

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

SECOND REGULAR SESSION-2010

Legislative Document

No. 1676

S.P. 648

In Senate, January 6, 2010

An Act To Protect Maine Citizens' Credit

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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 BARTLETT of Cumberland.
Cosponsored by Representative TREAT of Hallowell and
Senator: BOWMAN of York, Representative: LEGG of Kennebunk.

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

2 **Sec. 1. 10 MRSA §1312, sub-§9-A is enacted to read:**

3 **9-A. Necessary medical treatment.** "Necessary medical treatment" means medical
4 **treatment for a life-threatening condition without which death is probable.**

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

7 **3-A. Medical expenses debts; court or administrative orders.** A Except as
8 provided in section 1331, a debt collector may report overdue medical expenses for a
9 minor child to a consumer reporting agency only in the name of the responsible party
10 identified in a court order or administrative order if the debt collector is notified orally or
11 in writing of the existence of the order. In addition, a report may not be made until after
12 the debt collector has notified, or made a good faith effort to notify, the responsible party
13 of that party's obligation to pay the overdue medical expenses. Existing information
14 regarding overdue medical expenses for a minor child in the name of a person other than
15 the responsible party identified in a court order or administrative order is considered
16 inaccurate information for the purposes of section 1317 and is subject to correction. A
17 debt collector or consumer reporting agency may request reasonable verification of the
18 order, including a certified copy of the order.

19 **Sec. 3. 10 MRSA §1331 is enacted to read:**

20 **§1331. Reporting of information related to debt resulting from necessary medical**
21 **treatment**

22 **1. Furnishing information to credit reporting agency prohibited.** As long as
23 minimum payments are made to the provider of necessary medical treatment, information
24 regarding a debt owed for necessary medical treatment provided to a consumer whose
25 income is under 400% of the federal poverty level or to a person to whom that consumer
26 has a legal obligation to provide support may not be furnished to a credit reporting
27 agency by:

28 A. A licensed physician, medical practitioner, hospital, clinic or other medical or
29 medically related facility that provided the necessary medical treatment; or

30 B. A debt collector.

31 **2. Civil liability.** A person that willfully and knowingly violates subsection 1 is
32 liable to the consumer about whom information was furnished in an amount equal to the
33 greatest of:

34 A. Three times the amount of actual damages sustained by the consumer as a result
35 of the violation;

36 B. One thousand dollars plus reasonable attorney's fees and court costs as
37 determined by the court; and

38 C. Damages awarded under section 1322.

