

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-SIX

—  
H.P. 568 - L.D. 882

**An Act to Protect Communication with Providers of Critical Incident Stress Management and Peer Support**

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

Sec. 1. 25 MRSA c. 501, headnote is amended to read:

**CHAPTER 501**

**CRITICAL INCIDENT STRESS MANAGEMENT ~~TEAMS~~ AND PEER SUPPORT**

Sec. 2. 25 MRSA §4201, as amended by PL 2019, c. 89, §§1 to 5, is repealed.

Sec. 3. 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.** "Critical incident stress management" means services provided in an individual or group setting and facilitated by a peer support person or licensed mental health clinician to an affected person, or a group of affected persons, when the affected person has been involved in a critical incident that can reasonably have a devastating, long-lasting effect on the affected person. "Critical incident stress

management" includes assisting the affected person to appropriately process the trauma and stress associated with a critical incident and connecting the affected person to appropriate resources.

**4. Critical incident stress management team.** "Critical incident stress management team" means either of the following persons or groups of persons that has an established relationship with a licensed mental health clinician who is available for consultation, as the team members determine to be necessary, and for at least one meeting annually:

A. A team of peer support persons designated by the chief or director of a public safety agency, private safety agency or public safety answering point or of an organization involved in emergency care or response; the sheriff of a county jail; or the chief administrative officer of a correctional facility as defined in Title 34-A, section 1001, subsection 6, or any such person's designee; or

B. A volunteer team coordinator from a nonprofit entity that is trained to assist and provide critical incident stress management or peer support.

**5. Peer support.** "Peer support" means the provision of emotional support to an affected person by a member of a peer team or a peer support person for the purpose of addressing issues resulting from or related to a critical incident experienced by the affected person.

**6. Peer support person.** "Peer support person" means a person who provides critical incident stress management or peer support and is trained in accordance with accepted best practices.

**7. Peer team.** "Peer team" means a team of active or retired-in-good-standing members or employees of one or more providers that provides peer support to affected persons that have been involved in a critical incident and that is trained through an organized peer support training program that meets or exceeds peer support training standards adopted by the International Association of Fire Fighters or the International Association of Chiefs of Police, or their successor organizations.

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

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

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

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

**Sec. 4. 25 MRSA §4202**, as amended by PL 2019, c. 89, §6, is repealed.

**Sec. 5. 25 MRSA §4203** is enacted to read:

**§4203. Critical incident stress management and peer support; testimony; confidentiality; disclosure**

**1. Consent to testify.** A peer support person, peer team or member of a peer team or an individual who participates in a structured critical incident stress management or peer support activity may not be compelled to testify in any civil or criminal action, suit or proceeding at law or in equity regarding any information that may have been acquired in providing, receiving or participating in critical incident stress management or peer support, except at the request of, or with the consent of, the relevant affected person.

**2. Confidentiality.** Proceedings, communications and records connected with the provision of critical incident stress management or peer support are confidential and are not subject to subpoena, discovery or introduction into evidence in a civil or criminal action unless the confidentiality is waived by the relevant affected person. Statistical data that does not identify a person seeking the assistance of a critical incident stress management team or peer team must be made available for statistical evaluation and may not be made available for any other purpose.

**3. Disclosure required by law.** This section does not prohibit disclosure by a person that provides critical incident stress management or peer support of information concerning an affected person if the disclosure is required pursuant to any applicable law or the person that provides critical incident stress management or peer support reasonably believes, in that person's judgment, that the affected person presents a danger to the affected person or to others. This subsection does not modify or affect the provisions of Title 22, sections 4011-A to 4015.