

STATE OF MAINE

 IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

 S.P. 324 - L.D. 1092

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

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

Sec. 1. 25 MRSA §4201, sub-§1, as amended by PL 2015, c. 112, §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 ~~or emergency dispatcher for a criminal justice~~ public safety agency or an organization involved in emergency care or response, a corrections officer as defined in section 2801-A, subsection 2 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, ~~member or employee~~, fatal motor vehicle accidents, child abuse investigations, emergency care or response operations and death investigations.

Sec. 2. 25 MRSA §4201, sub-§§1-A and 1-B are enacted 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 or an organization involved in emergency care or response, a corrections officer as defined in section 2801-A, subsection 2 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 or officer to appropriately process the trauma and stress and connecting that person to appropriate resources.

1-B. Critical incident stress management peer support person. "Critical incident stress management peer support person" means a person who provides critical incident stress management peer support and is trained in accordance with national best practices and standards established by rule by the Commissioner of Public Safety. Rules adopted

pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. 25 MRSA §4201, sub-§2, as amended by PL 2015, c. 112, §1, is repealed and the following enacted in its place:

2. Critical incident stress management team. "Critical incident stress management team" means:

A. A team of critical incident stress management peer support persons designated by the chief or director of a public safety agency or of an organization involved in emergency care or response, the sheriff of a county jail or the head of a detention or correctional facility, or that person's designee; or

B. A volunteer team coordinator by a nonprofit entity that is trained, in accordance with national best practices and standards established by rule by the Commissioner of Public Safety, to assist and provide critical incident stress management peer support.

A critical incident stress management team shall have an established relationship with a licensed mental health clinician who is available for consultation with members of the critical incident stress management team as the members determine to be necessary and for at least one meeting annually with the team. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

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

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

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.