

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 424

H.P. 303

House of Representatives, February 7, 1991

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

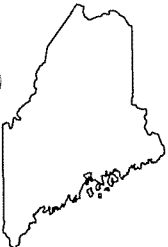
Presented by Representative BOUTILIER of Lewiston.

Cosponsored by Senator GAUVREAU of Androscoggin, Representative CATHCART of Orono and Representative DAGGETT of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Enhance Protection of Children in Court Proceedings.



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

4 15 MRSA §§1206 and 1207 are enacted to read:

6 §1206. Testimony of victim in child abuse or neglect case by
means of closed-circuit television

8 1. Applicability. In a case alleging abuse or neglect of a
10 child, as defined in Title 22, section 4002, a court may order
that the testimony of a child victim be taken outside the
12 courtroom and shown in the courtroom by means of closed-circuit
television if:

14 A. The testimony is taken during the proceeding; and

16 B. The court determines that testimony by the child victim
18 in the courtroom would result in the child's suffering
serious emotional distress limiting the child's ability to
20 reasonably communicate.

22 2. Who may question. Only the prosecuting attorney, the
attorney for the defendant and the judge may question the child.

24 3. Television operators to remain unobtrusive. The
26 operators of the closed-circuit television shall make every
effort to be unobtrusive.

28 4. Persons present during questioning. Only the following
30 persons may be in the room with the child when the child
testifies by closed-circuit television:

32 A. The prosecuting attorney;

34 B. The attorney for the defendant;

36 C. The operators of the closed-circuit television equipment;
38 and

40 D. Support persons, as set forth in section 1207, whose
42 presence, in the opinion of the court, contributes to the
well-being of the child

44 5. Judge and defendant to remain in courtroom. During the
child's testimony by closed-circuit television, the judge and the
46 defendant must be in the courtroom.

48 6. Ability to communicate required. The judge and the
defendant must be able to communicate with the persons in the
50 room where the child is testifying by any electronic method.

52 7. Defendant acting pro se. The provisions of this section
do not apply if the defendant is acting pro se.

