



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1092

S.P. 324

In Senate, March 5, 2019

An Act To Amend the Laws Governing Critical Incident Stress Management Teams

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BELLOWS of Kennebec.

Cosponsored by Senators: CYRWAY of Kennebec, DESCHAMBAULT of York, MOORE of Washington, Representatives: McCREIGHT of Harpswell, WARREN of Hallowell.

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

2 **Sec. 1. 25 MRSA §4201, sub-§1**, as amended by PL 2015, c. 112, §1, is further
3 amended to read:

4 **1. Critical incident.** "Critical incident" means a work-related incident that causes or
5 has the potential to cause an employee of or emergency dispatcher for a ~~criminal justice~~
6 public safety agency to experience emotional or physical stress. "Critical incident"
7 includes, but is not limited to, use-of-force encounters that may result in the death of or
8 serious injury to another person or an officer, fatal motor vehicle accidents, child abuse
9 investigations and death investigations.

10 **Sec. 2. 25 MRSA §4201, sub-§§1-A and 1-B** are enacted to read:

11 **1-A. Critical incident stress management peer support.** "Critical incident stress
12 management peer support" means services provided to an employee of or emergency
13 dispatcher for a public safety agency or to an employee's or dispatcher's family member
14 when that employee or dispatcher has been involved in a critical incident that can
15 reasonably have a devastating, long-lasting effect on a person or the employee or
16 dispatcher has had cumulative exposure to excessive stress and traumatic incidents and
17 the employee's or dispatcher's work performance or general well-being has been affected.
18 "Critical incident stress management peer support" includes assisting the employee or
19 dispatcher to appropriately process the trauma and stress and connecting the employee or
20 dispatcher to appropriate resources.

21 **1-B. Critical incident stress management peer support person.** "Critical incident
22 stress management peer support person" means a person who is trained in accordance
23 with evidence-based standards and certified in crisis intervention training and mental
24 health first aid who provides one-on-one critical incident stress management peer support.

25 **Sec. 3. 25 MRSA §4201, sub-§2**, as amended by PL 2015, c. 112, §1, is further
26 amended to read:

27 **2. Critical incident stress management team.** "Critical incident stress
28 management team" means a team ~~composed of members of critical incident stress~~
29 management peer support persons and a licensed mental health clinician designated by
30 the chief law enforcement officer or director of a law enforcement public safety agency,
31 or the chief law enforcement officer's chief's or director's designee, or a volunteer team
32 coordinated by a nonprofit entity that is trained, in accordance with national best practices
33 and standards established by rule by the Commissioner of Public Safety, to assist and
34 provide critical incident stress management peer support to any person employed by the
35 team's own agency or another criminal justice agency who has been involved in a critical
36 incident that may affect, or has affected, the person's work performance or general well-
37 being. Rules adopted pursuant to this subsection are routine technical rules as defined in
38 Title 5, chapter 375, subchapter 2-A.

39 **Sec. 4. 25 MRSA §4201, sub-§3**, as enacted by PL 2015, c. 112, §2, is repealed.

40 **Sec. 5. 25 MRSA §4201, sub-§4** is enacted to read:

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

Sec. 6. 25 MRSA §4202, sub-§1, as enacted by PL 2009, c. 289, §1, is 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. Statistical data not identifying a person seeking the assistance of a critical incident stress management team must be made available for statistical evaluation and may not be made available for any other purpose.

SUMMARY

This bill clarifies the qualifications and duties of members of critical incident stress management teams and provides that the services of critical incident stress management teams are provided to employees of state, county or municipal government entities that provide or have the authority to provide fire, emergency medical or police services.