

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
108TH LEGISLATURE  
FIRST REGULAR SESSION

(Filing No. H-878)

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to  
H.P. 1262, L.D. 1526, Bill, "AN ACT to Establish the Fair  
Credit Reporting Act."

Amend the Amendment in that part designated "§1312."  
by inserting after subsection 7 the following:

'8. Medical information. "Medical information" means  
information on a person's medical history or condition  
obtained directly or indirectly from a licensed physician,  
medical practitioner, hospital, clinic or other medical  
or medically related facility.'

Further amend the Amendment in that part designated  
"§1312." by renumbering subsections 8, 9 and 10 to be  
subsections 9, 10 and 11.

Further amend the Amendment in that part designated  
"§1314." in subsection 2 by striking out all of paragraph C  
and inserting in its place the following:

'C. Shall make complete, accurate and detailed  
description of the nature and scope of the investigation  
required.'

Further amend the Amendment in that part designated  
"§1315." in subsection 1 by striking out all of paragraphs  
A and B and inserting in their place the following:

'A. All information in its files on the consumer  
at the time of the request, except that medical

information, as defined in section 1312, subsection 8,  
may be withheld. The consumer shall be informed by  
the agency of the existence of any such medical  
information withheld and shall have a right to  
disclosure of such information upon written authorization  
from the consumer's attending physician. The agency  
shall inform the consumer of the consumer's right to  
disclosure of such withheld information at the time the  
consumer makes a request to inspect all files pursuant  
to this section.

B. All items of information in its files except that  
the sources of information need not be disclosed.  
However, in the event an action is brought under this  
chapter such sources shall be available to the consumer  
under appropriate discovery procedures in the court in  
which the action is brought.'

Further amend the Amendment in that part designated  
"§1316." in subsection 2, paragraph C in the 2nd paragraph  
by inserting at the end after the punctuation the following:  
'The agency shall not be 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/correctly addressed to the consumer who is the  
subject of the file.'

Further amend the Amendment in that part designated "§1317." in subsection 3 by striking out in the last 3 lines the following: 'and the names of the persons who provided information in connection with the reinvestigation'

Statement of Fact

This amendment precludes disclosure of medical information and sources of information in consumer reports except in certain controlled circumstances and also relieves consumer reporting agencies of responsibility for improper disclosure of a consumer's file if misdelivered by the United States postal service.

Filed by Mr. Howe of South Portland.

Reproduced and distributed under the direction of the Clerk of the House.  
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