

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1306

6
7 H.P. 998

House of Representatives, March 24, 1983

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

10 EDWIN H. PERT, Clerk

Presented by Representative Connolly of Portland.

Cosponsors: Representative Masterton of Cape Elizabeth, Senator Clark
11 of Cumberland and Representative Hayden of Durham.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT Concerning Confidentiality of
18 Information.
19

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

22 16 MRSA §53-A is enacted to read:

23 §53-A. Privileged communications to sexual assault
24 counselors

25 1. Definitions. As used in this section, unless
26 the context otherwise indicates, the following terms
27 have the following meanings.

28 A. Rape crisis center. "Rape crisis center"
29 means any publicly or privately funded agency,
30 institution or facility existing in this State,
31 having as its purpose to reduce the trauma of
32 sexual assault to sexual assault victims and
33 their families through crisis intervention, coun-

1 seling, medical and legal information and dissem-
2 ination of educational information pertaining to
3 sexual assault.

4 B. Sexual assault counselor. "Sexual assault
5 counselor" means a person who has:

6 (1) Undergone a program of training from a
7 rape crisis center which shall include, but
8 not be limited to: Law, medicine, societal
9 attitudes, crisis intervention, counseling
10 techniques and referral services; and

11 (2) Is either a staff member, paid or
12 unpaid, or under the supervision of a staff
13 member of a rape crisis center.

14 2. Privileged communications. Except at the
15 request of, or with the consent of, the victim of
16 sexual assault, no sexual assault counselor may be
17 required to testify in any civil or criminal action,
18 suit or proceeding at law or in equity respecting any
19 information which he may have acquired in providing
20 sexual assault counseling services if that informa-
21 tion was necessary to enable him to furnish sexual
22 assault counseling services to the victim of sexual
23 assault, nor may a sexual assault counselor or a rape
24 crisis center be required to disclose to the court
25 any records, notes, memoranda or documents containing
26 confidential communications. If the physical or
27 mental condition of the victim of sexual assault is
28 an issue in that action, suit or proceeding or when a
29 court in the exercise of sound discretion deems the
30 disclosure necessary to the proper administration of
31 justice, no information communicated to, or otherwise
32 learned by, that sexual assault counselor in connec-
33 tion with the provision of sexual assault counseling
34 services may be privileged and disclosure may be re-
35 quired.

36 STATEMENT OF FACT

37 The purpose of this bill is to extend the exist-
38 ing laws on privileged communications to cover not

1 only social workers, drug abuse counselors and alco-
2 holism counselors, but also sexual assault counse-
3 lors.

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