

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

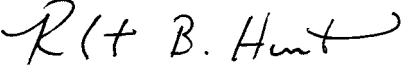
No. 880

H.P. 566

House of Representatives, March 4, 2025

An Act Regarding Nondiscrimination in Financial Services

Reference to the Committee on Health Coverage, Insurance and Financial Services suggested and ordered printed.


ROBERT B. HUNT
Clerk

Presented by Representative QUINT of Hodgdon.
Cosponsored by Senator BERNARD of Aroostook and
Representatives: DUCHARME of Madison, GREENWOOD of Wales, PAUL of Winterport,
PERKINS of Dover-Foxcroft, WADSWORTH of Hiram, WHITE of Guilford.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 9-B MRSA §245** is enacted to read:

3 **§245. Nondiscrimination in financial services**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Financial institution" means:

7 (1) A state or national bank or trust company;

8 (2) A state or federal savings and loan association;

9 (3) A state or federal credit union;

10 (4) A savings bank;

11 (5) An insurance company registered in this State and described in Title 24-A,
12 section 4; or

13 (6) An institution that:

14 (a) Holds and receives deposits, savings or share accounts;

15 (b) Issues certificates of deposit or provides to its customers a deposit account
16 subject to withdrawal by check, instrument, order or electronic means to effect
17 3rd-party payments;

18 (c) Provides insurance services; or

19 (d) Provides investment services.

20 B. "Financial service" means a service provided by a financial institution.

21 **2. Fair access to financial services.** To provide fair access to financial services, a
22 financial institution:

23 A. Shall make each financial service it offers available to each person in the geographic
24 market served by the financial institution on a nondiscriminatory basis;

25 B. Shall approve or deny a person a financial service that the financial institution offers
26 solely based on the quantitative, impartial, risk-based financial standards established
27 in advance by the financial institution;

28 C. May not deny a person a financial service that the financial institution offers when
29 the effect of the denial is to prevent, limit or otherwise disadvantage the person:

30 (1) From or regarding entering or competing in a market or business segment; or

31 (2) In such a way that benefits another person or business activity in which the
32 financial institution has a financial interest; and

33 D. May not, in coordination with others, deny a person a financial service that the
34 financial institution offers.

35 **3. Nonfinancial criteria.** A financial institution that uses standards or guidelines based
36 on nonfinancial, nontraditional or subjective criteria, such as environmental, social and
37 governance scores or diversity, equity and inclusion policies, shall:

1 A. Disclose to the bureau the specific standards, guidelines and criteria used by the
2 financial institution to determine access to or denial of a financial service for a person
3 in this State;

4 B. Provide to a person denied a financial service a disclosure with the specific
5 information, standards, guidelines and criteria used to support the denial, in bold 14-
6 point font;

7 C. Provide to a person denied a financial service a precise and thorough explanation of
8 how the financial institution became aware of the information that led the financial
9 institution to deny service, including the identity of any 3rd party that notified the
10 financial institution of the information and the nature of the notification by the 3rd
11 party, to the extent such disclosures are not prohibited by law; and

12 D. Comply with rules adopted by the bureau.

13 **4. Violations.** A violation of this section is governed by this subsection.

14 A. A financial institution that violates this section is subject to a fine of \$10,000.

15 B. A financial institution that commits 5 or more violations of this section within a 12-
16 month period commits a Class D crime.

17 **5. Enforcement.** The superintendent shall enforce this section.

18 **6. Rules.** The superintendent shall adopt rules to implement this section. Rules
19 adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter
20 375, subchapter 2-A.

21 **SUMMARY**

22 This bill requires financial institutions to provide financial services to clients based on
23 quantitative, impartial, risk-based financial standards. If a financial institution uses
24 nonfinancial, nontraditional or subjective criteria in approving or denying financial services
25 for a person, the financial institution must disclose the criteria to the Department of
26 Professional and Financial Regulation, Bureau of Financial Institutions and the client.