

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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**Legislative Document**

**No. 1399**

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H. P. 1171

House of Representatives, March 31, 1977

On motion of Mr. Bennett of Caribou, referred to Committee on Judiciary.  
Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Najarian of Portland.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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

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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. 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 or assisted by an authority or from any residential tenants of such housing or from any 3rd person in connection with any applicant or tenant of such housing; and

B. Financial information submitted to an authority or a member, officer, employee or agent thereof, in connection with an application for mortgage purchase or for 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 con-

fidential 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. Civil penalty. A person who violates 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.

5. Immunity. Other than the civil penalty provided in subsection 4, no action for damages shall be maintained against an authority, or any member, officer, employee or agent of an authority for the wrongful release of information rendered confidential by subsection 1.

Sec. 2. 30 MRSA § 4764, as enacted by PL 1969, c. 470, § 18, is repealed.

#### STATEMENT OF FACT

The purpose of this legislation 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.