

MAINE STATE LEGISLATURE

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DATE: April 24, 1995 (Filing No. S- 78)

JUDICIARY

Reported by: Senator MILLS of Somerset for the Committee.

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**STATE OF MAINE
SENATE
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 261, L.D. 697, Bill, "An Act Governing Privileged Communications between Victims of Domestic Violence and Their Advocates"

Amend the bill in section 1 in that part designated "§53-B." in subsection 1 in paragraph A in the 2nd line (page 1, line 13 in L.D.) by inserting before the following: "program" the following: 'nongovernmental'

Further amend the bill in section 1 in that part designated "§53-B." in subsection 3 in paragraph A in the first line (page 1, line 45 in L.D.) by striking out the following: "in proceedings"

Further amend the bill in section 1 in that part designated "§53-B." in subsection 3 in paragraph C in the first and 2nd lines (page 2, lines 7 and 8 in L.D.) by striking out the following: "in a persistent vegetative state" and inserting in its place the following: 'incapable of giving consent'

STATEMENT OF FACT

This amendment makes 3 changes to the bill.

First, it clarifies the definition of "advocate" to exclude victim-witness advocates who work in prosecutorial agencies or law enforcement agencies. Their affiliation with the persons who prosecute offenders necessitates the availability of the

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2 communications to the offender and the offender's defense
3 attorney. The advocates covered by the bill as amended are those
4 volunteers and employees who work with the nongovernmental family
5 violence shelters and domestic abuse support programs, and who
6 provide support to the victims of domestic abuse.

7
8 Second, this amendment revises the exception to
9 nondisclosure of information to cover any situation in which the
10 disclosure is required under the child protection laws.

11
12 Third, this amendment revises the exception to nondisclosure
13 of information to cover any situation in which the victim is not
14 capable of giving consent and the disclosure is required for
certain investigations or proceedings.