

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 750

H.P. 522

House of Representatives, February 21, 1991

Submitted by the Department of Human Services pursuant to Joint Rule 24.  
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 DONNELLY of Presque Isle.  
Cosponsored by Senator BERUBE of Androscoggin and Senator HOLLOWAY of Lincoln.

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STATE OF MAINE

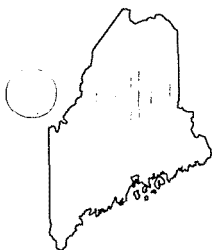
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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**An Act to Better Protect Adults and Children Giving Testimony of  
Alleged Abuse or Neglect Who Reside in Care Facilities.**

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

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

6 6. Proceedings related to licensure of adult and child care  
8 facilities. Notwithstanding any other laws or rules governing  
10 the admissibility or evidence in any proceedings related to  
12 facilities licensed pursuant to Title 22, sections 1817, 7801 and  
14 8305 in which allegations of abuse or neglect are involved, the  
16 court may admit into evidence oral and written out-of-court  
18 statements made by an adult or child who is or has been a  
20 resident of the licensed facility or a recipient of services from  
22 the licensed facility and the court may rely on this evidence to  
24 the extent of the probative value of that evidence. The court  
26 also may allow the testimony of that adult or child to be taken  
28 in chambers with only counsel present, as long as the statements  
30 made are a matter of record.

32 For purposes of this subsection, the term "license" includes  
34 approval and registration.

#### STATEMENT OF FACT

24 This bill allows out-of-court statements to be admitted into  
26 evidence in proceedings related to allegations of abuse or  
28 neglect in adult and child care facilities. This bill reduces  
30 the potential trauma to children and adults that may result from  
32 testifying in court proceedings against former or current  
34 caretakers and allows the Department of Human Services to protect  
eyewitnesses from further harm when, because of their age and  
problems with memory, they may not otherwise be considered  
competent witnesses.