

# 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)

SAC  
ROS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

Date: 4/1/24

L.D. 1742  
(Filing No. H-898)

**CRIMINAL JUSTICE AND PUBLIC SAFETY**

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
131ST LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1121, L.D. 1742, "An Act to Enhance the Use of Critical Incident Stress Management Teams and to Require Peer Team Support"

Amend the bill by striking out everything after the enacting clause and inserting the following:

**Sec. 1. 25 MRSA §4201**, as amended by PL 2019, c. 89, §§1 to 5, is repealed.

**Sec. 2. 25 MRSA §4201-A** is enacted to read:

**§4201-A. Definitions**

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

**1. Affected person.** "Affected person" means a member or employee of a provider or a person providing emergency care or response services on behalf of a provider.

**2. Critical incident.** "Critical incident" means a work-related incident that causes or has the potential to cause an affected person to experience emotional or physical stress. "Critical incident" includes, but is not limited to, use-of-force encounters that may result in the death of or serious injury to another person or an affected person, fatal motor vehicle accidents, child abuse investigations, emergency care or response operations and death investigations.

**3. Critical incident stress management peer support.** "Critical incident stress management peer support" means services provided to an affected person when that affected person has been involved in a critical incident that can reasonably have a devastating, long-lasting effect on that affected person. "Critical incident stress management peer support" includes assisting the affected person to appropriately process the trauma and stress associated with a critical incident and connecting that affected person to appropriate resources.

**4. Critical incident stress management peer support person.** "Critical incident stress management peer support person" means a person who provides critical incident stress management peer support and is trained in accordance with national best practices

**COMMITTEE AMENDMENT**

1 and standards established by rule by the Commissioner of Public Safety. Rules adopted  
 2 pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375,  
 3 subchapter 2-A.

4 **5. Critical incident stress management services.** "Critical incident stress  
 5 management services" means an intervention protocol developed specifically for dealing  
 6 with traumatic events using a formal, structured and professionally recognized process for  
 7 helping affected persons involved in a critical incident.

8 **6. Critical incident stress management team.** "Critical incident stress management  
 9 team" means:

10 A. A team of critical incident stress management peer support persons designated by  
 11 the chief or director of a public safety agency, private safety agency or public safety  
 12 answering point; an organization involved in emergency care or response; the sheriff  
 13 of a county jail; or the head of a detention or correctional facility, or that person's  
 14 designee; or

15 B. A volunteer team coordinator from a nonprofit entity that is trained, in accordance  
 16 with national best practices and standards established by rule by the Commissioner of  
 17 Public Safety, to assist and provide critical incident stress management peer support.

18 A critical incident stress management team shall have an established relationship with a  
 19 licensed mental health clinician who is available for consultation with members of the  
 20 critical incident stress management team as the members determine to be necessary and for  
 21 at least one meeting annually with the team. Rules adopted pursuant to this subsection are  
 22 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

23 **7. Peer team.** "Peer team" means a team of active or retired-in-good-standing  
 24 members or employees of a provider that provides peer team support services to affected  
 25 persons and that is trained in accordance with standards established by rule by the  
 26 Commissioner of Public Safety. Rules adopted pursuant to this subsection are routine  
 27 technical rules as defined in Title 5, chapter 375, subchapter 2-A.

28 **8. Peer team support services.** "Peer team support services" means the provision of  
 29 behavioral health resources to an affected person by a peer team for the purpose of  
 30 addressing issues resulting from trauma and stress associated with being an affected person,  
 31 regardless of whether the trauma and stress is related to a critical incident.

32 **9. Private safety agency.** "Private safety agency" has the same meaning as in section  
 33 2921, subsection 6-A.

34 **10. Provider.** "Provider" means a public safety agency, private safety agency, public  
 35 safety answering point or organization involved in emergency care or response; a  
 36 correctional facility as defined in Title 34-A, section 1001, subsection 6; or a sheriff's office  
 37 or county jail.

38 **11. Public safety agency.** "Public safety agency" has the same meaning as in section  
 39 2921, subsection 6-B.

40 **12. Public safety answering point.** "Public safety answering point" has the same  
 41 meaning as in section 2921, subsection 7.

42 **Sec. 3. 25 MRSA §4202,** as amended by PL 2019, c. 89, §6, is further amended to  
 43 read:

1 **§4202. Critical incident stress management teams; peer teams; confidentiality**  
 2 **1. Information confidential.** Except as provided in subsection 2, all proceedings,  
 3 communications and records, including, but not limited to, information concerning the  
 4 identity of a an affected person seeking or being furnished assistance, connected in any way  
 5 with the work of a critical incident stress management team or peer team, including critical  
 6 incident stress management peer support persons, are confidential and are not subject to  
 7 compulsory legal process or otherwise discoverable or admissible in evidence in any civil  
 8 action unless the confidentiality is waived by the affected person seeking or being furnished  
 9 assistance. Statistical data not identifying a the affected person seeking or being furnished  
 10 the assistance of a critical incident stress management team or peer team must be made  
 11 available for statistical evaluation and may not be made available for any other purpose.

12 **2. Mandatory disclosure of information.** Unless protected by a privilege of law  
 13 recognized by this State, a member of a critical incident stress management team ~~must~~ or  
 14 peer team shall disclose to appropriate federal, state or local government agencies or law  
 15 enforcement agencies the following types of information:

- 16 A. An admission by a an affected person seeking the assistance of the critical incident  
 17 stress management team or peer team that the that affected person has committed a  
 18 crime;
- 19 B. A disclosure of information by a an affected person seeking the assistance of a  
 20 critical incident stress management team or peer team that must be reported pursuant  
 21 to any applicable law; or
- 22 C. A disclosure of information by a an affected person seeking the assistance of a  
 23 critical incident stress management team or peer team that would lead one to reasonably  
 24 think that the affected person seeking assistance is a danger to that affected person or  
 25 to another person.

26 Information disclosed under this subsection is no longer confidential unless it is otherwise  
 27 designated confidential by statute.

28 **Sec. 4. 25 MRSA §4203 is enacted to read:**

29 **§4203. Critical incident stress management services and peer team support services**

30 **1. Critical incident stress management team services.** The Commissioner of Public  
 31 Safety shall ensure that critical incident stress management team services are available to  
 32 all affected persons, including by:

- 33 A. Supporting the establishment of a critical incident stress management team for  
 34 every provider, which may include a single critical incident stress management team  
 35 working with multiple providers;
- 36 B. Providing critical incident stress management team services for every provider that  
 37 does not have a critical incident stress management team;
- 38 C. Beginning July 1, 2025 and as part of preservice and in-service training under  
 39 chapter 341, providing educational, training and promotional programs and materials,  
 40 including, but not limited to, programs and materials related to trauma, to all affected  
 41 persons to increase awareness of or provide support for critical incident stress  
 42 management team services; and

1 D. Providing access to behavioral health care services for all affected persons  
2 immediately after a critical incident in which the affected person or provider has  
3 provided care, response or services.

4 2. Peer team support services. The Commissioner of Public Safety shall ensure that  
5 peer team support services are available to all affected persons.

6 3. Access to critical incident stress management services, behavioral health care  
7 services and peer team support services. A provider shall employ or have as an active  
8 member at least one critical incident stress management peer support person or  
9 alternatively partner with an organization that provides critical incident stress management  
10 services and peer team support services to the provider. This employee, member or  
11 organization shall provide education and access to ongoing behavioral health care services  
12 related to any post-traumatic stress resulting from a critical incident experienced by an  
13 affected person and shall, within existing provider resources, maintain a critical incident  
14 stress management team and a peer team. The provision of services under this subsection  
15 may include collaboration with another provider.

16 4. Collaboration; implementation; training. The Commissioner of Public Safety  
17 shall collaborate with other governmental and nonprofit organizations that have an interest  
18 in law enforcement, firefighting, emergency care or response or emergency management  
19 or stress management in carrying out the purposes of this section. The commissioner shall  
20 hire at least one full-time employee to oversee the implementation of this section and be  
21 responsible for the coordination of critical incident stress management services and peer  
22 team support services in the State. The duties of the employee must include, but are not  
23 limited to: assisting with rulemaking and coordination among providers; developing reports  
24 on and conducting assessments of critical incident stress management services and peer  
25 team support services provided throughout the State; collaborating with the Department of  
26 Defense, Veterans and Emergency Management, Maine Emergency Management Agency;  
27 and assisting in forming partnerships between behavioral health organizations and different  
28 public safety agencies, private safety agencies and public safety answering points. In  
29 overseeing implementation of this section, the Commissioner of Public Safety shall, to the  
30 extent appropriate, contract for training and ancillary services with employee organizations  
31 of providers that have experience and expertise in providing such training and services.

32 5. Consultation. For the purpose of implementing and overseeing critical incident  
33 stress management services and peer team support services pursuant to this chapter, the  
34 Commissioner of Public Safety shall, to the extent practicable, consult with the Director of  
35 the Maine Emergency Management Agency within the Department of Defense, Veterans  
36 and Emergency Management, or the director's designee; a representative from a provider  
37 who is currently trained as a critical incident stress management peer support person; an  
38 expert in the field of mental and behavioral health; and an expert in the coordination of  
39 events following public disasters.

40 6. Rules. The Commissioner of Public Safety shall adopt rules to carry out the  
41 purposes of this section. Rules adopted pursuant to this subsection are routine technical  
42 rules as defined in Title 5, chapter 375, subchapter 2-A.

43 **Sec. 5. Appropriations and allocations.** The following appropriations and  
44 allocations are made.

45 PUBLIC SAFETY, DEPARTMENT OF





# 131st MAINE LEGISLATURE

LD 1742

LR 2371(02)

## An Act to Enhance the Use of Critical Incident Stress Management Teams and to Require Peer Team Support

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-898)  
Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

### Fiscal Note

	FY 2023-24	FY 2024-25	Projections FY 2025-26	Projections FY 2026-27
<b>Net Cost (Savings)</b>				
General Fund	\$0	\$1,982,992	\$1,964,008	\$2,004,144
<b>Appropriations/Allocations</b>				
General Fund	\$0	\$1,982,992	\$1,964,008	\$2,004,144

#### Fiscal Detail and Notes

The bill includes a General Fund appropriation of \$1,982,992 in fiscal year 2024-25 to the Department of Public Safety for one Program Director Management Analyst II position, 6 Human Services Caseworker Supervisor positions, one Office Associate II position, one Contract/Grant Manager position and related costs to establish and administer critical incident stress management teams and peer support services.