

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 203, L.D. 530, Bill, "An Act to Amend the Fair Credit Reporting Laws"

Amend the bill by inserting after the enacting clause and before section 1 the following:

'Sec. 1. 10 MRSA §1316, sub-§2, as amended by PL 1987, c. 306, §1, is further amended to read:

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

A. In person, if he the consumer appears in person and furnishes proper identification, and, in any such case, the consumer shall must be permitted a personal visual inspection of his the consumer's file and, upon his the consumer's request, shall must be furnished copies of any report at a charge not to exceed the agency's actual costs for photocopying or otherwise producing the report;

B. By telephone, if he the consumer presents proper identification, and the toll charge, if any, for the telephone call is prepaid by or charged directly to the consumer; or

C. By promptly mailing a copy of the consumer's file to him the consumer, if he the consumer has made a written request by ordinary mail with proper identification, at a charge not to exceed the agency's actual costs for photocopying or otherwise producing the report and mailing it.

In the event that the request for a copy of a consumer's file is made within 60 days after an adverse credit determination, the

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2 cost of the disclosure shall must be paid by the consumer
3 reporting agency. The agency shall may not be held responsible
4 for improper disclosure of a consumer's file resulting from
5 improper delivery by the United States Postal Service when the
6 agency properly mailed the file, correctly addressed, to the
7 consumer who is the subject of the file nor may the agency be
8 held responsible for improper telephone disclosures under
9 paragraph B when the agency used reasonable procedures to ensure
10 proper identification of the consumer who called for the
11 disclosure.'

12 Further amend the bill in section 1 in subsection 2 in the
13 7th line (page 1, line 12 in L.D.) by striking out the figure and
14 word "30 business" and inserting in their place the following:
15 'business 21 calendar'

16 Further amend the bill by inserting after section 1 the
17 following:

18 'Sec. 2. 10 MRSA §1317, sub-§4, ¶B, as amended by PL 1977, c.
19 677, §7, is further amended to read:

20 B. Refrain from reporting the item in subsequent consumer
21 reports, unless the item is later verified.'

22 Further amend the bill in section 2 in subsection 2-A in the
23 4th line (page 1, line 26 in L.D.) by striking out the underlined
24 word "provides" and inserting in its place the following:
25 'chooses to provide' and in the last line (page 1, line 30 in
26 L.D.) by striking out the underlined word "credit" and inserting
27 in its place the following: 'consumer'

28 Further amend the bill by inserting after section 3 the
29 following:

30 'Sec. 4. 10 MRSA §1328, sub-§1, ¶¶E and F, as enacted by PL
31 1979, c. 636, §2, are amended to read:

32 E. Issue advisory rulings designed to clarify the
33 applicability of any statutory provision; and

34 F. Maintain a public file of all enforcement proceedings
35 instituted and of their disposition, including all
36 assurances of voluntary compliance accepted and their terms
37 and the pleadings and briefs in all actions in which the
38 administrator is a party; and

39 Sec. 5. 10 MRSA §1328, sub-§1, ¶G is enacted to read:

40 G. Request registration and annual reregistration of
41 consumer reporting agencies located in this State or serving
42 users within this State and set an annual registration fee

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2 not to exceed \$100, the aggregate of which must be used by
3 the administrator to enforce this chapter.

4 Sec. 6. 32 MRSA §11013, sub-§4 is enacted to read:

6 4. Reporting to consumer reporting agency. A debt
7 collector may not report solely in its own name any credit or
8 debt information to a consumer reporting agency, as defined by
9 Title 10, section 1312, subsection 4.

10 Sec. 7. Allocation. The following funds are allocated from
12 Other Special Revenue to carry out the purposes of this Act.

	1991-92	1992-93
14		
16	PROFESSION AND FINANCIAL	
18	REGULATION, DEPARTMENT OF	
20	Bureau of Consumer Credit	
22	Protection	
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All Other \$1,000 \$1,000

Provides funds for administrative costs related to enforcing requirements pertaining to credit reporting agencies.

30 Sec. 8. Effective date. This Act takes effect January 1, 1992.'

32 Further amend the bill by renumbering the sections to read
34 consecutively.

36 Further amend the bill by inserting at the end before the
statement of fact the following:

38 **FISCAL NOTE**

	1991-92	1992-93
40		
42		
44	APPROPRIATIONS/ALLOCATIONS	
46		
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Other Funds \$1,000 \$1,000

46 **REVENUES**

Other Funds \$1,000 \$1,000

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2 This bill requires that credit reporting agencies located in
3 Maine register with the Bureau of Consumer Credit Protection.
4 The registration fee will generate approximately \$1,000 annually
5 beginning in fiscal year 1991-92. Allocations of Other Special
6 Revenue funds to the Department of Professional and Financial
7 Regulation of \$1,000 in fiscal year 1991-92 and \$1,000 in fiscal
8 year 1992-93 are required to cover administrative costs related
9 to the enforcement of these agencies.'

10

STATEMENT OF FACT

12

13 The original bill encouraged the use of social security
14 numbers as a means of identifying credit customers, required that
15 a person requesting credit be informed that a credit report on
16 that person may be requested and increased to 30 business days
17 the time in which a credit company must respond to a complaint.

18

This amendment does the following:

20

1. Changes from 30 business days to 21 calendar days the
22 time within which a credit reporting agency must respond to a
23 consumer complaint;

24

2. Makes it even clearer that a consumer may choose whether
26 to provide a social security number;

28

3. Establishes a 60-day period during which a consumer who
30 has been turned down for credit may request disclosure of the
31 consumer's file without charge;

32

4. Limits the liability of a credit reporting agency that
33 responds to a telephone inquiry from a consumer when the credit
34 reporting agency has utilized reasonable procedures to ensure
35 proper identification of the consumer;

36

5. Allows credit report items, deleted following dispute
37 and investigation, to be added back into a consumer's file if the
38 items are subsequently verified as accurate by the credit
39 reporting agency;

40

6. Authorizes the Bureau of Consumer Credit Protection to
42 register credit reporting agencies operating in the State;

44

7. Provides that credit reports will reflect the name of
46 the original debtor; and

48

8. To allow preparation by credit reporting agencies,
49 creditors and regulators, provides for an effective date of
50 January 1, 1992.

Reported by Senator Baldacci for the Committee on Business
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