

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
104th LEGISLATURE

COMMITTEE AMENDMENT " A " to H.P. 860, L.D. 1102, Bill, "AN
ACT Compelling Testimony in Civil Discovery Proceedings and Providing
Immunity from Criminal Prosecution with Respect Thereto."

Amend said Bill by striking out everything after the amending
clause and inserting in place thereof the following:

'CHAPTER 207

DISCOVERY PROCEEDINGS

§ 901. Compelling evidence in discovery proceedings; immunity

In any civil discovery proceeding, either upon deposition or
interrogatories propounded to a party pursuant to the Maine Rules
of Civil Procedure, if a party to the litigation refuses to answer
questions at said deposition hearing or upon said interrogatories
or produce evidence of any kind demanded of him on the ground that
he may be incriminated thereby, the party to the litigation who sought
the information at either the deposition hearing or upon interrogatories,
or both, upon written approval of the Attorney General of the State
of Maine and the U.S. Attorney for the District of Maine may move the
court having jurisdiction of the cause for an order compelling that
party to answer the question or questions or produce the evidence;
and the court, after notice to the party so requested, and hearing thereon,
shall so order, unless the court finds that to do so would be clearly
contrary to the public interest or produce no evidence relevant to
the issues raised by the pleadings, and shall so state in writing. Failure
to comply with such order shall constitute a contempt thereof and be
punishable accordingly.

(Over) *(Filing No. H-554)*

After complying with such order, 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 nor subjected to criminal 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.

He may, nevertheless, be prosecuted for any perjury or false swearing committed in answering, or for failure to answer or failure to produce evidence in accordance with said order.'

Reported by a Majority of the Committee on Judiciary.

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(Filing No. H-554)

6/18/69