

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MAINE

CONSUMER DATA INDUSTRY
ASSOCIATION,

Plaintiff,

v.

AARON M. FREY, in his official
capacity as the Attorney General of the
State of Maine, *et al.*,

Defendants.

CIVIL ACTION NO.: 1:19-cv-00438-GZS

DEFENDANTS' ANSWER TO PLAINTIFF'S COMPLAINT

Now come the defendants, Aaron M. Frey, in his official capacity as the Attorney General of the State of Maine, and William N. Lund, in his official capacity as the Superintendent of the Maine Bureau of Consumer Credit Protection, and answer plaintiff's Complaint as follows:

1. Defendants are without information sufficient to form a belief as to the truth of the allegations made in this paragraph and therefore deny them.
2. Defendants admit that the Attorney General has certain authority to enforce Maine's Fair Credit Reporting Act through the filing of civil actions pursuant to 10 M.R.S. § 1310-A and otherwise deny the allegations made in this paragraph.
3. Defendants admit that the Superintendent has certain authority to enforce Maine's Fair Credit Reporting Act through the filing of civil actions pursuant to 10 M.R.S. § 1310-A and otherwise deny the allegations made in this paragraph.
4. Defendants admit that this court has jurisdiction pursuant to 28 U.S.C. § 1331 and otherwise deny the allegations made in this paragraph.

5. Defendants admit that venue is proper.
6. Defendants admit the allegations made in this paragraph.
7. Defendants deny that it was on June 21, 2019 that Governor Mills signed L.D. 748, An Act to Provide Relief to Survivors of Economic Abuse, and otherwise admit the allegations made in this paragraph.
8. Defendants admit that L.D. 110 and L.D. 748 amended the Maine Fair Credit Reporting Act, 10 M.R.S. §§ 1306 et seq., to impose limitations on the extent to which certain categories of information can be included in consumer credit reports and otherwise deny the allegations made in this paragraph.
9. Defendants deny the allegations made in this paragraph.
10. Defendants admit the allegations made in this paragraph.
11. Defendants admit the allegations made in this paragraph.
12. Defendants admit that the FCRA imposes certain limitations on the extent to which States may regulate consumer reports and admit that a portion of 15 U.S.C. § 1681t(b) has been accurately quoted. Defendants otherwise deny the allegations made in this paragraph.
13. Defendants admit the allegations made in this paragraph.
14. Defendants admit the allegations made in this paragraph.
15. Defendants deny the allegations made in this paragraph.
16. Defendants are without information sufficient to form a belief as to the truth of the allegations made in this paragraph and therefore deny them.
17. Defendants deny the allegations made in this paragraph.
18. Defendants admit that L.D. 748 requires credit reporting agencies, upon receipt from a consumer of documentation that debt is the result of economic abuse, to reinvestigate the

debt and determine whether the debt is the result of economic abuse and remove reference to the debt if it is determined to be the result of economic abuse. Defendants further admit that the prevention of economic abuse is a laudable goal. Defendants otherwise deny the allegations made in this paragraph.

19. Defendants are without information sufficient to form a belief as to the truth of the allegations made in this paragraph and therefore deny them.
20. Defendants deny the allegations made in the first sentence of this paragraph. Defendants are without information sufficient to form a belief as to the truth of the allegations made in the second sentence of this paragraph and therefore deny them.
21. Defendants are without information sufficient to form a belief as to the truth of the allegations made in the first sentence of this paragraph and therefore deny them. Defendants deny the allegations made in the remaining sentences in this paragraph.
22. Defendants deny the allegations made in this paragraph.
23. Defendants are without information sufficient to form a belief as to the truth of the allegations made in the first sentence of this paragraph and therefore deny them.
24. Defendants deny the allegations made in this paragraph.

AFFIRMATIVE DEFENSES

1. Plaintiff fails to state a claim upon which relief may be granted.
2. Plaintiff's claims are barred by sovereign immunity, including, but not limited to, the immunity provided by the Eleventh Amendment to the United States Constitution.
3. Plaintiff lacks standing.
4. This matter is not ripe or is otherwise not justiciable.
5. The Court should abstain from adjudicating plaintiff's claims.

Dated: November 25, 2019

AARON M. FREY

Attorney General

/s/ Christopher C. Taub
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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this, the 25th day of November, 2019, I electronically filed the above document with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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