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Date: (Filing No. S-)

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

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**STATE OF MAINE
SENATE
128TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 454, L.D. 1340, Bill, “An Act To Amend the Laws Governing the Maine State Housing Authority”

Amend the bill by striking out all of sections 8 to 10 and inserting the following:

Sec. 8. 30-A MRSA §4706, sub-§§5 to 7 are enacted to read:

5. Confidentiality of personnel records. The following records are confidential and not open to public inspection:

A. Except as otherwise provided in this paragraph, applications, resumes, letters and notes of reference, working papers, research materials, records, examinations and any other documents or records and the information they contain, solicited or prepared either by the applicant or the authority for use in the examination or evaluation of applicants for employment by the authority.

(1) Applications, resumes and letters and notes of reference pertaining to the applicant hired, other than those letters and notes of reference expressly submitted in confidence, are public records after the applicant is hired.

(2) Telephone numbers are not public records if they are designated as unlisted or unpublished in an application, resume or letter or note of reference;

B. Authority records pertaining to an identifiable employee and containing the following:

(1) Medical information of any kind, including information pertaining to diagnosis or treatment of mental or emotional disorders;

(2) Performance evaluations and personal references submitted in confidence;

(3) Information pertaining to the creditworthiness of a named employee;

(4) Information pertaining to the personal history, general character or conduct of members of the employee's immediate family;

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1 (5) Complaints, charges or accusations of misconduct, replies to those
2 complaints, charges or accusations and any other information or materials that
3 may result in disciplinary action. If disciplinary action is taken, the final written
4 decision relating to that action is no longer confidential after the decision is
5 completed if it imposes or upholds discipline. The decision must state the
6 conduct or other facts on the basis of which disciplinary action is being imposed
7 and the conclusions of the acting authority as to the reasons for that action; and

8 (6) Personal information, including that which pertains to the employee's:

9 (a) Age;

10 (b) Ancestry, ethnicity, genetic information, national origin, race or skin
11 color;

12 (c) Marital status;

13 (d) Mental or physical disabilities;

14 (e) Personal contact information, as described in Title 1, section 402,
15 subsection 3, paragraph O;

16 (f) Personal employment choices pertaining to elected payroll deductions,
17 deferred compensation, saving plans, pension plans, health insurance and life
18 insurance;

19 (g) Religion;

20 (h) Sex or sexual orientation as defined in Title 5, section 4553, subsection
21 9-C; or

22 (i) Social security number; and

23 C. Other information to which access by the general public is prohibited by law.

24 **6. Employee right to review.** On written request from an employee or former
25 employee, the authority shall provide the employee, former employee or the employee's
26 authorized representative with an opportunity to review the employee's personnel file, if
27 the authority has a personnel file for that employee. The review must take place during
28 normal office hours at the location where the personnel files are maintained. For the
29 purposes of this subsection, a personnel file includes, but is not limited to, any formal or
30 informal employee evaluations and reports relating to the employee's character, credit,
31 work habits, compensation and benefits that the authority may possess. The records
32 described in subsection 5, paragraph B may also be examined by the employee to whom
33 the records relate, as provided in this subsection.

34 **7. Constitutional obligations of a prosecutor.** Notwithstanding this section or any
35 other provision of law, subsection 5 does not preclude the disclosure of confidential
36 personnel records and the information contained in those records to the Attorney General,
37 a deputy attorney general, an assistant attorney general, a district attorney, a deputy
38 district attorney, an assistant district attorney or the equivalent departments or offices in a
39 federal jurisdiction that are related to the determination of and compliance with the
40 constitutional obligations of the State or the United States to provide discovery to a

1 defendant in a criminal matter. A person or entity participating in good faith disclosure
2 under this subsection or participating in a related proceeding is immune from criminal
3 and civil liability for the act of disclosure or for participating in the proceeding.

4 **Sec. 9. 30-A MRSA §4721, sub-§5** is enacted to read:

5 **5. Meeting with municipal legislative body.** Unless the municipality and the
6 authority agree otherwise, an authority shall meet at least annually with the legislative
7 body of the municipality for which it is created.'

8 Amend the bill in section 18 in paragraph DD in subparagraph (4) in the last
9 paragraph in the last line (page 6, line 16 in L.D.) by striking out the following: "and"

10 Amend the bill in section 19 in the first line (page 6, line 17 in L.D.) by striking out
11 the following: "¶EE is" and inserting the following: "¶¶EE and FF are'

12 Amend the bill in section 19 in paragraph EE in the last line (page 6, line 23 in L.D.)
13 by striking out the following: "income." and inserting the following: 'income; and'

14 Amend the bill in section 19 by inserting after paragraph EE the following:

15 'FF. Provide grants to eligible homeowners who are served by private well water that
16 shows evidence of high levels of arsenic contamination. For purposes of this
17 paragraph, "homeowner" includes an individual who occupies a single-family
18 dwelling that is located on land that is owned by a member of that individual's
19 immediate family and "immediate family" means a spouse, parent, child, sibling,
20 stepchild, stepparent and grandparent.'

21 Amend the bill by striking out all of sections 41 and 42 and inserting the following:

22 '**Sec. 41. 30-A MRSA §5047, sub-§1, ¶B**, as enacted by PL 2005, c. 380, Pt. A,
23 §2, is amended to read:

24 B. The Director of the Maine State Housing Authority or the director's designee;'

25 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
26 section number to read consecutively.

27 SUMMARY

28 This amendment, which is the majority report of the committee, amends the bill by:

29 1. Clarifying that only specific items within the personnel files of Maine State
30 Housing Authority employees are confidential;

31 2. Requiring municipal housing authorities to meet at least annually with the
32 legislative bodies of the municipalities for which they are created;

33 3. Authorizing the Maine State Housing Authority to provide an arsenic abatement
34 program to homeowners with private well water that shows evidence of arsenic
35 contamination, including individuals whose homes are located on land owned by an
36 immediate family member; and

37

1 4. Eliminating the provisions of the bill that propose to change the process for
2 appointing members of the Statewide Homeless Council.

3

FISCAL NOTE REQUIRED

4

(See attached)