



March 15, 2023

Senator Anne Carney, Chair  
Representative Matt Moonen, Chair  
Committee on Health and Human Services  
Cross Office Building, Room 438  
Augusta, Maine 04333

Re: LD 765, *An Act To Permit Recordings of a Protected Person to Be Admissible in Evidence*

Dear Senator Carney, Representative Moonen, and Standing Members of the Committee on Judiciary:

My name is Staci Converse and I am a Managing Attorney at Disability Rights Maine (DRM). DRM is Maine's designated Protection and Advocacy Agency and our mission is to advance justice and equality by enforcing rights and expanding opportunities for people with disabilities in Maine. I write in support of LD 765, *An Act To Permit Recordings of a Protected Person to Be Admissible in Evidence*.

This bill is of paramount importance for survivors of abuse, neglect, exploitation, and sexual assault who have disabilities. Existing studies emphasize the fact that disability is linked to a higher likelihood of experiencing violence, in particular sexual violence. For too long, these survivors have been forced to endure the trauma of reliving their experience in courtrooms and administrative proceedings. This bill is an essential step towards preventing such re-traumatization.

Allowing recordings of a protected person's testimony to be admissible in court is crucial for the fair and just prosecution of crimes against individuals with disabilities. Survivors with disabilities often face unique challenges in relaying their experience, and the current legal system does not adequately account for those challenges. Utilizing forensic interviewing techniques and permitting the admission of recorded

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testimony would provide some of the necessary accommodations to people with disabilities.

This bill also contains numerous safeguards to protect the rights of defendants. Defendants will have the opportunity to cross-examine the survivor, and forensic interviewers will receive the necessary specialized instruction to conduct proper interviews. Additionally, the bill explicitly prohibits attorneys and relatives from being present during the recorded, forensic interview.

While DRM supports this bill wholeheartedly, we have two suggestions to clarify the language of the bill. First, we propose changing the phrase "assistant attorneys general who are involved in child protective cases" to "assistant attorneys general who are involved in child and adult protective cases." Secondly, we suggest changing the word "department" to "Department of Health and Human Services" to make it clear which department the legislation is referring to. These changes will eliminate any ambiguity and ensure that the bill is effectively implemented.

For the reasons outlined above, DRM respectfully asks that you vote ought to pass.

Sincerely,

A handwritten signature in blue ink that reads "Staci" followed by a long, horizontal, slightly wavy line.

Staci Converse  
Managing Attorney