

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 291

H. P. 227

House of Representatives, February 9, 1977

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

EDWIN H. PERT, Clerk

Presented by Mrs. Tarr of Bridgton.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Modify the Immunity Granted by Statute to a Person who Testifies before the Public Utilities Commission on Matters which May Tend to Incriminate that person.

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

35 MRSA § 309 is repealed and the following enacted in its place:

§ 309. Self-incrimination; immunity

In any proceeding before the commission, 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 commission staff, in writing, and with the written approval of the Attorney General, requests the commission to order that person to answer the questions or produce the evidence, the commission, after notice to the witness and hearing, shall so order unless it finds to do so would be clearly contrary to the public interest. After complying, and if, but for this section, a person 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 commission, following notice and hearing, shall subject a person to the provisions of section 352. 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.

STATEMENT OF FACT

The purpose of this bill is to revise the automatic statutory immunity from prosecution, penalty or forfeiture for persons testifying or producing evidence before the Public Utilities Commission. At present the immunity is mandatory if a person decides to testify on or produce evidence that tends to incriminate him. This legislation empowers the Public Utilities Commission to require a person to testify and thus receive immunity only upon written request by the commission staff and upon written approval by the Attorney General.