

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1405

H. P. 1023

House of Representatives, March 9, 1971

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Bustin of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Relating to Privileged Communication between Registered Social
Workers and Clients.

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

R. S., T. 32, § 4183-A, additional. Title 32 of the Revised Statutes is amended by adding a new section 4183-A, to read as follows:

§ 4183-A. Privileged communication

No registered social worker or associate social worker may disclose any information he may have acquired from persons consulting him in his professional capacity that was necessary to enable him to render services in his professional capacity to those persons except:

1. **Client.** With the written consent of the client or, in case of death or disability, of his personal representative, other person authorized to sue or the beneficiary of an insurance policy on his life, health or physical condition;

2. **Crime.** That a registered social worker or associate social worker shall not be required to treat as confidential a communication that reveals the contemplation of a crime or harmful act;

3. **Victim of crime.** Where the person is a child under the age of 16 and the information acquired by the registered social worker or associate social worker indicated that the child was the victim or subject of a crime, the registered social worker or associate social worker may be required to testify fully in relation thereto upon any examination, trial or other proceeding in which the commission of such a crime is a subject of inquiry;

4. **Waiver.** Where the person waives the privilege by bringing charges against the registered social worker or associate social worker.

STATEMENT OF FACT

Confidential communication is an important aspect of protecting people who by nature of their needs confide in social workers. Provisions for confidentiality also serve as a basis for protecting the professional person who should not have to violate the trust which is the mainstay of a close therapeutic interpersonal relationship and the profession of social workers feels strongly about this aspect of service delivery. Several professions enjoy protection under the law pertaining to confidential information they acquire in the course of their professional activity.