

MAINE STATE LEGISLATURE

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(New Title)
New Draft of: S. P. 386, L. D. 1132

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1974

S. P. 639

In Senate, May 24, 1973

Reported by the Majority from the Committee on Judiciary and printed under Joint Rules No. 18.

HARRY N. STARBRANCH, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to Witness Immunity in Civil Cases.

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

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

§ 1314-B. **Compelling evidence and civil proceedings; immunity**

In any civil proceeding before a court, 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. However, if but for this section the witness would have had the right to withhold the answers given or the evidence produced by him on the basis of his privilege against self-incrimination, no information directly or indirectly derived from such testimony or evidence may be used against the witness in any criminal case, except a prosecution for perjury, giving a false report or otherwise failing to comply with the order of the court.

STATEMENT OF FACT

The purpose of this bill is to permit the State to grant immunity to witnesses called to testify in civil cases 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 in order to grant an immunity from criminal prosecution.