

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 1352

H. P. 1013

House of Representatives, February 23, 1965

Reported by a majority of the Committee on Judiciary and printed under Joint Rules No. 10.

JEROME G. PLANTE, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

AN ACT Relating to Religious Confessionals as Privileged Communications.

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

R. S., T. 16, §§ 57 and 58, additional. Title 16 of the Revised Statutes is amended by adding 2 new sections to be numbered 57 and 58 to read as follows:

§ 57. Privileged communications; clergymen

1. As used in this section:

A. "Clergyman" means a priest, rabbi, clergyman, minister of the gospel or other officer of a church or of a religious denomination or organization, who in the course of its discipline or practice is authorized or accustomed to hear, and has a duty to keep secret, penitential communications made by members of his church, denomination or organization;

B. "Penitent" means a member of a church or religious denomination or organization who has made a penitential communication to a clergyman thereof;

C. "Penitential communication" means a confession of culpable conduct made secretly and in confidence by a penitent to a clergyman in the course of the discipline or practice of the church or religious denomination or organization of which the penitent is a member.

2. Privilege. A person, whether or not a party, has a privilege to refuse to disclose, and to prevent a witness from disclosing, a communication if he claims the privilege and the judge finds that the communication was a penitential communication, and the witness is the penitent or the priest, and the claimant is the penitent, or the priest making the claim on behalf of an absent penitent.

§ 58. Exception

A person who would otherwise have a privilege, under section 57, to refuse to disclose or to prevent another from disclosing a specified matter has no such privilege with respect to that matter if the judge finds that he or any other person while the holder of the privilege has contracted with anyone not to claim the privilege or, without coercion and with knowledge of his privilege, made disclosure of any part of the matter or consented to such a disclosure made by anyone.'