

MAINE STATE LEGISLATURE

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New Draft of H. P. 1171, L. D. 1399

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1784

H. P. 1570

House of Representatives, May 18, 1977

Reported by Mr. Hughes from Committee on Judiciary. Sent up for concurrence and ordered printed under Joint Rules No. 2.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

An ACT to Clarify the Confidentiality Provisions of
the Maine Housing Authorities Act.

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

Sec. 1. 30 MRSA § 4557 is enacted to read:

§ 4557. Records confidential

1. Confidential information. Records containing the following information shall be deemed confidential for purposes of Title 1, section 402, subsection 3, paragraph A:

A. Any information acquired by an authority or a member, officer, employee or agent thereof from applicants for residential tenancy in housing owned, financed, assisted or managed by an authority or from any residential tenants of such housing or from any 3rd person pertaining to any applicant for tenancy or to any tenant of such housing; and

B. Statements of financial condition or information pertaining thereto submitted to an authority or a member, officer, employee or agent thereof, in connection with an application for mortgage purchase or mortgage insurance or in connection with an authority's administration of a purchased or insured mortgage.

2. Wrongful disclosure prohibited. No member, officer, employee or agent of an authority shall knowingly divulge or disclose information declared confidential by this section. Notwithstanding the foregoing, an authority may make such full and complete reports concerning its administration of federal housing programs as may be required by the Federal Government or any

agency or department thereof. An authority may also publish statistics or other information of a general nature drawn from information declared confidential by this section, so long as such publication is accomplished in a manner which preserves such confidentiality.

3. **Waiver.** Nothing in this section shall be construed to limit in any way the right of any person whose interest is protected by this section to waive, in writing or otherwise, the benefits of such protection.

4. **Penalty.** A member, officer, employee or agent of an authority who violate the provisions of subsection 2 shall be guilty of a civil violation and shall be liable for a fine not exceeding \$200 for each such violation. For purposes of applying penalties under this subsection, a separate violation shall be deemed to have occurred with respect to each separate act of disclosure.

Sec. 2. 30 MRSA § 4764, as enacted by PL 1969, c. 470, § 18, is repealed.

STATEMENT OF FACT

The purpose of this new draft is to provide clearer definition of information in the possession or custody of housing authorities organized under the Maine Housing Authorities Act which shall be confidential for purposes of the Freedom of Information Act.