



# Administrative Office of the Courts

P.O. Box 4820, Portland, Maine 04112-4820

Tel: (207) 822-0792 FAX: (207) 822-0781 TTY: (207) 822-0701

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Julia Finn, Esq.  
Legislative Analyst

Tel: (207) 822-0767  
[julia.finn@courts.maine.gov](mailto:julia.finn@courts.maine.gov)

## **Judicial Branch testimony neither for nor against LD 765, An Act to Permit Recordings of a Protected Person to be Admissible in Evidence:**

Senator Carney, Representative Moonen, members of the Joint Standing Committee on Judiciary, my name is Julie Finn and I represent the Judicial Branch. I would like to provide some brief testimony regarding this bill.

This bill provides that a recording of a forensic interview, as described in the legislation, is: (1) an exception to the hearsay rule; and (2) admissible as evidence in court. While the Judicial Branch does not disagree that there can be a statutorily created exception to the hearsay rule, we do have concerns with making certain evidence automatically admissible by statute, without consideration by a judge.

Deciding what is and is not admissible into evidence is clearly a function of the presiding judge. We respectfully suggest that requiring by statute that certain evidence is admissible violates the doctrine of separation of powers.

Thank you for your consideration.