

MAINE STATE LEGISLATURE

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L.D. 2290

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Date: 4/16/24

(Filing No. H- 982)

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JUDICIARY

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STATE OF MAINE

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HOUSE OF REPRESENTATIVES

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131ST LEGISLATURE

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SECOND REGULAR SESSION

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COMMITTEE AMENDMENT "A" to H.P. 1478, L.D. 2290, "An Act to Correct Inconsistencies, Conflicts and Errors in the Laws of Maine"

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Amend the bill by inserting after the 4th paragraph after the title the following:

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Whereas, Public Law 2023, chapter 193, An Act to Establish an Exception to the Hearsay Rule for Forensic Interviews of a Protected Person, established an exception to the hearsay rule for the recordings of forensic interviews of minors and of certain adults with disabilities conducted at child advocacy centers, as long as specific due process protections are diligently followed; and

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Whereas, trial courts across the State have reached disparate decisions regarding whether the Maine Revised Statutes, Title 1, section 302 affects whether Public Law 2023, chapter 193 applied to pending proceedings; and

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Whereas, citizens of the State rely on the Legislature to enact statutes that will be interpreted consistently; and

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Amend the bill in Part A by striking out all of sections 23 to 34.

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Amend the bill by inserting after Part A the following:

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PART B

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Sec. B-1. 5 MRSA §7070, sub-§2, ¶F, as enacted by PL 2023, c. 615, §3, is amended by amending subparagraph (4) to read:

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(4) Whether the prosecuting agency declined to seek an indictment or the grand jury declined to indict the individual under subparagraph (1) based on the allegation of sexual misconduct or sexual harassment.

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Sec. B-2. 30-A MRSA §503, sub-§1-B, ¶D, as enacted by PL 2023, c. 615, §4, is amended to read:

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D. Whether the prosecuting agency declined to seek an indictment or the grand jury declined to indict the individual under paragraph A based on the allegation of sexual misconduct or sexual harassment.

COMMITTEE AMENDMENT

PART C

Sec. C-1. 19-A MRSA §951-A, sub-§2, ¶C, as amended by PL 2021, c. 122, §1, is further amended by amending subparagraph (3) to read:

(3) Economic abuse by a spouse. For the purposes of this subparagraph, "economic abuse" has the same meaning as in section ~~4002~~ 4102, subsection ~~3-B~~ 5.

Sec. C-2. 19-A MRSA §951-A, sub-§5, ¶M-1, as enacted by PL 2021, c. 122, §2, is amended to read:

M-1. Economic abuse by a spouse. For the purposes of this paragraph, "economic abuse" has the same meaning as in section ~~4002~~ 4102, subsection ~~3-B~~ 5;

Sec. C-3. 19-A MRSA §953, sub-§1, ¶D, as enacted by PL 2021, c. 122, §3, is amended to read:

D. Economic abuse by a spouse. For the purposes of this paragraph, "economic abuse" has the same meaning as in section ~~4002~~, ~~subsection 3-B~~ 4102, subsection 5.

Sec. C-4. 19-A MRSA §1501, sub-§3, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

3. Domestic abuse. "Domestic abuse" means abuse as defined in section ~~4002~~ 4102, subsection 1.

Sec. C-5. 19-A MRSA §1653, sub-§2, ¶E, as amended by PL 2021, c. 174, §8, is further amended to read:

E. The order of the court may not include a requirement that the State pay for the defendant to attend a domestic violence intervention program unless the program is certified under section ~~4014~~ 4116.

Sec. C-6. 19-A MRSA §1658, sub-§3-A, ¶B, as enacted by PL 2021, c. 340, §2, is amended by amending subparagraph (2), division (b) to read:

(b) The parent's acts of abuse, as defined in section ~~4002~~ 4102, subsection 1, upon the petitioner or a minor child in the parent's or petitioner's household.

PART D

Sec. D-1. 16 MRSA §358, sub-§5 is enacted to read:

5. Applicability. Notwithstanding Title 1, section 302, this section applies to:

A. Cases pending on June 16, 2023; and

B. Cases initiated after June 16, 2023, regardless of the date on which conduct described in the forensic interview allegedly occurred.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

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This amendment removes from the bill the sections relating to the Maine Registry of Certified Nursing Assistants and Direct Care Workers in the Department of Health and Human Services.

Part B of the amendment corrects language enacted by Public Law 2023, chapter 615 to reflect that a prosecuting agency seeks to indict and a grand jury indicts an individual but a prosecuting agency does not indict.

Part C of the amendment corrects cross-references in the Maine Revised Statutes, Title 19-A to the definitions of the terms "abuse" and "economic abuse" and a reference to the domestic violence intervention program.

Part D clarifies the intent of the Legislature that the exception to the hearsay rule for recordings of forensic interviews in the Maine Revised Statutes, Title 16, section 358, which was enacted by Public Law 2023, chapter 193, applies to proceedings pending on the date that the law was enacted and to proceedings initiated after that date, regardless of when the conduct described in the forensic interview allegedly occurred. The amendment adds language to the emergency preamble related to Part D.