

MAINE STATE LEGISLATURE

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1 (New Draft of H.P. 438, L.D. 620)
2 FIRST REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 1345

7
8 H.P. 939

House of Representatives, April 19, 1985

9 Reported by Representative Murray from the Committee on Business and
10 Commerce and printed under Joint Rule 2. Original bill sponsored by
11 Representative Brannigan of Portland. Cosponsored by Representative Coles
of Harpswell and Representative Rioux of Biddeford.

EDWIN H. PERT, Clerk

12
13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-FIVE
17

18 AN ACT to Amend the Fair Credit Reporting
19 Act.
20

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

23 Sec. 1. 10 MRSA §1316, sub-§2, as amended to by
24 PL 1977, c. 677, §6, is further amended to read:

25 2. Methods. The disclosures required under section
26 1315 shall be made to the consumer by one or
27 more of the following methods:

28 A. In person, if he appears in person and fur-
29 nishes proper identification, and, in any such
30 case, the consumer shall be permitted a personal
31 visual inspection of his file and, upon his re-
32 quest, shall be furnished copies of any investi-
33 gative consumer reports report at a charge ~~for~~
34 photocopying not to exceed the agency's actual
35 costs for ~~that~~ photocopying or otherwise produc-
36 ing the report;

1 B. By telephone, if he has made a written re-
2 quest by ordinary mail with proper identifica-
3 tion, for telephone disclosure and the toll
4 charge, if any, for the telephone call is prepaid
5 by or charged directly to the consumer; or

6 C. By promptly mailing a copy of the consumer's
7 file to him, if he has made a written request by
8 ordinary mail with proper identification, at a
9 charge ~~for photocopying and mailing~~ not to exceed
10 the agency's actual costs for ~~such photocopying~~
11 or otherwise producing the report and mailing,
12 plus a disclosure fee not to exceed \$3 it.

13 In the event that the request for a copy of the
14 consumer's file is made after an adverse consumer
15 determination, the cost of such disclosure shall
16 be paid by the consumer reporting agency. The
17 agency shall not be held responsible for improper
18 disclosure of a consumer's file resulting from
19 improper delivery by the United States Postal
20 Service when the agency properly mailed the file
21 correctly addressed to the consumer who is the
22 subject of the file.

23 In the event that the request for a copy of a consum-
24 er's file is made after an adverse credit determina-
25 tion, the cost of the disclosure shall be paid by the
26 consumer reporting agency. The agency shall not be
27 held responsible for improper disclosure of a consum-
28 er's file resulting from improper delivery by the
29 United States Postal Service when the agency properly
30 mailed the file, correctly addressed, to the consumer
31 who is the subject of the file.

32 Sec. 2. 10 MRSA §1316, sub-§2-A is enacted to
33 read:

34 2-A. Additional charges. A consumer reporting
35 agency may, in addition to the charges specified in
36 subsection 2, charge an additional disclosure fee,
37 not to exceed \$2, to any consumer requesting disclo-
38 sure or a copy of his credit report, who is not oth-
39 erwise entitled to free disclosure of that report.

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STATEMENT OF FACT

2 The new draft makes 4 changes to the original
3 bill. First, it amends the Maine Revised Statutes,
4 Title 10, section 1316, subsection 2, paragraph A.
5 As presently written, that paragraph appears to ad-
6 dress only disclosure of "investigative consumer re-
7 ports" to consumers who personally visit the credit
8 reporting agency. It leaves in doubt the procedures
9 to be followed, and charges that may be imposed, on a
10 consumer who requests a copy of his credit report
11 that is not an "investigative consumer report." The
12 new draft makes clear that the same procedures and
13 charges apply to disclosure of all credit reports,
14 whether or not they are "investigative."

15 The 2nd change addresses charges that may be im-
16 posed on the consumer for the costs the agency incurs
17 in producing an actual physical copy of a credit re-
18 port. The current law speaks only in terms of "pho-
19 tocopying," presupposing a hard copy on the consum-
20 er's report is already in existence. With advance-
21 ments in office technology, reports are increasingly
22 stored electronically in computers. In producing a
23 copy from computer storage, the agency may incur "ac-
24 cess charges" and printing charges, which are differ-
25 ent from photocopying charges. The new draft re-
26 flects that charges other than photocopying may be
27 involved in producing a report, and permits the agen-
28 cy to impose on the consumer the actual costs, ex-
29 cluding labor costs, of producing the report through
30 alternate means.

31 Third, it makes a technical drafting change to
32 the final paragraph of the Maine Revised Statutes,
33 Title 10, section 1316, subsection 2, to make it
34 clear that the provisions of that paragraph apply to
35 the entire subsection and not merely to paragraph C.

36 Finally, this new draft permits an additional \$2
37 disclosure fee to be imposed on consumers for all
38 forms of disclosure, whether in person, by telephone
39 or by mail.

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