

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 615

S.P. 224

In Senate, February 11, 2003

### An Act To Protect Citizen Privacy

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Reference to the Committee on Insurance and Financial Services 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 DOUGLASS of Androscoggin.  
Cosponsored by Representative THOMAS of Orono and  
Senators: BRENNAN of Cumberland, EDMONDS of Cumberland, MARTIN of Aroostook,  
ROTUNDO of Androscoggin, Representatives: FISCHER of Presque Isle, SAMPSON of  
Auburn.

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

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**Sec. 1. 10 MRSA §1312, sub-§1-B, ¶B,** as enacted by PL 1997, c. 155, Pt. B, §1 and affected by §13, is amended to read:

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B. In addition to the meaning under paragraph A, "adverse action" means:

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(1) A denial or cancellation of, an increase in any charge for or a reduction or other adverse or unfavorable change in the terms of coverage or amount of any insurance, existing or applied for, in connection with the underwriting of insurance;

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(2) A denial of employment or any other decision for employment purposes that adversely affects any current or prospective employee;

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(3) A denial or cancellation of, an increase in any charge for or any other adverse or unfavorable change in the terms of any license or benefit described in section 1313-A, subsection 1, paragraph C, subparagraph 4; or

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(4) An action taken or determination made that is:

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(a) In connection with an application that was made by, or a transaction that was initiated by, any consumer ~~or in connection with a review of an account under section 1313-A, subsection 1, paragraph C, subparagraph (6), division (b); and~~

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(b) Adverse to the interests of the consumer.

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**Sec. 2. 10 MRSA §1313-A, sub-§1, ¶C,** as enacted by PL 1997, c. 155, Pt. B, §6 and affected by §13, is amended to read:

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C. To a person that the consumer reporting agency has reason to believe:

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~~(1) Intends to use the information in connection with a credit transaction involving the consumer on whom the information is to be furnished and involving the extension of credit to, or review or collection of an account of, the consumer;~~

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(2) Intends to use the information for employment purposes;

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~~(3) Intends to use the information in connection with the underwriting of insurance involving the consumer;~~

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(4) Intends to use the information in connection with a determination of the consumer's eligibility for a license or other benefit granted by a governmental instrumentality required by law to consider an applicant's financial responsibility or status; or

~~(5) Intends to use the information, as a potential investor or service or as a current insurer, in connection with a valuation of or an assessment of the credit or prepayment risks associated with an existing credit obligation; or~~

~~(6) Otherwise has a legitimate business need for the information;~~

~~(a) In connection with a business transaction that is initiated by the consumer; or~~

~~(b) To review an account to determine whether the consumer continues to meet the terms of the account; or~~

**Sec. 3. 10 MRSA §1313-A, sub-§3**, as enacted by PL 1997, c. 155, Pt. B, §6 and affected by §13, is repealed.

**Sec. 4. 10 MRSA §1313-A, sub-§5**, as enacted by PL 2001, c. 371, §11, is repealed.

**SUMMARY**

This bill prohibits consumer reporting agencies from releasing information about a consumer in connection with any credit or insurance transaction without the consent of the consumer.