

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1132

S. P. 386

In Senate, March 1, 1973

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Richardson of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to Witness Immunity in Civil Cases Commenced
by the State.

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

R. S., T. 15, § 1314-A, amended. The first 2 sentences of section 1314-A of Title 15 of the Revised Statutes, as enacted by chapter 526 of the public laws of 1967, are amended to read as follows:

In any criminal proceeding before a court or grand jury, or in any civil proceeding commenced by the State, 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, unless it finds to do so would be clearly contrary to the public interest, 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 criminally 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.

STATEMENT OF FACT

The purpose of this bill is to permit the State to grant immunity to witnesses called to testify in civil cases commenced by the State, especially where

the statutes under which the civil action has been commenced provides for both civil equitable relief and a criminal penalty, without the necessity of commencing criminal proceedings.