

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

existing state and agency liquor stores in the same areas. The 10-mile spacing requirement for location of agency liquor stores required by section 453 does not apply to special agency liquor stores licensed under this section.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective June 18, 1991.

CHAPTER 368

H.P. 1271 - L.D. 1842

An Act to Extend Confidentiality Status to Certain Records of Applicants for Housing, Community or Economic Development Activities

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

5 MRSA c. 383, sub-c. VIII is enacted to read:

SUBCHAPTER VIII

CONFIDENTIALITY OF RECORDS

§13119. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Local development corporation. "Local development corporation" means any nonprofit corporation organized by a city or town under Title 13, chapter 81 or Title 13-B.

2. Municipality. "Municipality" means any city, town or local development corporation and any board, commission, agency or authority of any such city, town or local development corporation.

3. Person. "Person" means an individual, corporation, partnership, firm, organization or other legal entity.

4. Program of assistance. "Program of assistance" means any financial or technical assistance program established or authorized by the department or a municipality and providing assistance to persons for the improvement and development of housing, community and economic development opportunities.

§13119-A. Records confidential

The following records are confidential for purposes of Title 1, section 402, subsection 3, paragraph A and are not open for public inspection:

1. Proprietary information. Information that is provided to or developed by the department or a municipality

that has to do with a program of assistance and is included in a business or marketing plan or a grant application or provided or developed to fulfill reporting requirements, as long as:

A. The person to whom the information belongs or pertains requests that it be designated as confidential; and

B. The department or municipality determines that the information gives the person making the request opportunity to obtain business or competitive advantage over another person who does not have access to that information or will result in loss of business or other significant detriment to the person making the request if access is provided to others;

2. Tax or financial information. Any financial statement, supporting data or tax return of any person;

3. Monitoring. Any financial statement, supporting data or tax return obtained or developed by the department or the municipality in connection with any monitoring or servicing activity by the department or the municipality pertaining to any program of assistance provided or to be provided;

4. Credit assessment. Any record obtained by the department or the municipality that contains an assessment of the credit worthiness, credit rating or financial condition of any person or project; and

5. Potential investors. Any record, including any financial statement or supporting data, business plan or tax return obtained or developed by the department or municipality in connection with the matching of potential investors with businesses in the State by the department or the municipality through its maintenance of a data base or other record-keeping system.

Nothing in this section prevents the disclosure of any records, correspondence or other materials to authorized officers and employees of municipal government, State Government or Federal Government for authorized use.

§13119-B. Disclosure required

Notwithstanding section 13119-A, the department or the municipality shall make available, upon request, to any person reasonably describing the records to which access is sought or, if no request is made, in any manner and at any time that the department or municipality determines appropriate, the following information.

1. Certain limited information. The following must be released after provision of assistance:

A. Names of recipients of or applicants for business assistance, including the business principals, if applicable;

B. Types and general terms of assistance provided to those recipients or requested by those applicants;

C. Descriptions of projects and businesses benefiting or to benefit from the assistance provided;

D. Number of jobs and the amount of tax revenues projected or resulting in connection with a completed project; and

E. Amounts and names of recipients of assistance provided under a program of assistance.

2. Subject to waiver. Any information pursuant to waiver determined satisfactory by the department must be released.

3. Available to public. Information that the department determines has already been made available to the public must be released.

4. Not otherwise confidential. Any information not otherwise confidential under section 13119-A or other applicable law must be released.

§13119-C. Disclosure permitted

Notwithstanding section 13119-A, information otherwise confidential under that section may be disclosed:

1. Financing institutions or credit reporting services. To a financing institution or credit reporting service;

2. Transfer of securities or bonds. To the extent necessary to the sale or transfer of revenue obligation securities or of general obligation bonds;

3. Collection of certain obligations. If necessary to ensure collection of any obligation in which the department or municipality has or may have an interest;

4. Litigation or proceeding. In any litigation or proceeding in which the department or the municipality appears, for the purposes of introduction of the information into the record;

5. Order by lawful authority. Pursuant to a subpoena, request for production of documents, warrant or other order by competent authority, as long as any such order appears to have first been served on the person to whom the confidential information sought pertains or belongs and as long as any such order appears on its face or otherwise to have been issued or made upon lawful authority; or

6. Authorization. Upon written authorization of release of the confidential information by the person or persons to whom such information pertains.

See title page for effective date.

CHAPTER 369

H.P. 1215 - L.D. 1773

An Act to Require Parental Consent to Adoption before a Probate Judge

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

Sec. 1. 19 MRSA §532, sub-§5, ¶B, as amended by PL 1981, c. 369, §2, is further amended to read:

B. The Department of Human Services or by an adoption agency duly licensed in Maine; or

Sec. 2. 19 MRSA §532, sub-§5, ¶D, as amended by PL 1981, c. 369, §3, is further amended to read:

D. A public agency or duly licensed private agency to whom parental rights have been transferred under the law of another state or country; ~~or.~~

Sec. 3. 19 MRSA §532, sub-§5, ¶E, as enacted by PL 1981, c. 369, §4, is repealed.

See title page for effective date.

CHAPTER 370

H.P. 1234 - L.D. 1798

An Act to Establish the Advisory Committee on Improving Outdoor Recreational Opportunities for Persons with Disabilities

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

Sec. 1. 5 MRSA §12004-I, sub-§40-A is enacted to read:

<u>40-A.</u>	<u>Advisory Com-</u>	<u>As Autho-</u>	<u>22 MRSA</u>
<u>Human Ser-</u>	<u>mittee on</u>	<u>rized by</u>	<u>§3098</u>
<u>vices;</u>	<u>Improving</u>	<u>Committee</u>	
<u>Bureau of</u>	<u>Outdoor</u>		
<u>Rehabilita-</u>	<u>Recreational</u>		
<u>tion</u>	<u>Opportunities</u>		
	<u>for Persons with</u>		
	<u>Disabilities,</u>		
	<u>commonly known as</u>		
	<u>Maine Outdoor</u>		
	<u>Recreation for</u>		
	<u>Everyone, M.O.R.E.</u>		

Sec. 2. 22 MRSA c. 718 is enacted to read:

CHAPTER 718

ADVISORY COMMITTEE ON IMPROVING OUTDOOR RECREATIONAL OPPORTUNITIES FOR PERSONS WITH DISABILITIES