

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 953

H.P. 733

House of Representatives, February 20, 2001

An Act Relating to Discovery Procedures under the Maine Unfair Trade Practices Act.

Submitted by the Department of the Attorney General pursuant to Joint Rule 204.
Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative LaVERDIERE of Wilton.
Cosponsored by Senator RAND of Cumberland.

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

2
4 **Sec. 1. 5 MRSA §211, sub-§3, ¶B,** as enacted by PL 1969, c. 577, §1, is amended to read:

6 B. Require the disclosure of any documentary material which
8 ~~that~~ would be privileged, ~~or which contains trade secret~~
10 ~~information,~~ or which ~~that~~ for any other reason would not be
12 required by a subpoena duces tecum issued by a court of this
14 State.

12 **Sec. 2. 5 MRSA §211, sub-§§4, 5 and 6** are enacted to read:

14 4. Disclosure of documentary material. Documentary
16 material demanded pursuant to this section must be produced for
18 inspection, reproduction and copying during normal business hours
20 at the principal office or place of business of the person
22 served, in the county where such person resides or has a place of
24 business, in Kennebec County if the person served is a
26 nonresident or has no place of business within the State or at
28 such other times and places as may be agreed upon by the person
30 served and the Attorney General. Any book, record, paper,
 memorandum or other information produced by any person pursuant
 to this section may not unless otherwise ordered by a court of
 this State for good cause shown be disclosed to any person other
 than the authorized agent or representative of the Attorney
 General unless with the consent of the person producing the same,
 except that such material or information may be disclosed by the
 Attorney General in court pleadings or other papers filed in
 court.

32 5. Motion for additional time, to modify or set aside or
34 grant protective order. At any time prior to the date specified
36 in the notice, or within 21 days after the notice has been
38 served, whichever period is shorter, the court upon motion for
40 good cause shown may extend that reporting date or modify or set
42 aside that demand or grant a protective order in accordance with
44 the standards set forth in the Maine Rules of Civil Procedure
46 Rule 26(c). The motion may be filed in the Superior Court of the
48 county in which the person served resides or has a usual place of
50 business or in Kennebec County.

44 6. Cost of court reporter. At the request of the person
46 under investigation or that person's attorney, any testimony
48 taken pursuant to a demand or notice under this section must be
50 taken before a court reporter authorized to serve as such under
 the laws of the State or recorded on a recording device. Upon
 request of either party, all such testimony taken or recorded
 must be transcribed by an authorized court reporter, and in that
 case the original transcript of that testimony must be preserved

