

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 620

6
7 H.P. 438

House of Representatives, February 20, 1985

8 Referred to the Committee on Business and Commerce and ordered
9 printed. Sent up for concurrence.

10 EDWIN H. PERT, Clerk

Presented by Representative Brannigan of Princeton.

11 Cosponsored by Representative Coles of Harpswell and Representative
Rioux of Biddeford.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Amend the Fair Credit Reporting
18 Act.
19

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

22 10 MRSA §1316, sub-§2, ¶¶B and C, as amended by
23 PL 1977, c. 677, §6, are further amended to read:

24 B. By telephone, if he has made a written re-
25 quest by ordinary mail with proper identifica-
26 tion, for telephone disclosure and the toll
27 charge, if any, for the telephone call is prepaid
28 by or charged directly to the consumer; or

29 C. By promptly mailing a copy of the consumer's
30 file to him, if he has made a written request by
31 ordinary mail with proper identification, at a
32 charge for photocopying and mailing not to exceed
33 the agency's actual costs for such photocopying
34 and mailing, ~~plus a disclosure fee not to exceed~~
35 \$3.

1 In the event that the request for a copy of the
2 consumer's file is made after an adverse consumer
3 determination, the cost of such disclosure shall
4 be paid by the consumer reporting agency. The
5 agency shall not be held responsible for improper
6 disclosure of a consumer's file resulting from
7 improper delivery by the United States Postal
8 Service when the agency properly mailed the file
9 correctly addressed to the consumer who is the
10 subject of the file.

11 STATEMENT OF FACT

12 The Fair Credit Reporting Act allows consumers to
13 obtain disclosure of their credit records from a con-
14 sumer reporting agency so they may discover and cor-
15 rect any errors in those records. In fact, the agen-
16 cies rely heavily on consumer inspections to keep
17 their information accurate and up-to-date.

18 Current law deals unevenly with the amounts con-
19 sumer must pay to inspect their records. If a con-
20 sumer requests disclosure by telephone or in person,
21 he is charged only actual photocopying costs and
22 postage, yet if he requests disclosure by letter, he
23 is charged a \$3 fee in addition to expenses. There
24 is no logic to the current arrangement; in fact, a
25 personal visit usually consumes more staff time than
26 responding to a mail request.

27 This bill eliminates the \$3 charge if a consumer
28 requests his report by mail. The same charges for
29 expenses applies to a request regardless of the form
30 of that request. In addition, the bill clarifies
31 that a consumer's written request may be made by or-
32 dinary mail. This eliminates the practice of insist-
33 ing that requests be submitted by certified mail, a
34 technique used by some credit reporting agencies to
35 discourage requests.

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