that an applicant for credit
42 be furnished the name of the reporting agency from which a credit
report will be requested.

44 Lastly, the amendment gives rule-making authority to the
46 Bureau of Consumer Credit Protection.