

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 1-452

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH
IN ACCORDANCE WITH MAINE REVISED STATUTES
ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

CHAPTER 319

H.P. 998 - L.D. 1306

AN ACT Concerning Confidentiality of Information.

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

16 MRSA §53-A is enacted to read:

§53-A. Privileged communications to sexual assault counselors

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

A. Rape crisis center. "Rape crisis center" means any publicly or privately funded agency, institution or facility existing in this State, having as its purpose to reduce the trauma of sexual assault to sexual assault victims and their families through crisis intervention, counseling, medical and legal information and dissemination of educational information pertaining to sexual assault.

B. Sexual assault counselor. "Sexual assault counselor" means a person who has:

(1) Undergone a program of training from a rape crisis center which shall include, but not be limited to: Law, medicine, societal attitudes, crisis intervention, counseling techniques and referral services; and

(2) Is either a staff member, paid or unpaid, or under the supervision of a staff member of a rape crisis center.

2. Privileged communications. Except with regard to reporting, cooperating in an investigation or giving evidence pursuant to Title 22, chapter 1071, or except at the request, or with the consent of, the victim of sexual assault, no sexual assault counselor may be required to testify in any civil or criminal action, suit or proceeding at law or in equity about any information which he may have acquired in providing sexual assault counseling services. A sexual assault counselor or a rape crisis

center may not be required to disclose to the court any records, notes, memoranda or documents containing confidential communications. When a court in the exercise of sound discretion deems the disclosure necessary to the proper administration of justice, no information communicated to, or otherwise learned by, that sexual assault counselor in connection with the provision of sexual assault counseling services may be privileged and disclosure may be required.

Effective September 23, 1983.

CHAPTER 320

H.P. 1104 - L.D. 1492

AN ACT to Reestablish the Energy
Testing Laboratory of Maine as a Part of Southern
Maine Vocational-Technical Institute.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, with the enactment of Public Law 1979, chapter 569, section 1, the Energy Testing Laboratory of Maine was placed under a board of directors and removed from the direct control of the Director of Southern Maine Vocational-Technical Institute; and

Whereas, Energy Testing Laboratory of Maine is still housed at Southern Maine Vocational-Technical Institute and still receives much of its assistance from Southern Maine Vocational-Technical Institute; and

Whereas, it is deemed that Energy Testing Laboratory of Maine should be returned to the status it held at Southern Maine Vocational-Technical Institute prior to the enactment of Public Law 1979, chapter 569, section 1; and

Whereas, it is essential that the transition occur in a timely and expeditious manner so that Energy Testing Laboratory of Maine will be fully under the control of Southern Maine Vocational-Technical Institute prior to the start of the next school year; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following