

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND TWELFTH LEGISLATURE

Legislative Document

No. 2156

H.P. 1527 House of Representatives, March 10, 1986
Submitted by the Department of Human Services pursuant to Joint Rule
24.

Reference to the Committee on Human Resources suggested and ordered
printed.

EDWIN H. PERT, Clerk

Presented by Representative Nelson of Portland.

Cosponsored by Senator Bustin of Kennebec, Representative Melendy of
Rockland and Representative Kimball of Buxton.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SIX

AN ACT to Better Protect Adults and Abused
Children Residing in Adult and Child
Care Facilities.

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

4 MRSA §1152, sub-§6 is enacted to read:

6. Proceedings related to licensure of adult and
child care facilities. Notwithstanding any other laws
or rules governing the admissibility or evidence in
any proceedings related to facilities licensed pursu-
ant to Title 22, sections 1817, 7801 and 8305, in
which allegations of abuse or neglect are involved,
the court may admit into evidence oral and written
out-of-court statements made by an adult or child who
is or has been a resident of the licensed facility or
a recipient of services from the licensed facility
and the court may rely on this evidence to the extent
of its probative value. The court may also allow for
the testimony of such a person to be taken in cham-

1 bers with only counsel present, provided that the
2 statements made are a matter of record.

3 For purposes of this section, the term "license" in-
4 cludes approval and registration.

5 STATEMENT OF FACT

6 This bill allows out-of-court statements to be
7 admitted into evidence in proceedings related to al-
8 legations of abuse or neglect in adult and child care
9 facilities. This bill decreases the trauma to chil-
10 dren and adults of having to testify in court pro-
11 ceedings against former or current caretakers and al-
12 lows the department to protect individuals from fur-
13 ther harm when the eyewitnesses, because of their age
14 and problems with memory, may not otherwise be con-
15 sidered "competent" witnesses.

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