

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1541

H.P. 1131 House of Representatives, May 13, 1987
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 HARPER of Lincoln.

Cosponsored by Representatives ROLDE of York, BEGLEY of
Waldoboro, and Senator ERWIN of Oxford.

STATE OF MAINE

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

AN ACT to Protect Abused Children and
Dependent Adults.

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2
3

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

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

7 6. Licensing procedure. This subsection applies
8 to any proceeding related to licensure of adult and
9 child care facilities.

10 A. Notwithstanding any other laws or rules gov-
11 erning the admissibility or evidence in any pro-
12 ceeding related to facilities licensed or regis-
13 tered pursuant to Title 22, in which allegations
14 of abuse or neglect are involved, the court may
15 admit into evidence oral and written out-of-court

1 statements made by an adult or child who is or
2 has been a resident of the licensed facility or a
3 recipient of services from the licensed facility
4 and the court may rely on this evidence to the
5 extent of its probative value. The court may al-
6 so allow for the testimony of such a person to be
7 taken in chambers with only counsel present pro-
8 vided that the statements made are a matter of
9 record.

10 For purposes of this subsection, the term "li-
11 cence" includes approval and registration.

12 B. The identity of children and adults receiving
13 services from the licensed facility will be kept
14 confidential.

15 STATEMENT OF FACT

16 This bill allows out-of-court statements to be
17 admitted into evidence in proceedings related to al-
18 legations of abuse or neglect in adult and child care
19 facilities. This bill decreases the trauma to chil-
20 dren and adults of having to testify in court pro-
21 ceedings against former or current caretakers and al-
22 lows the department to protect individuals from fur-
23 ther harm when the eyewitnesses, because of their age
24 and problems with memory, may not otherwise be con-
25 sidered competent witnesses.

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