

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1262

H.P. 934

House of Representatives, March 11, 2003

An Act To Implement the Maine Assistance Program for Lawyers

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative NORBERT of Portland.
Cosponsored by Senator PENDLETON of Cumberland and
Representatives: BRANNIGAN of Portland, MILLS of Farmington, MILLS of Cornville,
SMITH of Van Buren, WATSON of Bath.

2
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 14 MRSA §164-A** is enacted to read:

6 **§164-A. Maine Assistance Program for Lawyers; immunity**

8 **1. Definition.** As used in this section, unless the context otherwise indicates, the following term has the following meaning.

10 **A. "Program"** means the Maine Assistance Program for Lawyers established by court order pursuant to Title 4, section 421 to provide help to lawyers and judges who suffer from the effects of chemical dependency or mental conditions that result from disease, disorder, trauma or other infirmity and that impair a lawyer's or judge's ability to practice law or serve in a judicial capacity.

18 **2. Receive or report information; take or not take action.** A person or an organization receiving information, reporting information, taking action or taking no action on behalf of or in connection with the activities of the program is immune from all civil liability. The immunity provided by this subsection must be liberally construed to accomplish the purposes of the program. The immunity provided by this subsection is in addition to any other immunity provided by law.

26 **3. Information confidential.** All proceedings, communications and records, including the identity and treatment of a person seeking or being furnished assistance, connected in any way with the program are confidential and are not subject to compulsory legal process or otherwise discoverable or admissible in evidence in any civil action unless the confidentiality is waived by the affected person. Statistical data not identifying a person involved in the program may be made available for statistical evaluation as a professional aid in furtherance of the goals of the program.

38 **SUMMARY**

40
42 The purpose of this bill is to provide immunity from civil liability for persons or organizations involved with the Maine Assistance Program for Lawyers, which was established by a court order dated September 1, 2002. The bill also provides that all proceedings, communications and records connected with the Maine Assistance Program for Lawyers are confidential.
46