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H.P. 1121

House of Representatives, April 20, 2023

An Act to Enhance the Use of Critical Incident Stress Management Teams and to Require Peer Team Support

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

A handwritten signature in black ink, reading "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative GRAMLICH of Old Orchard Beach.
Cosponsored by Senator STEWART of Aroostook and
Representatives: COPELAND of Saco, GEIGER of Rockland, O'CONNELL of Brewer,
SALISBURY of Westbrook, STOVER of Boothbay, Senator: BEEBE-CENTER of Knox.

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 2019, c. 89, §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 or member of a public safety agency, a fire
6 department or an organization involved in emergency care or response, a corrections officer
7 as defined in section 2801-A, subsection 2, a firefighter or an employee of a county jail or
8 a detention or correctional facility operated by the Department of Corrections to experience
9 emotional or physical stress. "Critical incident" includes, but is not limited to, use-of-force
10 encounters that may result in the death of or serious injury to another person or an officer,
11 firefighter, member or employee, fires or other public safety emergencies, fatal motor
12 vehicle accidents, child abuse investigations, emergency care or response operations and
13 death investigations.

14 **Sec. 2. 25 MRSA §4201, sub-§1-A**, as enacted by PL 2019, c. 89, §2, is amended
15 to read:

16 **1-A. Critical incident stress management peer support.** "Critical incident stress
17 management peer support" means services provided to an employee or member of a public
18 safety agency, a fire department or an organization involved in emergency care or response,
19 a corrections officer as defined in section 2801-A, subsection 2, a firefighter or an employee
20 of a county jail or a detention or correctional facility operated by the Department of
21 Corrections when that person has been involved in a critical incident that can reasonably
22 have a devastating, long-lasting effect on that person. "Critical incident stress management
23 peer support" includes assisting the employee, member, firefighter or officer to
24 appropriately process the trauma and stress and connecting that person to appropriate
25 resources.

26 **Sec. 3. 25 MRSA §4201, sub-§3-A** is enacted to read:

27 **3-A. Fire department.** "Fire department" means the Office of the State Fire Marshal,
28 a municipal fire department as defined in Title 30-A, section 3151, subsection 1, a volunteer
29 fire association as defined in Title 30-A, section 3151, subsection 3 or a fire district under
30 Title 30-A, chapter 164.

31 **Sec. 4. 25 MRSA §4201, sub-§3-B** is enacted to read:

32 **3-B. Firefighter.** "Firefighter" has the same meaning as in Title 39-A, section 328-B,
33 subsection 1, paragraph C.

34 **Sec. 5. 25 MRSA §4202, sub-§1**, as amended by PL 2019, c. 89, §6, is further
35 amended to read:

36 **1. Information confidential.** Except as provided in subsection 2, all proceedings,
37 communications and records, including, but not limited to, information concerning the
38 identity of a person seeking or being furnished assistance, connected in any way with the
39 work of a critical incident stress management team, including critical incident stress
40 management peer support persons, are confidential and are not subject to compulsory legal
41 process or otherwise discoverable or admissible in evidence in any civil action unless the
42 confidentiality is waived by the ~~affected person~~ person seeking or being furnished
43 assistance. Statistical data not identifying a the person seeking or being furnished the

1 assistance of a critical incident stress management team must be made available for
2 statistical evaluation and may not be made available for any other purpose.

3 **Sec. 6. 25 MRSA §4203** is enacted to read:

4 **§4203. Critical incident stress management and peer team support services for public**
5 **safety employees**

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

8 A. "Affected person" means a firefighter or employee or member of a provider.

9 B. "Director" means the Director of the Maine Emergency Management Agency within
10 the Department of Defense, Veterans and Emergency Management.

11 C. "Peer team" means a team of employees or members of a public safety agency, fire
12 department or organization involved in emergency care or response that provides peer
13 team support to affected persons and that is trained in accordance with standards
14 established by rule by the director.

15 D. "Peer team support" means the provision of behavioral health resources to an
16 affected person by a peer team for the purpose of addressing issues resulting from stress
17 and trauma associated with being an affected person but not necessarily related to a
18 critical incident.

19 E. "Provider" means a public safety agency, fire department or organization involved
20 in emergency care or response in the State.

21 **2. Critical incident stress management team services.** The director shall ensure that
22 critical incident stress management team services are available to all affected persons,
23 including by:

24 A. Supporting the establishment of a critical incident stress management team for
25 every provider or through a collaboration of more than one provider;

26 B. Providing critical incident stress management team services for every provider that
27 does not have a critical incident stress management team;

28 C. Establishing a program for critical incident stress management training for at least
29 one firefighter in every fire department and at least one employee or member of every
30 public safety agency or organization involved in emergency care or response;

31 D. Beginning July 1, 2024 and as part of preservice and in-service training under
32 chapter 341, providing educational, training and promotional programs and materials,
33 including, but not limited to, programs and materials related to trauma, to all affected
34 persons to increase awareness of or provide support for critical incident stress
35 management team services; and

36 E. Providing access to behavioral health care services for all affected persons
37 immediately after a critical incident in which the affected person or provider has
38 provided care, response or services.

39 **3. Peer team support services.** The director shall ensure that peer team support
40 services are available to all affected persons.

1 **4. Access to critical incident stress management training and behavioral health**
2 **care and peer team support.** A provider shall employ or have as an active member at least
3 one person who has received critical incident stress management training pursuant to
4 subsection 2, paragraph C, shall provide education and access to ongoing behavioral health
5 care services related to any post-traumatic stress resulting from a critical incident
6 experienced by an affected person and shall, within existing department resources, maintain
7 a critical incident stress management team and a peer team, which may include
8 collaboration with another provider.

9 **5. Collaboration; implementation.** The director shall collaborate with a nonprofit
10 organization representing professional firefighters in the State and other governmental and
11 nonprofit organizations that have an interest in law enforcement, firefighting, emergency
12 care or response or emergency management or stress management in carrying out the
13 purposes of this section. The director shall designate a full-time employee of the
14 Department of Defense, Veterans and Emergency Management, Maine Emergency
15 Management Agency to oversee the implementation of this section, including, but not
16 limited to, assisting with rulemaking and coordination among providers. In overseeing
17 implementation of this section, the director shall, to the extent appropriate, contract for
18 training and ancillary services with employee organizations of providers that have
19 experience and expertise in providing such training and services.

20 **6. Rules.** The director may adopt rules to carry out the purposes of this section. Rules
21 adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter
22 375, subchapter 2-A.

23 **Sec. 7. 37-B MRSA §704, sub-§11,** as enacted by PL 2013, c. 146, §7, is amended
24 to read:

25 **11. Comprehensive emergency management plan.** Develop and maintain a
26 comprehensive emergency management plan for the State that is in conformance with
27 guidance developed under subsection 10; and

28 **Sec. 8. 37-B MRSA §704, sub-§12,** as enacted by PL 2013, c. 146, §7, is amended
29 to read:

30 **12. Additional duties and authority.** Carry out any additional duties and assume
31 such additional authority as may be prescribed by the commissioner or the Governor; and

32 **Sec. 9. 37-B MRSA §704, sub-§13** is enacted to read:

33 **13. Critical incident stress management and peer team support services.** Ensure
34 that critical incident stress management team services and peer team support services are
35 provided to affected persons pursuant to Title 25, section 4203.

36 SUMMARY

37 This bill directs the Director of the Maine Emergency Management Agency within the
38 Department of Defense, Veterans and Emergency Management to provide critical incident
39 stress management team services and peer team support services to all firefighters and
40 employees or members of a public safety agency, fire department or organization involved
41 in emergency care or response in the State by supporting the establishment of critical
42 incident stress management teams; providing critical incident stress management team
43 services; establishing a program for critical incident stress management training; providing

1 educational, training and promotional programs and materials, including programs and
2 materials related to trauma; providing access to behavioral health care services after a
3 critical incident; and providing peer team support for providing behavioral health resources
4 for issues not necessarily related to a critical incident. The bill also requires the director to
5 designate a full-time employee of the Maine Emergency Management Agency to oversee
6 implementation of these services. The bill also requires public safety agencies, fire
7 departments and organizations involved in emergency care or response to have at least one
8 person who has received critical incident stress management training and to provide
9 education and access to ongoing behavioral health care services related to any post-
10 traumatic stress resulting from a critical incident.