

# MAINE STATE LEGISLATURE

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Forward Records Act!  
9-B M.R.S.A. 161(2)(F)

Don Alexander

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DEPARTMENT OF THE ATTORNEY GENERAL  
AUGUSTA, MAINE 04333

November 22, 1977

Senator Roland D. Martin  
Main Street  
Frenchville, ME 04745

Dear Senator Martin:

A question has been raised involving the applicability of P.L. 1975, c.416, An Act Concerning Confidential Financial Records, to a "business reporting agency." As codified in Title 9-B M.R.S.A. Section 161(2)(F), the Act exempts from statutory confidentiality requirements the exchange of credit information in the regular course of business among fiduciary institutions and commercial enterprises, "directly or through a consumer reporting agency".

The term "consumer reporting agency" is not defined in the body of Chapter 416. However, the Fair Credit Reporting Act (P.L. 1977, c.514), in Title 10 M.R.S.A. Section 1312(4), defines a consumer reporting agency as "any person who, for monetary fees, dues or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports or investigative consumer reports to third parties." The term "consumer" is defined in Title 10 M.R.S.A. Section 1312(2) as referring to an individual. Based on these statutory definitions it appears that a consumer reporting agency cannot be equated in function with an agency which compiles and disseminates information on the creditworthiness of business entities. The term "business reporting agency" does not appear in the Confidential Financial Records Act, the Fair Credit Reporting Act, or to the best of our knowledge in any other Maine statute relevant to this subject.

Therefore, in the absence of legal terminology congruent with that of the inquiry it would be inappropriate for this Department to speculate as to legislative intent concerning such entities as Dun & Bradstreet, Inc. If confusion exists as to the scope of the

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law those affected might find it desirable to work through the legislative process for clarification.

Please do not hesitate to contact this Office if further assistance can be provided.

Very truly yours,

*Peter Bickerman*

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Assistant Attorney General

PBB/kp