

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 881

H. P. 743

House of Representatives, February 17, 1981

On Motion of Representative Hobbins of Saco, referred to the Committee on Judiciary. Sent up for concurrence and ordered printed

EDWIN H. PERT, Clerk

Presented by Representative Peterson of Caribou.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT Relating to Granting Witness Immunity in Criminal Proceedings.

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

15 MRSA § 1314-A, first sentence, as enacted by PL 1967, c. 526, is amended to read:

In any criminal proceeding before a court or grand jury, 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.

STATEMENT OF FACT

This bill eliminates the need of a District Attorney to get written approval of the Attorney General prior to the granting of immunity to witnesses in criminal proceedings.