

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 530

S.P. 203

In Senate, February 12, 1991

Reference to the Committee on Banking and Insurance suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BUSTIN of Kennebec

Cosponsored by Senator BALDACCI of Penobscot, Representative STEVENS of Sabattus
and Representative SHELTRA of Biddeford.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Amend the Fair Credit Reporting Laws.

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

2 **Sec. 1. 10 MRSA §1317, sub-§2**, as amended by PL 1987, c. 306,
4 §2, is further amended to read:

6 **2. Reinvestigation by consumer reporting agency.** If a
8 consumer disputes any item of information contained in his the
10 consumer's file on the ground that it is inaccurate and such the
12 dispute is directly conveyed to the consumer reporting agency by
14 the consumer, the consumer reporting agency shall reinvestigate
16 and record the current status of such the information within 10
18 30 business days of notification of the dispute by the consumer,
20 unless it has reasonable grounds to believe that the dispute by
22 the consumer is frivolous, and it shall then immediately notify
24 the consumer of the result of its investigation and his the
26 consumer's rights pursuant to subsections 4, 5 and 6. The
28 presence of contradictory information in a consumer's file shall
30 does not, in and of itself, constitute reasonable grounds for
32 believing the dispute is frivolous.

22 **Sec. 2. 10 MRSA §1320, sub-§§2-A and 2-B** are enacted to read:

24 **2-A. Social security number.** Before requesting a consumer
26 report from a consumer reporting agency, a user shall request the
28 consumer to provide the consumer's social security number to the
30 extent not prohibited by federal law. If the consumer provides
32 it, the user shall include the social security number with, or as
34 a supplement to, the request for the consumer report, and include
36 the social security number when transmitting subsequent credit
38 information to a credit reporting agency.

32 **2-B. Consumer request for consumer report.** After the
34 effective date of this subsection, a person may not request a
36 consumer report in connection with an application made for
38 credit, employment or insurance, unless the applicant is first
40 informed, in writing or in the same manner in which the
42 application is made, that a consumer report may be requested in
44 connection with the application and that the applicant, upon
46 request, will be informed whether or not a consumer report was
48 requested, and if a report was requested, informed of the name
50 and address of the consumer reporting agency that furnished the
52 report.

44 **Sec. 3. 10 MRSA §1320, sub-§4**, as enacted by PL 1977, c. 514,
46 is amended to read:

48 **4. Nonliability.** No A person shall may not be held liable
50 for any violation of this section if he the person shows by a
52 preponderance of the evidence that at the time of the alleged
54 violation he the person maintained reasonable procedures to
56 assure compliance with the provisions of subsections 1, 2 and to
58 3.

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STATEMENT OF FACT

This bill amends the Fair Credit Reporting Act by encouraging the use of social security numbers for identifying and reporting data. This bill also provides that a consumer must be informed that a consumer report may be requested and that a consumer may request to be informed if and from what agency that report is requested.