

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 950

S.P. 405

In Senate, March 11, 2025

**An Act to Prevent Domestic and Sexual Abuse of Children and
Increase Access to Protection from Abuse Orders by Allowing
Children to File Protection from Abuse Orders on Their Own
Behalf**

Received by the Secretary of the Senate on March 6, 2025. Referred to the Committee on
Judiciary pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BAILEY of York.
Cosponsored by Representative KUHN of Falmouth and
Senators: CARNEY of Cumberland, TALBOT ROSS of Cumberland.

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

2 **Sec. 1. 14 MRSA §6001, sub-§6, ¶H**, as amended by PL 2017, c. 455, §3, is further
3 amended by amending subparagraph (1) to read:

4 (1) A statement signed by a Maine-based sexual assault counselor as defined in
5 Title 16, section 53-A, subsection 1, paragraph B, ~~an~~ a domestic violence advocate
6 as defined in Title 16, section 53-B, subsection 1, paragraph A ~~A-4~~ or a victim
7 witness advocate as defined in Title 16, section 53-C, subsection 1, paragraph C;

8 **Sec. 2. 16 MRSA §53-B**, as amended by PL 2013, c. 478, §§3 to 6 and c. 588, Pt.
9 E, §10, is further amended to read:

10 **§53-B. Privileged communications to victim domestic violence advocate; ~~family~~**
11 **~~violence~~**

12 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
13 following terms have the following meanings.

14 ~~A. "Advocate" means an employee of or volunteer for a nongovernmental or Maine~~
15 ~~tribal program for victims of domestic or family violence who:~~

16 ~~(1) Has undergone at least 30 hours of training; and~~

17 ~~(2) As a primary function with the program gives advice to, counsels or assists~~
18 ~~victims, supervises employees or volunteers who perform that function or~~
19 ~~administers the program.~~

20 A-1. "Confidential communications" means all information, whether written or oral,
21 transmitted between a victim and a domestic violence advocate in the course of the
22 working relationship. "Confidential communications" includes, but is not limited to,
23 information received or given by the domestic violence advocate in the course of the
24 working relationship, advice, records, reports, notes, memoranda, working papers,
25 electronic communications, case files, history and statistical data, including name, date
26 of birth and social security number, that personally identify the victim.

27 A-2. "Confidential criminal history record information" has the same meaning as in
28 section 703, subsection 2.

29 A-3. "Criminal justice agency" has the same meaning as in section 703, subsection 4.

30 A-4. "Domestic violence advocate" means an employee or volunteer of a domestic
31 violence services provider who has undergone at least 40 hours of training from a
32 domestic violence services provider that, as a minimum, includes:

33 (1) State and federal laws, rules and regulations on confidentiality and other
34 protections for victims of domestic violence;

35 (2) Mandated reporting;

36 (3) Civil and criminal legal processes in the State;

37 (4) Advocacy skills; and

38 (5) Local resources available for victims of domestic violence.

39 A-5. "Domestic violence services provider" means a private, nonprofit or tribal
40 organization that has as a primary function to provide services for and assistance to

1 victims of domestic violence through crisis intervention, safety planning, legal
2 information and educational information pertaining to domestic violence.

3 B. "Victim" means a victim of domestic or family violence.

4 **1-A. Confidential criminal history record information.** A Maine criminal justice
5 agency, whether directly or through any intermediary, may disseminate confidential
6 criminal history record information to ~~an~~ a domestic violence advocate for the purpose of
7 planning for the safety of a victim of domestic violence. ~~An~~ A domestic violence advocate
8 who receives confidential criminal history record information pursuant to this subsection
9 shall use it solely for the purpose authorized by this subsection and may not further
10 disseminate the information.

11 **2. Privileged communication.** Communications are privileged from disclosure as
12 follows.

13 A. A victim may refuse to disclose and may deny permission to ~~an~~ a domestic violence
14 advocate to disclose confidential written or oral communications between the victim
15 and the domestic violence advocate and written records, notes, memoranda or reports
16 concerning the victim.

17 B. Except as provided in subsection 3, a victim, domestic violence advocate or
18 domestic violence advocate's agency may not be required through oral or written
19 testimony or through production of documents to disclose to a court in criminal or civil
20 proceedings or to any other agency or person confidential communications between
21 the victim and the domestic violence advocate.

22 **3. Exceptions.** A person may not be required to publicly disclose the address or
23 location of a domestic or family violence shelter or safe house, except that privileged
24 communications may be disclosed in the following cases:

25 A. When disclosure is required under Title 22, chapter 958-A or 1071 and that
26 disclosure is in accordance with the provisions of either chapter;

27 B. When a court in the exercise of its discretion determines the disclosure of the
28 information necessary to the proper administration of justice, an inspection of records
29 may be held in camera by the judge to determine whether those records contain relevant
30 information. This proceeding does not entitle an opposing party to examine the records
31 unless those records are made available by the court; or

32 C. When a victim dies or is incapable of giving consent and disclosure is required for
33 an official law enforcement investigation or criminal proceeding regarding the cause
34 of that victim's death or incapacitation.

35 **Sec. 3. 16 MRSA §806, sub-§4,** as enacted by PL 2015, c. 411, §2, is amended to
36 read:

37 **4. ~~A counselor~~ Counselor or advocate.** A sexual assault counselor, as defined in
38 section 53-A, subsection 1, paragraph B, or ~~an~~ a domestic violence advocate, as defined in
39 section 53-B, subsection 1, paragraph ~~A~~ A-4. A person to whom intelligence and
40 investigative record information is disclosed pursuant to this subsection:

41 A. May use the information only for planning for the safety of the victim of a sexual
42 assault or domestic or family violence incident to which the information relates;

- 1 B. May not further disseminate the information;
- 2 C. Shall ensure that physical copies of the information are securely stored and remain
3 confidential;
- 4 D. Shall destroy all physical copies of the information within 30 days after their
5 receipt;
- 6 E. Shall permit criminal justice agencies providing such information to perform
7 reasonable and appropriate audits to ensure that all physical copies of information
8 obtained pursuant to this subsection are maintained in accordance with this subsection;
9 and
- 10 F. Shall indemnify and hold harmless criminal justice agencies providing information
11 pursuant to this subsection with respect to any litigation that may result from the
12 provision of the information to the person.

13 **Sec. 4. 17-A MRSA §2109, sub-§2**, as enacted by PL 2019, c. 113, Pt. A, §2, is
14 amended to read:

15 **2. To advocate.** Communications by a victim, as defined in Title 16, section 53-B,
16 subsection 1, paragraph B, to ~~an~~ a domestic violence advocate, as defined in Title 16,
17 section 53-B, subsection 1, paragraph ~~A~~ A-4, are privileged from disclosure as provided in
18 Title 16, section 53-B, subsection 2, subject to exceptions in Title 16, section 53-B,
19 subsection 3.

20 **Sec. 5. 19-A MRSA §4103, sub-§2**, as amended by PL 2023, c. 298, §§4 to 6, is
21 further amended to read:

22 **2. ~~Minor-child~~ Child.** A child, a person responsible for a child, as defined in Title
23 22, section 4002, subsection 9, or a representative of the department when a ~~minor~~ child
24 has been:

- 25 A. A victim of abuse as defined in section 4102, subsection 1 by a family or household
26 member, a dating partner or an individual related by consanguinity or affinity; or
- 27 B. A victim of conduct:
 - 28 (1) Described as stalking in Title 17-A, section 210-A;
 - 29 (2) Constituting any crime described in Title 17-A, chapter 11;
 - 30 (3) Described as unauthorized dissemination of certain private images in Title
31 17-A, section 511-A;
 - 32 (4) Described as aggravated sex trafficking or sex trafficking in Title 17-A, section
33 852 or 853, respectively;
 - 34 (5) Described as sexual exploitation of a minor or dissemination of sexually
35 explicit material in Title 17-A, section 282 or 283, respectively;
 - 36 (6) Described as harassment by telephone or by electronic communication device
37 in Title 17-A, section 506, subsection 1, paragraph A-1 or A-2; or
 - 38 (7) Constituting a civil cause of action under Title 14, section 8305.

1 For purposes of this paragraph, the conduct need not have been perpetrated by a family
2 or household member, a dating partner or an individual related by consanguinity or
3 affinity;

4 **SUMMARY**

5 This bill:

- 6 1. Modifies the communication privilege statutes by extending advocate privilege to a
7 staff member or volunteer of a domestic violence services provider who has received
8 appropriate training; and
- 9 2. Specifies that a child may file for a protection from abuse order on the child's own
10 behalf.