

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

2  
4  
6  
8  
10  
12  
14  
16  
18  
20  
22  
24  
26  
28  
30  
32  
34  
36  
38  
40  
42  
44  
46  
48

2  
4  
6  
8  
10  
12  
14  
16  
18  
20  
22  
24  
26  
28  
30  
32  
34  
36  
38  
40  
42  
44  
46  
48

2  
4  
6  
8  
10  
12  
14  
16  
18  
20  
22  
24  
26  
28  
30  
32  
34  
36  
38  
40  
42  
44  
46  
48

L.D. 803

DATE: 5/9/97

(Filing No. S- 207)

**CRIMINAL JUSTICE**

Reported by: *Senator Murray*

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE  
SENATE  
118TH LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to S.P. 234, L.D. 803, Bill, "An Act to Protect the Rights of Children Who Have Been Victims of Sexual Abuse by a Juvenile"

Amend the bill in Part A in section 1 in paragraph D in lines 14 to 18 (page 1, lines 22 to 26 in L.D.) by striking out the following: "any day-care facility operators and other local authorities or entities involved in the care of children in those areas where the juvenile may reside, work or attend school during the period of commitment or probation." and inserting in their place the following: 'all licensed and registered day-care facility operators located in the municipality where the juvenile resides, works or attends school during the period of commitment or probation. Upon request, the Department of Corrections shall also provide a copy of the juvenile's judgment and commitment to other entities that are involved in the care of children and are located in the municipality where the juvenile resides, works or attends school during the period of commitment or probation.'

Further amend the bill in Part B by striking out all of section 1 and inserting in its place the following:

**'Sec. B-1. Work group convened.** The Department of Human Services and the Department of the Attorney General, within existing resources, are directed to convene a work group, comprised of the following members, whose appointments must be made within 30 days of the effective date of this Act:

1. A representative of the Department of the Attorney General, appointed by the Attorney General;

R of S

COMMITTEE AMENDMENT "A" to S.P. 234, L.D. 803

2. A representative of the Department of Human Services, appointed by the Commissioner of Human Services;

3. A member of the Senate, appointed by the President of the Senate;

4. A member of the House of Representatives, appointed by the Speaker of the House;

5. A representative of the Maine Association of Criminal Defense Lawyers, chosen by its members;

6. A representative of the Maine Prosecutors' Association, chosen by its members;

7. A representative of the Maine Coalition Against Sexual Assault, chosen by its members;

8. A representative of law enforcement investigators, appointed by the Attorney General; and

9. The Chief Justice is requested to appoint a representative of the judiciary.

**Sec. B-2. Chair.** The members of the work group shall appoint a chair from among their members.

**Sec. B-3. Duties.** The work group shall examine the legal rights of children who testify in cases in which they have been the alleged victims of sexual abuse. The work group shall also review the State's current investigative and courtroom procedures for cases of sexual abuse of minors and make recommendations to improve the quality of investigations and modify conventional procedures that seem stressful to children. In conducting the review, the work group shall:

1. Review other states' laws regarding issues concerning child sexual abuse;

2. Explore the use of a multidisciplinary team of professionals to provide consistency throughout each case of child sexual abuse;

3. Propose ways to improve the setting in which children are interviewed and provide alternatives to the testimony of a child in an open courtroom;

4. Assess the qualifications of individuals who currently conduct interviews with children and, if necessary, develop specialized training to enhance interviewing skills;

**COMMITTEE AMENDMENT**

2 5. Explore the feasibility of having one interviewer  
3 selected jointly by the prosecution and the defense to conduct  
4 all interviews required of a child in a child sexual abuse case;

6 6. Explore the use of 2-way mirrors, videotaping or joint  
7 interviews to reduce the number and enhance the quality of  
8 interviews; and

10 7. Propose a standard format for interviewing victims of  
11 child sexual abuse.'

12  
13 Further amend the bill in Part B in section 2 in the last 2  
14 lines (page 2, lines 30 and 31 in L.D.) by striking out the  
15 following: "January 15, 1999" and inserting in its place the  
16 following: 'November 15, 1998'

18 Further amend the bill by relettering or renumbering any  
19 nonconsecutive Part letter or section number to read  
20 consecutively.

22 Further amend the bill by inserting at the end before the  
23 summary the following:

24

26

#### FISCAL NOTE

28

29 The Department of Human Services and the Department of the  
30 Attorney General will incur some minor additional costs to  
31 convene a work group to examine the legal rights of children who  
32 testify in cases in which the child is the alleged victim of  
33 sexual abuse. These costs can be absorbed within the respective  
34 departments' existing budgeted resources.

34

35 The additional costs associated with additional  
36 notifications can be absorbed by the Department of Corrections  
37 utilizing existing budgeted resources.'

38

40

#### SUMMARY

42

43 This amendment specifies that notice of a judgment against a  
44 juvenile sex offender must be given to licensed and registered  
45 day-care facility operators and upon request to entities that  
46 provide care to children and are located in the municipality in  
47 which the juvenile lives, works or attends school.

48

49 The amendment enumerates 9 members of the work group  
50 studying the rights of children who are the alleged victims of

COMMITTEE AMENDMENT "A" to S.P. 234, L.D. 803

2 sexual abuse and provides for a chair to be chosen from among the  
members. The amendment changes the work group's reporting date  
4 from January 15, 1999 to November 15, 1998 and adds a fiscal note  
to the bill.

**COMMITTEE AMENDMENT**