

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Second Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with
the Revised Statutes of 1964, Title 3, Section 164, Subsection 6.

KENNEBEC JOURNAL

AUGUSTA, MAINE

1965

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Second Legislature
1965

'1. **Public notice.** He may give public notice in a newspaper ~~published and printed in whole or in part~~ having its principal place of business in the county where the premises are situated, if any, or if not, in the state paper, 3 weeks successively, of his claim by mortgage on such real estate, describing the premises intelligibly and naming the date of the mortgage and that the condition in it is broken, by reason whereof he claims a foreclosure; and cause a copy of such printed notice, and the name and date of the newspaper in which it was last published, to be recorded in each registry in which the mortgage deed is or by law ought to be recorded, within 30 days after such last publication.'

Effective September 3, 1965

Chapter 117

AN ACT Relating to Religious Confessionals as Privileged Communications.

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

R. S., T. 16, §§ 57 and 58, additional. Title 16 of the Revised Statutes is amended by adding 2 new sections to be numbered 57 and 58 to read as follows:

§ 57. Privileged communications; clergymen

1. Definitions. As used in this section:

A. "Clergyman" means a priest, rabbi, clergyman, minister of the gospel or other officer of a church or of a religious denomination or organization, who in the course of its discipline or practice is authorized or accustomed to hear, and has a duty to keep secret, penitential communications made by members of his church, denomination or organization;

B. "Penitent" means a member of a church or religious denomination or organization who has made a penitential communication to a clergyman thereof;

C. "Penitential communication" means a confession of culpable conduct made secretly and in confidence by a penitent to a clergyman in the course of the discipline or practice of the church or religious denomination or organization of which the penitent is a member.

2. **Privilege.** A person, whether or not a party, has a privilege to refuse to disclose, and to prevent a witness from disclosing, a communication if he claims the privilege and the judge finds that the communication was a penitential communication, and the witness is the penitent or the clergyman, and the claimant is the penitent, or the clergyman making the claim on behalf of an absent penitent.

§ 58. Exception

A person who would otherwise have a privilege, under section 57, to refuse to disclose or to prevent another from disclosing a specified matter has no such privilege with respect to that matter if the judge finds that he or any other person while the holder of the privilege has agreed with anyone not to claim the privilege or, without coercion and with knowledge of his privilege, made disclosure of any part of the matter or consented to such a disclosure made by anyone.'

Effective September 3, 1965