

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 1374

H.P. 964

House of Representatives, April 2, 2009

### **An Act To Ensure the Effectiveness of Critical Incident Stress Management Teams**

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Submitted by the Department of Public Safety pursuant to Joint Rule 204.  
Reference to the Committee on Criminal Justice and Public Safety suggested and ordered  
printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative BURNS of Whiting.

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

2 **Sec. 1. 25 MRSA Pt. 11** is enacted to read:

3 **PART 11**

4 **CRITICAL INCIDENTS**

5 **CHAPTER 501**

6 **CRITICAL INCIDENT STRESS MANAGEMENT TEAMS**

7 **§4201. Definitions**

8 As used in this chapter, unless the context otherwise indicates, the following terms  
9 have the following meanings.

10 **1. Critical incident.** "Critical incident" means a work-related incident that causes or  
11 has the potential to cause a law enforcement officer to experience emotional or physical  
12 stress. "Critical incident" includes, but is not limited to, use-of-force encounters that may  
13 result in the death of or serious injury to another person or an officer, fatal motor vehicle  
14 accidents, child abuse investigations and death investigations.

15 **2. Critical incident stress management team.** "Critical incident stress  
16 management team" means a team composed of members of a state, county or municipal  
17 law enforcement agency that is trained, in accordance with standards established by rule  
18 by the Commissioner of Public Safety, to assist and provide support to any person  
19 employed by the team's own agency or another law enforcement agency who has been  
20 involved in a critical incident that may affect, or has affected, the person's work  
21 performance or general well-being. Rules adopted pursuant to this subsection are routine  
22 technical rules as defined in Title 5, chapter 375, subchapter 2-A.

23 **§4202. Critical incident stress management teams**

24 **1. Information confidential.** Except as provided in subsection 2, all proceedings,  
25 communications and records, including, but not limited to, information concerning the  
26 identity of a person seeking or being furnished assistance, connected in any way with the  
27 work of a critical incident stress management team are confidential and are not subject to  
28 compulsory legal process or otherwise discoverable or admissible in evidence in any civil  
29 action unless the confidentiality is waived by the affected person. Statistical data not  
30 identifying a person seeking the assistance of a critical incident stress management team  
31 may be made available for statistical evaluation only.

32 **2. Mandatory disclosure of information.** Unless protected by a privilege of law  
33 recognized by this State, a member of a critical incident stress management team must  
34 disclose to appropriate federal, state or local government agencies or law enforcement  
35 agencies the following types of information:

36 **A.** An admission by a person seeking the assistance of the critical incident stress  
37 management team that the person has committed a crime;

1 B. A disclosure of information by a person seeking the assistance of a critical  
2 incident stress management team that must be reported pursuant to any applicable  
3 law; or

4 C. A disclosure of information by a person seeking the assistance of a critical  
5 incident stress management team that would lead one to reasonably think that the  
6 person seeking assistance is a danger to that person or to another person.

7 **SUMMARY**

8 This bill ensures that proceedings, communications and records connected in any way  
9 with the work of a critical incident stress management team are confidential and are not  
10 subject to compulsory legal process or otherwise discoverable or admissible in evidence  
11 in any civil action. The bill requires disclosure by members of a critical incident stress  
12 management team of certain types of information if the information is admitted or  
13 disclosed by a person seeking the assistance of a critical incident stress management  
14 team.