

MAINE STATE LEGISLATURE

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(NEW DRAFT OF: H. P. 1269; L. D. 1775)
SECOND SPECIAL SESSION

ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1881

H. P. 1337 House of Representatives, January 19, 1968
Reported by Report "B" (5 members) of the Committee on Judiciary. Printed
under Joint Rules No. 18.

BERTHA W. JOHNSON, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-EIGHT

AN ACT Creating the State Witness Immunity Act.

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

R. S., T. 15, § 1314-A, additional. Title 15 of the Revised Statutes is amended by adding a new section 1314-A, to read as follows:

§ 1314-A. Compelling evidence in criminal proceedings; immunity

In any criminal proceeding before a Superior Court or grand jury, if a person refuses to answer questions or produce evidence of any kind on the ground that he may be incriminated thereby, and if the prosecuting attorney, in writing, and with the written approval of the Attorney General, requests the court to order that person to answer the questions or produce the evidence, and the court after notice to the witness and hearing shall so order, upon the finding that the public interest requires the granting of the immunity, that person shall comply with the order. After complying, and if, but for this section, he would have had the right to withhold the answers given or the evidence produced by him, that person shall not be prosecuted or subjected to penalty or forfeiture for or on account of any transaction, matter or thing concerning which, in accordance with the order, he gave answer or produced evidence. Failure to answer questions or produce evidence as ordered by the court following notice and hearing shall constitute contempt of court. He may nevertheless be prosecuted or subjected to penalty or forfeiture for any perjury, false swearing or contempt committed in answering, or failing to answer, or in producing or failing to produce evidence, in accordance with the order. This section shall apply only to sex crimes in which a minor child is involved or to criminal proceedings involving the use, possession or sale of heroin, marijuana, lysergic acid diethylamide (LSD) or other drugs, or to the illegal sale of heroin, marijuana, lysergic acid diethylamide (LSD) or other drugs.