

MAINE STATE LEGISLATURE

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(EMERGENCY)

O N E - H U N D R E D T H L E G I S L A T U R E

Legislative Document

No. 1389

S. P. 425

In Senate, February 8, 1961

Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Farris of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT Relating to Immunity from Prosecution for Giving Testimony.

Emergency preamble. Whereas, there is presently pending a civil anti-trust action for restraint of trade brought by the State of Maine in the United States District Court for the District of Maine; and

Whereas, many witnesses required for the proof of this case are entitled to federal immunity from criminal prosecution; and

Whereas, said witnesses should be given a like immunity from criminal prosecution under the laws of this State; and

Whereas, the granting of such immunity may assist the State of Maine in the presentation of its case; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

R. S., c. 137, § 44-A, additional. Chapter 137 of the Revised Statutes is amended by adding a new section to be numbered 44-A, to read as follows:

‘Sec. 44-A. Immunity from prosecution. If any person shall give testimony or evidence required of him in any court of this State or any federal court, with respect to contracts, combinations or conspiracies in restraint of trade or commerce or to monopolize or attempt to monopolize any part of the trade or commerce of this State, he shall not thereafter be prosecuted or subject to any

penalty or forfeiture for or on account of any transaction, matter or thing concerning such contracts, combinations or conspiracies about which he may testify or produce evidence, and no testimony or evidence produced shall be received against him upon any criminal action, investigation or proceeding instituted under the laws of this State. No person so testifying or producing evidence shall be exempt from prosecution or punishment for perjury committed in so testifying.'

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.