

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 958

H.P. 718

House of Representatives, March 1, 2007

An Act To Protect Maine Citizens' Credit

Reference to the Committee on Insurance and Financial Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SIMPSON of Auburn.
Cosponsored by Senator SULLIVAN of York and
Representatives: BRAUTIGAM of Falmouth, HILL of York, HINCK of Portland, KOFFMAN
of Bar Harbor, PILON of Saco, Senators: HOBBS of York, STRIMLING of Cumberland.

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

2 **Sec. 1. 10 MRSA §1320, sub-§3-A**, as enacted by PL 1993, c. 365, §1, is
3 amended to read:

4 **3-A. Medical expenses debts; court or administrative orders.** A Except as
5 provided in section 1330, a debt collector may report overdue medical expenses for a
6 minor child to a consumer reporting agency only in the name of the responsible party
7 identified in a court order or administrative order if the debt collector is notified orally or
8 in writing of the existence of the order. In addition, a report may not be made until after
9 the debt collector has notified, or made a good faith effort to notify, the responsible party
10 of that party's obligation to pay the overdue medical expenses. Existing information
11 regarding overdue medical expenses for a minor child in the name of a person other than
12 the responsible party identified in a court order or administrative order is considered
13 inaccurate information for the purposes of section 1317 and is subject to correction. A
14 debt collector or consumer reporting agency may request reasonable verification of the
15 order, including a certified copy of the order.

16 **Sec. 2. 10 MRSA §1330** is enacted to read:

17 **§1330. Reporting of information related to debt resulting from necessary medical**
18 **treatment**

19 **1. Definition.** As used in this section, unless the context otherwise indicates,
20 "necessary medical treatment" means medical treatment for a life-threatening condition,
21 without which the likelihood of death is probable.

22 **2. Furnishing information to consumer reporting agency prohibited.** A person
23 who provides medical treatment or a debt collection agency may not furnish information
24 to a consumer reporting agency regarding an amount owed by a consumer for the receipt
25 of necessary medical treatment by the consumer or a person to whom the consumer has a
26 legal obligation to provide support.

27 **3. Penalty.** A person who provides medical treatment or a debt collection agency
28 that violates this section is liable to the consumer against whom the violation occurs for
29 the greatest of:

- 30 A. Three times the amount of actual damages to the consumer;
31 B. One thousand dollars plus reasonable attorney's fees and court costs; and
32 C. The amount of costs and damages provided in section 1322 or 1323.

33 **SUMMARY**

34 This bill prohibits a person who provides medical treatment or a debt collection
35 agency from furnishing information to a consumer reporting agency regarding an amount
36 owed by a consumer for the receipt of necessary medical treatment by the consumer or by
37 a person to whom the consumer has a legal obligation to provide support.