## STATE OF MAINE SUPREME JUDICIAL COURT

## CORRECTIONS TO AMENDMENTS TO THE MAINE RULES OF EVIDENCE

2008 Me. Rules 13

Effective: August 1, 2008

All of the Justices concurring therein, Rule 413 of the Maine Rules of Evidence, as adopted by 2008 Me. Rules 10, is amended as follows to correct subsection numbering. In other respects, Rule 413 is not changed. No additional advisory note is adopted.

## **RULE 413. PROTECTION OF PRIVACY IN COURT PROCEEDINGS**

(a) Evidence of the identity, address, employment or location of any person

shall be inadmissible if such person requests the exclusion of such evidence and:

(1) the court is notified that there is a court order in effect that prohibits contact between such person and another person, or

(2) it is alleged under oath, orally or in writing, that such person's health,

safety or liberty would be jeopardized by the disclosure of such information,

and the court determines that disclosure of such information would

jeopardize such person as alleged

unless the court finds that such evidence is of a material fact essential to the determination of the proceeding.

(b) The court shall conduct all proceedings to determine the admissibility of evidence under this rule in a manner so as not to disclose the information sought to be excluded, unless the court finds that a party's right to due process and a fair hearing would be violated if the information is not disclosed.

(c) If the court determines that information otherwise inadmissible under this Rule must be admitted as evidence of a material fact essential to the determination of the proceedings, the court shall receive such evidence *in camera*. In child protective proceedings pursuant to Title 22 MRS such evidence shall be received *in camera* and outside the presence of any person subject to a court order (section 1(a) above) or constituting a risk of health, safety or liberty (section 1(b) above) and that person's attorney.

(d) Persons who may object to the admission of evidence under this rule include parties to the proceeding, their attorneys, a guardian ad litem, any person called as a witness, a juror, and any person, who, although not a witness or party, is a subject of the proceeding such as a child or a protected person.

Dated: July 30, 2008

FOR THE COURT

/s/ LEIGH I. SAUFLEY Chief Justice