

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES (Filing No. H-190)  
110TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 562, L.D. 638, Bill, "AN ACT Relating to the Confidentiality of Communications Between Patients and Dentists."

Amend the Bill by inserting after the enacting clause the following:

'Sec. 1. 22 MRSA §4015, as enacted by PL 1979, c. 733, §18, is amended to read:

§4015. Privileged or confidential communications

The husband-wife and physician and psychotherapist-patient privileges under the rules of evidence and the confidential quality of communication under Title 20, sections 805 and 806, Title 24-A, section 4224 and Title 32, ~~section~~ sections 1092-A and 7005, are abrogated in relation to required reporting, cooperating with the department or a guardian ad litem in an investigation or other child protective activity or giving evidence in a child protection proceeding.'

Further amend the Bill by inserting at the beginning of the first line after the enacting clause the underlined abbreviation and number "Sec. 2."

Further amend the Bill in that part designated "§1092-A", , in the first line, subsection 1, paragraph A/by striking out the underlined word "Confidential" and inserting in its place the underlined words "Confidential communication"

Further amend the Bill by inserting before the Statement of Fact the following:

'C. There is no privilege under this section as to information regarding any patient which is sought by the Chief Medical Examiner or his designee in a medical examiner case, as defined by Title 22, section 3025, in which the Chief Medical Examiner or his designee has reason to believe that information relating to dental treatment may assist in determining the identity of a deceased person.'

Statement of Fact

This amendment removes the dentist-patient privilege in cases involving child abuse or /where the Chief Medical Examiner needs to determine the identity of a deceased person. It also adds the word "communication" which was inadvertently omitted from the bill.

Reported by the Committee on Judiciary.  
Reproduced and distributed under the direction of the Clerk of the House.

4/8/81

(Filing No. H-190)