

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

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Legislative Document

No. 1405

S.P. 527

In Senate, April 1, 1991

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator CLEVELAND of Androscoggin  
Cosponsored by Senator EMERSON of Penobscot.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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**An Act to Provide Confidentiality for the Records of Individuals Who  
Receive Funds from a Community Development Program Created  
Pursuant to the Maine Revised Statutes, Title 30-A, Chapter 205.**

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

30-A MRSA §5205 is enacted to read:

§5205. Records confidential

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

A. Any information acquired by a municipality or a member, officer, employee or agent of a municipality from an individual applicant for assistance provided by this chapter or from any 3rd person pertaining to an individual applicant for assistance provided pursuant to this chapter; and

B. Any written or recorded financial statement of an individual submitted to a municipality or a member, officer, employee or agent of a municipality in connection with an application for assistance pursuant to this chapter.

2. Wrongful disclosure prohibited. A member, officer, employee or agent of a municipality may not knowingly divulge or disclose information declared confidential by this section, except that:

A. A municipality or its agent may make such full and complete reports concerning its administration of programs provided with state or federal funds as required by State Government or Federal Government;

B. A municipality or its agent may publish statistics or other information of a general nature drawn from information declared confidential by this section, provided that the publication is accomplished in a manner that preserves confidentiality;

C. A municipality or its agent may comply with a subpoena, request for production of documents, warrant or court order issued or made upon lawful authority; and

D. In any litigation or proceeding in which a municipality or its agent is a party, the municipality or its agent may introduce evidence based on any information deemed confidential that is within the control or custody of the municipality or its agent.

3. Waiver. This section may not 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 that protection.

2        4. Penalty. A person violating any provision under  
3        subsection 2 commits a civil violation for which a forfeiture of  
4        not more than \$200 may be adjudged. Each separate act of  
5        disclosure is considered a separate offense.

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#### STATEMENT OF FACT

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      This bill ensures that records of individuals who receive  
11        assistance from a community development program pursuant to the  
12        Maine Revised Statutes, Title 30-A, chapter 205 remain  
13        confidential.

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