

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1187

H.P. 886 House of Representatives, April 9, 1987  
Reference to the Committee on Judiciary suggested and  
ordered printed.

EDWIN H. PERT, Clerk  
Presented by Representative ANTHONY of South Portland.  
Cosponsored by Representatives THISTLE of Dover-Foxcroft  
and JOSEPH of Waterville.

STATE OF MAINE

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

AN ACT to Facilitate the Use of Testimony of  
Young Victims of Sex Offenses.

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

15 MRSA §1206 is enacted to read:

§1206. Admissibility of statements made by minors  
describing sexual conduct

A statement made by a person under the age of 14  
years describing any incident involving sexual inter-  
course, a sexual act or sexual contact performed with  
or on the minor by another, shall not be excluded by  
the hearsay rule as evidence in criminal proceedings  
in courts of this State if:



1 enuciated by the United State Supreme Court in Ohio  
2 v. Roberts (448 U.S. 56, 1980) to determine the ad-  
3 missibility of hearsay statements which do not fall  
4 within already recognized hearsay exceptions.

5 This bill preserves the accused's right to cross-  
6 examination by providing the opportunity to question  
7 the child regarding the prior statements. Only if it  
8 is impossible for the child to testify can the  
9 child's reliable statements be admitted without any  
10 cross-examination and then only if they are not the  
11 sole evidence upon which the accused can be convict-  
12 ed.

13 This bill also requires that the State give the  
14 accused sufficient notice of its intentions to  
15 present the hearsay statements of child victims so  
16 that attacks on the accuracy or reliability of the  
17 statements can be prepared.

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