

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1102

H. P. 860 House of Representatives, February 27, 1969
Referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Berman of Houlton.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT Compelling Testimony in Civil Discovery Proceedings and Providing Immunity from Criminal Prosecution with Respect Thereto.

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

R. S., T. 14, c. 207, additional. Title 14 of the Revised Statutes is amended by adding a new chapter 207, to read as follows :

CHAPTER 207 DISCOVERY PROCEEDINGS

§ 901. Compelling evidence in discovery proceedings; immunity

If any person refuses to answer questions at a deposition hearing held, or upon interrogatories propounded, pursuant to the Maine Rules of Civil Procedure, or refuses to produce evidence of any kind at such hearing, on the ground that he may be incriminated thereby, the party who sought the hearing or propounded the interrogatories may move the court having jurisdiction of the cause for an order compelling that person to answer the questions or produce the evidence, and the court after notice to the person and hearing shall so order unless it 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. Failure to comply with such order shall constitute a contempt thereof and be punishable accordingly.

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 or subjected to penalty or for-

feiture 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 the order.