

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

CHAPTER 452

H.P. 1252 - L.D. 1820

**An Act to Provide Accountability for Certain
Purchased Services by the Bureau of
Mental Health**

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

**Sec. 1. 34-B MRSA §3604, sub-§3, ¶¶E and
F** are enacted to read:

E. Any new contract must be awarded through a request-for-proposal procedure and any contract of \$150,000 per year or more that is renewed must be awarded through a request-for-proposal procedure at least every 6 years.

F. The commissioner shall establish a procedure to obtain assistance and advice from consumers of mental health services regarding the selection of contractors when requests for proposals are issued.

Sec. 2. 34-B MRSA §6203, sub-§1, ¶H, as amended by PL 1987, c. 349, Pt. H, §24, is further amended to read:

H. Assure Ensure that rules are promulgated which adopted that specify the procedures by which a parent or guardian of a child in need of treatment may appeal decisions made relative to services provided by the bureau; and

Sec. 3. 34-B MRSA §6203, sub-§1, ¶I, as enacted by PL 1987, c. 349, Pt. H, §25, is amended to read:

I. Provide a comprehensive system of support services, including respite care, to families with children in need of treatment;

**Sec. 4. 34-B MRSA §6203, sub-§1, ¶¶J and
K** are enacted to read:

J. Require that any new contract for mental health services be awarded through a request-for-proposal procedure and any contract for mental health services of \$150,000 per year or more that is renewed be awarded through a request-for-proposal procedure at least every 6 years; and

K. Establish a procedure to obtain assistance and advice from consumers of mental health services regarding the selection of contractors when requests for proposals are issued for mental health services.

Sec. 5. Phase in of process. Notwithstanding the Maine Revised Statutes, Title 34-B, section 3604,

subsection 3, paragraph E and section 6203, subsection 1, paragraph J, the Commissioner of Mental Health and Mental Retardation shall establish a schedule to ensure that, of the contracts subject to those provisions, 1/3 are subject to the request-for-proposal process in calendar year 1992, 1/3 in calendar year 1994 and 1/3 in calendar year 1996.

See title page for effective date.

CHAPTER 453

S.P. 203 - L.D. 530

An Act to Amend the Fair Credit Reporting Laws

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

Sec. 1. 10 MRSA §1316, sub-§2, as amended by PL 1987, c. 306, §1, is further amended to read:

2. Methods. The disclosures required under section 1315 ~~shall~~ **must** be made to the consumer by one or more of the following methods:

A. In person, if ~~he~~ the consumer appears in person and furnishes proper identification, and, in any such case, the consumer ~~shall~~ **must** be permitted a personal visual inspection of ~~his~~ the consumer's file and, upon ~~his~~ the consumer's request, ~~shall~~ **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 ~~he~~ 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 ~~him~~ the consumer, if ~~he~~ 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 ~~shall~~ **must** be paid by the consumer reporting agency. The agency ~~shall~~ **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.

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

2. Reinvestigation by consumer reporting agency. If a consumer disputes any item of information contained in his the consumer's file on the ground that it is inaccurate and such the dispute is directly conveyed to the consumer reporting agency by the consumer, the consumer reporting agency shall reinvestigate and record the current status of such the information within 10 business 21 calendar days of notification of the dispute by the consumer, unless it has reasonable grounds to believe that the dispute by the consumer is frivolous, and it shall then immediately notify the consumer of the result of its investigation and his the consumer's rights pursuant to subsections 4, 5 and 6. The presence of contradictory information in a consumer's file shall does not, in and of itself, constitute reasonable grounds for believing the dispute is frivolous.

Sec. 3. 10 MRSA §1317, sub-§4, ¶B, as amended by PL 1977, c. 677, §7, is further amended to read:

B. Refrain from reporting the item in subsequent consumer reports, unless the item is later verified.

Sec. 4. 10 MRSA §1320, sub-§§2-A and 2-B are enacted to read:

2-A. Social security number. Before requesting a consumer report from a consumer reporting agency in connection with an initial application for consumer credit, a user shall request the consumer to provide the consumer's social security number to the extent not prohibited by federal law. If the consumer chooses to provide it, the user shall include the social security number with, or as a supplement to, the request for the consumer report, and include the social security number when transmitting subsequent credit information to a consumer reporting agency.

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

Sec. 5. 10 MRSA §1320, sub-§4, as enacted by PL 1977, c. 514, is amended to read:

4. Nonliability. No A person shall may not be held liable for any violation of this section if he the person shows by a preponderance of the evidence that at

the time of the alleged violation he the person maintained reasonable procedures to assure compliance with the provisions of subsections 1, 2 and to 3.

Sec. 6. 10 MRSA §1328, sub-§1, ¶¶E and F, as enacted by PL 1979, c. 636, §2, are amended to read:

E. Issue advisory rulings designed to clarify the applicability of any statutory provision; and

F. Maintain a public file of all enforcement proceedings instituted and of their disposition, including all assurances of voluntary compliance accepted and their terms and the pleadings and briefs in all actions in which the administrator is a party; and

Sec. 7. 10 MRSA §1328, sub-§1, ¶G is enacted to read:

G. Request registration and annual reregistration of consumer reporting agencies located in this State or serving users within this State and set an annual registration fee not to exceed \$100, the aggregate of which must be used by the administrator to enforce this chapter.

Sec. 8. 32 MRSA §11013, sub-§4 is enacted to read:

4. Reporting to consumer reporting agency. A debt collector may not report solely in its own name any credit or debt information to a consumer reporting agency, as defined by Title 10, section 1312, subsection 4.

Sec. 9. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

| | 1991-92 | 1992-93 |
|--|---------|---------|
| PROFESSION AND FINANCIAL REGULATION, DEPARTMENT OF | | |
| Bureau of Consumer Credit Protection | | |
| All Other | \$1,000 | \$1,000 |
| Provides funds for administrative costs related to enforcing requirements pertaining to credit reporting agencies. | | |

Sec. 10. Effective date. This Act takes effect January 1, 1992.

Effective January 1, 1992.