



Consumer Data Industry Association
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Senator Donna Bailey
Chair
Joint Committee on Health Coverage, Insurance, and
Financial Services
Maine Senate
100 State House Station
Augusta, ME 04333

Representative Kristi Mathieson
Chair
Joint Committee on Health Coverage, Insurance, and
Financial Services
Maine Senate
100 State House Station
Augusta, ME 04333

Chair Bailey, Chair Mathieson and Members of the Committee:

On behalf of the Consumer Data Industry Association (CDIA), I am writing to express our concerns regarding provisions in LD 1915 that conflict with and are preempted by the federal Fair Credit Reporting Act (FCRA). For the reasons outlined below, we respectfully request your consideration of an amendment to remove the reference to “credit reporting agency” in §6200-I (6) on page 5 at line 24.

CDIA represents the consumer reporting industry, including nationwide credit bureaus, regional and specialized credit bureaus, background check companies, and more. Since our founding in 1906, we have promoted the responsible use of consumer data to empower financial opportunities, reduce fraud, and manage risk. Through data analytics, our members facilitate fair and secure transactions, foster competition, and expand consumers’ access to tailored financial products.

The FCRA establishes a comprehensive framework for the collection, dissemination, and use of consumer information, including credit reporting. The FCRA imposes obligations on companies (“furnishers”) that provide (“furnish”) information to consumer reporting agencies (“CRAs”). These obligations are in 15 U.S. Code § 1681s-2, responsibilities of furnishers of information to consumer reporting agencies.

While CDIA takes no position on the policy goal of LD 1915, we are concerned by the inclusion of “credit reporting agency” in §6200-I (6) on page 5 at line 24. As discussed above, Congress preempted the states from establishing prohibitions on the furnishing of information to consumer reporting agencies. As this limitation on furnishing information is inconsistent with the FCRA, it is preempted at 15 U.S.C. § 1681t(b)(1)(F).

A safe and sound credit economy needs a reliable credit reporting system. Suppression of credit reporting leads to increased inaccurate credit files, reduces the reliability of credit scores, and adds greater risk and uncertainty into the lending process. This is why Congress included language in the federal FCRA 15 U.S.C. § 1681t(b)(1)(F) which preempts “any subject matter regulated under... 15 U.S.C. § 1681s-2, relating to the responsibilities of persons who furnish information to consumer reporting agencies...”.

With this in mind, we respectfully recommend that the reference to “credit reporting agency” in §6200-I (6) be amended out of the bill. This would eliminate any unintentional conflict with the FCRA, fully resolve our concerns, and avoid unnecessary legal uncertainties for consumer reporting agencies in relation to Maine law. Thank you for your consideration of our comments and please reach out with any additional questions for CDIA.

Sincerely,

Zachary W. Taylor
Director, Government Relations
Consumer Data Industry Association