

MAINE STATE LEGISLATURE

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D. OF R.

1

L.D. 1306

2

(Filing No. S-100)

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STATE OF MAINE

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SENATE

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111TH LEGISLATURE

6

FIRST REGULAR SESSION

7

SENATE AMENDMENT "A " to H.P. 998, L.D. 1306,

8

Bill, "AN ACT Concerning Confidentiality of Informa-

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tion."

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Amend the Bill in that part designated "§53-A."

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by striking out all of subsection 2 and inserting in

12

its place the following:

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'2. Privileged communications. Except with

14

regard to reporting, cooperating in an investigation

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or giving evidence pursuant to Title 22, chapter

16

1071, or except at the request, or with the consent

17

of, the victim of sexual assault, no sexual assault

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counselor may be required to testify in any civil or

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criminal action, suit or proceeding at law or in

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equity about any information which he may have ac-

21

quired in providing sexual assault counseling ser-

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vices. A sexual assault counselor or a rape crisis

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center may not be required to disclose to the court

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any records, notes, memoranda or documents containing

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confidential communications. When a court in the

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exercise of sound discretion deems the disclosure

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necessary to the proper administration of justice, no

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information communicated to, or otherwise learned by,

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that sexual assault counselor in connection with the

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provision of sexual assault counseling services may

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be privileged and disclosure may be required.'

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STATEMENT OF FACT

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The major purpose of this amendment is to rewrite

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Title 16, section 53-A, subsection 2 to make its

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provisions clearer.

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The first clause of Title 16, section 53-A, sub-

D. OF R.

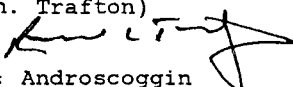
(Filing No. S-100)

SENATE AMENDMENT "A" to H.P. 998, L.D. 1306

1 section 2, as rewritten in this amendment does con-
 2 tain substantive change. This provision does not
 3 permit communications between a sexual assault coun-
 4 selor and a victim to be confidential when sharing
 5 those communications is necessary for reporting,
 6 investigating and testifying in situations where the
 7 victim is a child who has been subjected to sexual
 8 abuse. This exception coincides with the policies
 9 established in the Child and Family Services and
 10 Child Protection Act, Title 22, chapter 1071. This
 11 exception would then apply only in the context of
 12 child protection and when the victim is under 18
 13 years of age.

14 This amendment was voted on by the Joint Standing
 15 Committee on Judiciary and intended by the committee
 16 to be added to the bill. The bill was inadvertently
 17 reported out of committee without this amendment.

18 3716050583

19 (Sen. Trafton)
 20 NAME: 
 21 COUNTY: Androscoggin

Reproduced and distributed pursuant to Senate Rule 11-A,
 May 6, 1983 (Filing No. S-100)