

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

PORTLAND LITHOGRAPH COMPANY
PORTLAND, MAINE
1977

PUBLIC LAWS
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with the Housing Data Advisory Group, finds necessary to carry out the purposes of this section. Such information may include:

- A. Reference to the authorizing statutes and rules, a description of the responsible organizational unit within the instrumentality or corporation, a description of programs and services and a summary of objectives;
- B. Financial statement for the latest fiscal year ended prior to the date of submission of the annual data. For the purposes of this paragraph the word "year" shall, where possible, mean a fiscal year ending June 30th;
- C. A statement of needs and objectives for each housing program; and
- D. A statement of achievement in meeting needs and objectives.

5. State Planning Office. In addition to the other powers designated under this chapter, the State Planning Office shall have the authority to take actions pursuant to the purposes of this section, which are necessary to ensure that the Governor and Legislature are provided with information about housing programs and services in the State. This office shall carry out the following responsibilities.

- A. The office shall design a format for the reporting of information by instrumentalities and corporations pursuant to subsection 3.
- B. The office shall provide copies of the format to each instrumentality required to submit a report under subsection 3 not later than March 15th of every year.
- C. The office shall prepare a comprehensive report of statewide housing programs and services and shall submit this report to the Governor and the Legislature not later than January 15th of every year. This comprehensive report shall include at least the following information:

- (1) A summary and evaluation of and any necessary supplementation to the information provided in the reports submitted pursuant to subsection 3;
- (2) A description of federal programs operating in the State, including an analysis of how and to what extent these programs and services meet statewide housing need;
- (3) An analysis of current statewide housing stock and current statewide housing need and an estimate of housing stock and need over the next 5 years, including a description of assumptions on which the determination of housing need is based; and
- (4) An identification of actual or potential sources of revenue, including local, state, federal and private sources, for housing programs and services throughout the State.

Effective October 24, 1977

CHAPTER 416

AN ACT Concerning Confidential Financial Records.

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

9-B MRSA, c. 16 is enacted to read:

CHAPTER 16

CONFIDENTIAL FINANCIAL RECORDS

§ 161. Definitions; exemptions

1. Definitions. For the purposes of this chapter, unless the context otherwise indicates, the following words shall have the following meanings.

A. "Fiduciary institution" means a credit union authorized to do business in this State or a financial institution authorized to do business in this State as those terms are defined in section 131, subsection 12-A and 17-A.

B. "Financial records" means any original or any copy of:

(1) A document granting signature authority over a deposit or share account;

(2) A statement, ledger card or other record of any deposit or share account, which shows each transaction in or with respect to that account;

(3) A check, clear draft or money order drawn on an institution or issued and payable by an institution; or

(4) Any item, other than an institutional or periodic charge, made pursuant to any agreement by an institution and a person which constitutes a debit or credit to that person's deposit or share account, including charges made through the use of credit cards as authorized by section 444, if the item is not included in subparagraph (3).

C. "Supervisory agency" means:

(1) The Federal Deposit Insurance Corporation

(2) The Federal Savings and Loan Insurance Corporation;

(3) The Federal Home Loan Bank Board;

(4) The National Credit Union Administration;

(5) The Federal Reserve Board;

(6) The United States Comptroller of the Currency;

(7) The Maine Bureau of Banking; and

(8) The Maine Bureau of Consumer Protection.

2. Exemptions. This chapter does not prohibit:

- A. The preparation, examination, handling or maintenance of any financial records by any officer, employee or agent of a fiduciary institution having custody of such records or the examination of such records by a certified public accountant engaged by the fiduciary institution to perform an independent audit;
- B. The examination of any financial records by, or the furnishing of financial records by a fiduciary institution to, any officer, employee or agent of a supervisory agency for use solely in the exercise of his duties as an officer, employee or agent;
- C. The publication of data furnished from financial records relating to customers where the data cannot be identified to any particular customer or account;
- D. The making of reports or returns required under chapter 81 of the Internal Revenue Code of 1954;
- E. Furnishing information permitted to be disclosed under the Uniform Commercial Code concerning the dishonor of any negotiable instrument;
- F. The exchange in the regular course of business of credit information between a fiduciary institution and other fiduciary institutions or commercial enterprises, directly or through a consumer reporting agency; or
- G. Any disclosure of records made pursuant to section 226.

§ 162. Disclosure of financial records prohibited; exceptions

A fiduciary institution may not disclose to any person, except to the customer or his duly authorized agent, any financial records relating to that customer of that fiduciary institution unless:

- 1. Authorized disclosure. The customer has authorized disclosure to the person; or
- 2. Disclosure in response to legal process. The financial records are disclosed in response to a lawful subpoena, summons, warrant or court order which meets the requirements of section 163.

§ 163. Subpoena, summons, warrant or court order

1. Service. A fiduciary institution shall disclose financial records under section 162 pursuant to a subpoena, summons, warrant or court order which on its face appears to have been issued upon lawful authority only if the subpoena, summons, warrant or court order is first served upon the customer and then upon the fiduciary institution. The court for good cause shown may delay or dispense with service of the subpoena, summons, warrant or court order upon the customer. The court shall delay or dispense with service of the subpoena, summons, warrant or court order upon the customer upon notice by the Attorney General or his designee that such service upon the customer would not be in the public interest.

§ 164. Penalties

1. Violation. Any officer or employee of a fiduciary institution or consumer reporting agency who intentionally or knowingly furnishes financial records in violation of this chapter commits a civil violation and shall be subject to a civil penalty of not more than \$1,000.

2. Inducing violation. Any person who intentionally or knowingly induces or attempts to induce any officer or employee of a fiduciary institution or consumer reporting agency to disclose financial records in violation of this subtitle commits a civil violation and shall be subject to a civil penalty of not more than \$1,000.

Effective October 24, 1977

CHAPTER 417

AN ACT Relating to Municipal General Assistance Programs.

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

Sec. 1. 22 MRSA Pt. 5, first 4 lines, are repealed and the following enacted in their place:

PART 5

MUNICIPAL SUPPORT OF THE POOR

CHAPTER 1251

MUNICIPAL GENERAL ASSISTANCE PROGRAMS

Sec. 2. 22 MRSA § 4450, as last amended by PL 1971, c. 598, § 40, is repealed and the following enacted in its place:

§ 4450. Definitions

As used in this chapter, unless the context indicates otherwise, the following words and terms shall have the following meanings.

1. Eligible person. "Eligible person" means a person who is qualified to receive general assistance from a municipality according to standards of eligibility determined by the municipal officers whether or not that person has applied for general assistance.

2. General assistance program. "General assistance program" means a service administered by a municipality for the immediate aid of persons who are unable to provide the basic necessities essential to maintain themselves or their families. A general assistance program provides a specific amount and type of aid for defined needs during a limited period of time and is not