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Testimony of the Maine Municipal Association

In Qualified Support For

LD 882 – *An Act to Protect Communication with Providers of Critical Incident Stress Management Peer Support*

April 7, 2025

Senator Beebe-Center, Representative Hasenfus and distinguished members of the Criminal Justice and Public Safety Committee, my name is Rebecca Graham, and I am testifying in support for LD 882, at the direction of MMA’s Legislative Policy Committee (LPC). Our LPC is made up of individuals from across Maine with municipal officials elected by their peers across Maine’s 35 Senate districts representing communities with very different access to available enforcement resources and local capacity.

Municipal police leadership has largely embraced the need to address the significant impact of critical incidents on those that must endure them. Just as peer support groups have grown with trusted colleagues trained in guiding and facilitating debriefings where the sharing the emotional fall out of seeing the worst of human actions on a regular basis is implied to be confidential, a recent case involving peer support teams in Boston threatens to undo the trusted necessary spaces created on a regional level in the service of future law suits against those that must respond. Increasingly these vital programs are under attack by legal challenges seeking to leverage open communications that occur with co responders in these teams and legal challenges against their confidentiality.

At the core of these programs is the need to support these programs by adopting a clear policy outlining the use of critical incident debriefing teams and establishing confidentiality rules for officers and other first responders participating in these sessions. According to the U.S. Department of Justice’s [guidelines](#) on confidential and privileged communications, “A confidential communication is one made with the expectation of privacy.” Furthermore, “if confidential information is subpoenaed, it must generally be released unless it is privileged information.” In contrast, “Privileged communication is defined as statements made by people within protected relationships (e.g., husband and wife, attorney and client) that the law shelters from forced disclosure on the witness stand.” While some state laws use “privilege” and others use “confidentiality” (and some use them interchangeably), the nature of the “protected relationship” between counselor and client is important and should be protected.

There is a balance between the peer support training and certification programs used through multiple different programs that should be honored as the path toward providing the team with licensed protection but there should also be recognition that opening these teams up to other responders—an ingredient that helps broaden the intended outcomes—also opens the discussion up to legal vulnerability. The amended language satisfies these purposes and for these very important reasons, municipal officials support the amended language as provided April 8, 2025, and remain concerned about additional language reintroducing a former bill spoken to during the public hearing.

For these reasons, officials ask that you consider the sponsor amendment which will help the confidence of participants to feel safe openly sharing their emotional responses in these important programs led by culturally competent professionals and dedicated trained colleagues as they exist currently.