MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 172

H.P. 131

House of Representatives, January 26, 1993

An Act to Amend the Credit Reporting Laws.

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

GOSEPH W. MAYO, Clerk

Presented by Representative CARLETON of Wells.

Cosponsored by Representatives BARTH of Bethel, DONNELLY of Presque Isle, HEESCHEN of Wilton, ROBICHAUD of Caribou, SMALL of Bath, Senator LAWRENCE of York.

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

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- Sec. 1. 10 MRSA §1316, §2, as amended by PL 1991, c. 453, §1 and affected by §10, is further amended to read:
- 2. Methods. The disclosures required under section 1315 must be made to the consumer by one or more of the following methods:
 - A. In person, if the consumer appears in person and furnishes proper identification, and, in any such case, the consumer must be permitted a personal visual inspection of the consumer's file and, upon the consumer's request, 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 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 the consumer, if 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 cost of the disclosure must be paid by the consumer reporting agency. In addition, a consumer reporting agency may not impose a fee for a consumer report provided in response to a consumer's request one time during a 12-month period. The agency may 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 the file, correctly addressed, to the consumer who is the subject of the file nor may the agency be held responsible for improper telephone disclosures under paragraph B when the agency used reasonable procedures to ensure proper identification of the consumer who called for the disclosure.

STATEMENT OF FACT

This legislation would improve Maine consumers' access to their credit reports by allowing those consumers to request and receive one complimentary credit report per year. This bill is designed to improve the accuracy of credit reports by allowing

consumers to monitor credit data and is modeled on similar laws 2 in Maryland and Vermont.