

MAINE

A Summary of Your Rights Under the Maine Fair Credit Reporting Act

§1316. Methods and conditions of disclosure to consumers

1. Conditions. A consumer reporting agency shall make the disclosures required under this section during normal business hours and on reasonable notice.

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. 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.

Upon the request of the consumer, a consumer reporting agency shall make all disclosures pursuant to section 1315 once during any 12-month period without charge to that consumer if the consumer certifies in writing that the consumer is unemployed and intends to apply for employment in the 60-day period beginning on the date on which the certification is made, is a recipient of public welfare assistance or has reason to believe that the file on the consumer at the agency contains inaccurate information due to fraud.

2-A. Repealed. Laws 2003, c. 118, § 2.

2-B. Fees for disclosures. Notwithstanding any other provision of this chapter, a consumer reporting agency may not impose a fee for a consumer report provided to a consumer upon request once during any 12-month period. For a 2nd or subsequent report made during a 12-month period, a consumer reporting agency may charge a consumer a fee not to exceed \$5.

3. Agency personnel to supply information to consumer. Any consumer reporting agency shall provide trained personnel to explain to the consumer any information furnished to him either by personal interview or telephone communication and information furnished by mail shall be accompanied by an explanation of such information if provided in code or trade terminology.

4. Consumer seeking disclosure by personal interview. The consumer who seeks disclosure by means of a personal interview pursuant to subsection 2, paragraph A, shall be permitted to be accompanied by one other person of his choosing, who shall furnish reasonable identification. A consumer reporting agency may require the consumer to furnish a written statement granting permission to the consumer reporting agency to discuss the consumer's file in such person's presence.

§1317. Procedure for correcting inaccurate information

1. Agency procedures for corrections. A consumer reporting agency shall adopt reasonable procedures to enable a consumer to correct any inaccurate information in the consumer's file. For the purposes of this section, "inaccurate information" includes, but is not limited to, materially incomplete information within the scope of the report requested and information in the report that is the result of identity theft.

2. Reinvestigation by consumer reporting agency. If a consumer disputes any item of information contained in the consumer's file on the ground that it is inaccurate and 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 the information within 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 the consumer's rights pursuant to subsections 4, 5 and 6. The presence of contradictory information in a consumer's file does not, in and of itself, constitute reasonable grounds for believing the dispute is frivolous.

3. Agency to record efforts in consumer file. Upon reinvestigation, the consumer reporting agency shall record in the consumer's file the efforts undertaken to reinvestigate the dispute, including, but not limited to, the names of the person or persons conducting the reinvestigation.

4. Agency action, if error. If, after conducting the reinvestigation prescribed by subsection 2, the consumer reporting agency finds that an item is inaccurate or that it can no longer be verified, it shall:

- A.** Promptly expunge the item and otherwise correct the file; and
- B.** Refrain from reporting the item in subsequent consumer reports, unless the item is later verified.
- C.** Deleted. Laws 1977, c. 677, § 7.

Notwithstanding anything in this section, if a consumer reporting agency is requested to act pursuant to this subsection, it may retain the report that is found to be inaccurate; provided that the report is kept separate from other reports about the consumer, that it is conspicuously marked as containing inaccurate information which shall not be disclosed, and that it shall not be disclosed by the consumer reporting agency except in connection with its defense to a civil action brought pursuant to sections 1322 and 1323.

5. Agency inability to resolve difference. If, after conducting the reinvestigation prescribed by subsection 2, the consumer reporting agency is unable to resolve any difference still remaining between the allegations made by its sources and the consumer, it shall:

- A.** Promptly indicate in the file that the item is disputed;
- B.** Permit the consumer to file a statement containing the nature of the dispute. The agency may limit such statements to not more than 200 words if it provides the consumer with assistance in writing a clear summary of the dispute;

C. Include the consumer's statement of the dispute in all subsequent credit reports containing the information in question; and

D. Clearly note in all subsequent consumer reports that the item is disputed by the consumer.

6. Agency notification of change. When a consumer reporting agency must act pursuant to subsections 4 or 5, it shall notify the consumer in writing that it will notify each person whom the consumer designates who has received the item of information during the previous 2 years for employment purposes or during the previous 6 months for any other purpose that the item is inaccurate, can no longer be verified or that it is disputed and that it will furnish them with the corrected information, and the consumer reporting agency shall notify each person designated by the consumer who has received the item of information during the previous 2 years from employment purposes or during the previous 6 months for any other purpose, that the item is inaccurate, can no longer be verified or that it is disputed, and shall furnish those persons with the corrected information and, where applicable, with a copy of the consumer's statement.