

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 2272

H. P. 2123

House of Representatives, February 27, 1976

Reported by Mr. Faucher from the Committee on Legal Affairs pursuant to H. P. 1597 and printed under Joint Rules No. 3.

EDWIN H. PERT, Clerk

Filed under Joint Rule 3 pursuant to H. P. 1597.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SIX

AN ACT Relating to Disclosure of Consumer Reports.

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

9-A MRSA § 3-206 is enacted to read:

§ 3-206. Disclosure of consumer reports

1. Definitions. As used in this section, unless the context requires otherwise, the following words shall have the following meanings.

A. Consumer report. "Consumer report" means any written, oral or other communication of any information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer's eligibility for credit.

The term does not include any report containing information solely as to transactions or experiences between the consumer and the person making the report; or any authorization or approval of a specific extension of credit directly or indirectly by the issuer of a credit card or similar device.

B. Consumer reporting agency. "Consumer reporting agency" means any person, firm, partnership, corporation or association which, 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 in-

formation or other information on consumers for the purpose of furnishing consumer reports to 3rd parties.

2. **Disclosure.** If a creditor intends to obtain a consumer report relating to a person who has applied for credit, the creditor must give written notice to the consumer of the fact that the report will be made, of the name and address of the consumer reporting agency, and of the consumer's rights under the Federal Fair Credit Reporting Act, 15 U.S.C.A. § 1681 et seq., if the transaction is subject to this Act.

STATEMENT OF FACT

This bill is one of the results of the Legal Affairs Committee's study of public and private record keeping practices and the right of privacy. The study, which the committee will be continuing, is pursuant to a study order, H. P. 1597.

The bill would extend the rights which consumers now have under the Federal Fair Credit Reporting Act. A creditor would have to notify a consumer who applies for credit of the fact that a credit report will be made, of the name of the reporting agency and of the consumer's rights under federal law.