

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4

J.S. McCarthy Company
Augusta, Maine
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and must be given access to the personnel, but not personnel records. The chief advocate of the Department of Mental Health and Mental Retardation may release to the Consumer Advisory Board information pertaining to alleged abuse, exploitation or neglect or an alleged dehumanizing practice or violation of rights of a person with mental retardation or autism. The Consumer Advisory Board shall keep any confidential information disclosed to it or discovered by it confidential, as required by section 1207.

4. Repeal. This section is repealed one year after the United States District Court releases the State from all obligations under the community consent decree, *Consumer Advisory Board et al. v. Glover*, No. 91-321-P-C (D. Me., September 28, 1994).

See title page for effective date.

CHAPTER 128

S.P. 261 - L.D. 697

An Act Governing Privileged Communications between Victims of Domestic Violence and Their Advocates

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

Sec. 1. 16 MRSA §53-B is enacted to read:

§53-B. Privileged communications to victim advocate; family violence

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Advocate" means an employee of or volunteer for a nongovernmental program for victims of domestic or family violence who:

(1) Has undergone at least 30 hours of training; and

(2) As a primary function with the program gives advice to, counsels or assists victims, supervises employees or volunteers who perform that function or administers the program.

B. "Victim" means a victim of domestic or family violence.

2. Privileged communication. Communications are privileged from disclosure as follows.

A. A victim may refuse to disclose and may deny permission to an advocate to disclose con-

fidential written or oral communications between the victim and the advocate and written records, notes, memoranda or reports concerning the victim.

B. Except as provided in subsection 3, a victim, advocate or advocate's agency may not be required through oral or written testimony or through production of documents to disclose to a court in criminal or civil proceedings or to any other agency or person confidential communications between the victim and the advocate.

3. Exceptions. A person may not be required to publicly disclose the address or location of a domestic or family violence shelter or safe house, except that privileged communications may be disclosed in the following cases:

A. When disclosure is required under Title 22, chapter 1071 and that disclosure is in accordance with the provisions of that chapter;

B. When a court in the exercise of its discretion determines the disclosure of the information necessary to the proper administration of justice, an inspection of records may be held in camera by the judge to determine whether those records contain relevant information. This proceeding does not entitle an opposing party to examine the records unless those records are made available by the court; or

C. When a victim dies or is incapable of giving consent and disclosure is required for an official law enforcement investigation or criminal proceeding regarding the cause of that victim's death or incapacitation.

See title page for effective date.

CHAPTER 129

H.P. 565 - L.D. 766

An Act to Allow the Submetering of Electric Rates in Campgrounds

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

Sec. 1. 35-A MRSA §313 is enacted to read:

§313. Submetering permitted in campgrounds

A campground owner or operator may submeter electric service to campground sites within the campground in accordance with this section, as long as electric service is not provided to any particular