

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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Legislative Document

No. 782

S. P. 259

In Senate, March 9, 1977

On motion of Senator Speers of Kennebec, referred to the Committee on Judiciary. Sent down for concurrence and ordered printed.

MAY M. ROSS, Secretary

Presented by Senator Speers of Kennebec.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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AN ACT Relating to Privileged Communications for Clergymen.

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

16 MRSA § 57, as enacted by PL 1965, c. 117, is repealed and the following enacted in its place:

§ 57. Privileged communications; clergymen

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

A. "Clergyman" means a minister, priest, rabbi, accredited Christian Science practitioner or other similar functionary of a religious organization, or an individual reasonably believed so to be by the person consulting him.

B. "Confidential communication" means an interchange of thoughts or opinions made privately and not intended for further disclosure except to other persons present in furtherance of the purpose of the communication.

2. **Privilege.** A person has a privilege to refuse to disclose and to prevent another from disclosing a confidential communication by the person to a clergyman in his professional character as spiritual adviser. The privilege may be claimed by the person, by his guardian or conservator or by his personal representative if he is deceased. The person who was the clergyman at the time of the communication is presumed to have authority to claim the privilege but only on behalf of the communicant.

STATEMENT OF FACT

The purpose of this bill is to amend the law relating to privileged religious communications to bring it into agreement with the Maine Rules of Evidence.

The definition of clergyman is changed to include a person reasonably believed to be one by the person consulting him. It will no longer be necessary that the person consulting the clergyman belong to the clergyman's denomination or organization.

This bill will permit persons to seek spiritual, religious or moral guidance on a wide variety of issues without fear that their communications to the clergyman may be revealed.