MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1742

H.P. 1121

House of Representatives, April 20, 2023

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

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

ROBERT B. HUNT

Presented by Representative GRAMLICH of Old Orchard Beach.

Cosponsored by Senator STEWART of Aroostook and

Representatives: COPELAND of Saco, GEIGER of Rockland, O'CONNELL of Brewer, SALISBURY of Westbrook, STOVER of Boothbay, Senator: BEEBE-CENTER of Knox.

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

- **Sec. 1. 25 MRSA §4201, sub-§1,** as amended by PL 2019, c. 89, §1, is further amended to read:
- 1. Critical incident. "Critical incident" means a work-related incident that causes or has the potential to cause an employee or member of a public safety agency, a fire department or an organization involved in emergency care or response, a corrections officer as defined in section 2801-A, subsection 2, a firefighter or an employee of a county jail or a detention or correctional facility operated by the Department of Corrections 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 officer, firefighter, member or employee, fires or other public safety emergencies, fatal motor vehicle accidents, child abuse investigations, emergency care or response operations and death investigations.
- **Sec. 2. 25 MRSA §4201, sub-§1-A,** as enacted by PL 2019, c. 89, §2, is amended to read:
- 1-A. Critical incident stress management peer support. "Critical incident stress management peer support" means services provided to an employee or member of a public safety agency, a fire department or an organization involved in emergency care or response, a corrections officer as defined in section 2801-A, subsection 2, a firefighter or an employee of a county jail or a detention or correctional facility operated by the Department of Corrections when that person has been involved in a critical incident that can reasonably have a devastating, long-lasting effect on that person. "Critical incident stress management peer support" includes assisting the employee, member, firefighter or officer to appropriately process the trauma and stress and connecting that person to appropriate resources.
 - Sec. 3. 25 MRSA §4201, sub-§3-A is enacted to read:
- 3-A. Fire department. "Fire department" means the Office of the State Fire Marshal, a municipal fire department as defined in Title 30-A, section 3151, subsection 1, a volunteer fire association as defined in Title 30-A, section 3151, subsection 3 or a fire district under Title 30-A, chapter 164.
 - Sec. 4. 25 MRSA §4201, sub-§3-B is enacted to read:
- **3-B. Firefighter.** "Firefighter" has the same meaning as in Title 39-A, section 328-B, subsection 1, paragraph C.
- **Sec. 5. 25 MRSA §4202, sub-§1,** as amended by PL 2019, c. 89, §6, is further amended to read:
- 1. Information confidential. Except as provided in subsection 2, all proceedings, communications and records, including, but not limited to, information concerning the identity of a person seeking or being furnished assistance, connected in any way with the work of a critical incident stress management team, including critical incident stress management peer support persons, 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 person seeking or being furnished assistance. Statistical data not identifying a the person seeking or being furnished the

2 statistical evaluation and may not be made available for any other purpose. 3 Sec. 6. 25 MRSA §4203 is enacted to read: 4 §4203. Critical incident stress management and peer team support services for public 5 safety employees 6 1. Definitions. As used in this section, unless the context otherwise indicates, the 7 following terms have the following meanings. 8 A. "Affected person" means a firefighter or employee or member of a provider. 9 B. "Director" means the Director of the Maine Emergency Management Agency within 10 the Department of Defense, Veterans and Emergency Management. 11 C. "Peer team" means a team of employees or members of a public safety agency, fire 12 department or organization involved in emergency care or response that provides peer 13 team support to affected persons and that is trained in accordance with standards established by rule by the director. 14 D. "Peer team support" means the provision of behavioral health resources to an 15 affected person by a peer team for the purpose of addressing issues resulting from stress 16 17 and trauma associated with being an affected person but not necessarily related to a 18 critical incident. 19 E. "Provider" means a public safety agency, fire department or organization involved 20 in emergency care or response in the State. 21 2. Critical incident stress management team services. The director shall ensure that 22 critical incident stress management team services are available to all affected persons, 23 including by: 24 A. Supporting the establishment of a critical incident stress management team for 25 every provider or through a collaboration of more than one provider; 26 B. Providing critical incident stress management team services for every provider that 27 does not have a critical incident stress management team; 28 C. Establishing a program for critical incident stress management training for at least 29 one firefighter in every fire department and at least one employee or member of every 30 public safety agency or organization involved in emergency care or response; 31 D. Beginning July 1, 2024 and as part of preservice and in-service training under 32 chapter 341, providing educational, training and promotional programs and materials, 33 including, but not limited to, programs and materials related to trauma, to all affected persons to increase awareness of or provide support for critical incident stress 34 35 management team services; and 36 E. Providing access to behavioral health care services for all affected persons 37 immediately after a critical incident in which the affected person or provider has

assistance of a critical incident stress management team must be made available for

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3. Peer team support services. The director shall ensure that peer team support

provided care, response or services.

services are available to all affected persons.

- 4. Access to critical incident stress management training and behavioral health care and peer team support. A provider shall employ or have as an active member at least one person who has received critical incident stress management training pursuant to subsection 2, paragraph C, shall provide education and access to ongoing behavioral health care services related to any post-traumatic stress resulting from a critical incident experienced by an affected person and shall, within existing department resources, maintain a critical incident stress management team and a peer team, which may include collaboration with another provider.
- 5. Collaboration; implementation. The director shall collaborate with a nonprofit organization representing professional firefighters in the State and other governmental and nonprofit organizations that have an interest in law enforcement, firefighting, emergency care or response or emergency management or stress management in carrying out the purposes of this section. The director shall designate a full-time employee of the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency to oversee the implementation of this section, including, but not limited to, assisting with rulemaking and coordination among providers. In overseeing implementation of this section, the director shall, to the extent appropriate, contract for training and ancillary services with employee organizations of providers that have experience and expertise in providing such training and services.
- 6. Rules. The director may adopt rules to carry out the purposes of this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
- **Sec. 7. 37-B MRSA §704, sub-§11,** as enacted by PL 2013, c. 146, §7, is amended to read:
- 11. Comprehensive emergency management plan. Develop and maintain a comprehensive emergency management plan for the State that is in conformance with guidance developed under subsection 10; and
- **Sec. 8. 37-B MRSA §704, sub-§12,** as enacted by PL 2013, c. 146, §7, is amended to read:
- 12. Additional duties and authority. Carry out any additional duties and assume such additional authority as may be prescribed by the commissioner or the Governor-; and
 - **Sec. 9. 37-B MRSA §704, sub-§13** is enacted to read:
- 13. Critical incident stress management and peer team support services. Ensure that critical incident stress management team services and peer team support services are provided to affected persons pursuant to Title 25, section 4203.

36 SUMMARY

This bill directs the Director of the Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management to provide critical incident stress management team services and peer team support services to all firefighters and employees or members of a public safety agency, fire department or organization involved in emergency care or response in the State by supporting the establishment of critical incident stress management team services; establishing a program for critical incident stress management training; providing

educational, training and promotional programs and materials, including programs and materials related to trauma; providing access to behavioral health care services after a critical incident; and providing peer team support for providing behavioral health resources for issues not necessarily related to a critical incident. The bill also requires the director to designate a full-time employee of the Maine Emergency Management Agency to oversee implementation of these services. The bill also requires public safety agencies, fire departments and organizations involved in emergency care or response to have at least one person who has received critical incident stress management training and to provide education and access to ongoing behavioral health care services related to any post-traumatic stress resulting from a critical incident.