

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 1101

H.P. 778

House of Representatives, February 9, 1999

**An Act to Require Consistency When Interviewing Children in Criminal  
and Civil Cases.**

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, reading "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative PLOWMAN of Hampden.  
Cosponsored by Representatives: BRAGDON of Bangor, FRECHETTE of Biddeford,  
GERRY of Auburn, GILLIS of Danforth, JABAR of Waterville, Senator: BENOIT of Franklin.

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

4 Sec. 1. 22 MRSA §4008-B is enacted to read:

6 §4008-B. Interviews of children

8 1. Limitation on interviews. Law enforcement officers and  
10 department staff investigating an allegation of abuse or neglect  
12 or participating in a child protection proceeding shall make  
14 every effort to minimize the number of interviews that a child  
16 must undergo and to limit the number of interviewers present at  
18 each interview. The law enforcement officers and department  
20 staff shall:

22 A. Conduct interviews jointly with all entities involved in  
24 the investigation or the proceeding;

26 B. During an interview, use communication devices such as  
28 earpieces and microphones to limit the number of persons  
30 conducting the interview;

32 C. Share information with investigators to the extent  
34 permitted under law, provided the entity that receives the  
36 shared information protects confidential information; and

38 D. Videotape every interview, unless that is not possible,  
40 in which case the officers and staff shall tape record the  
42 interview.

44 2. Disclosure of interview information to the person  
46 accused. Interview information is evidence that must be  
disclosed to the person accused of abuse, neglect or other  
wrongdoing with respect to the child, regardless of whether the  
investigation relates to a civil or criminal matter.

SUMMARY

This bill requires law enforcement officers and Department of Human Services staff who are investigating or participating in a child protection proceeding to limit the number of interviews and the number of interviewers that a child must face. It also requires that the information collected in the interview be disclosed to the person accused of abuse, neglect or other wrongdoing with respect to the child, regardless of whether the investigation relates to a criminal or a civil matter.