

# MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

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HOUSE

NO. 367

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*House of Representatives, Feb. 28, 1913.*

*Tabled pending reference to a committee, by Mr. Kehoe,  
Portland, and ordered printed.*

*W. R. ROIX, Clerk.*

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND THIRTEEN.

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AN ACT relative to interrogatories in Civil Actions.

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

Section 1. Either party, after entry of the action, and  
2 before the opening of the trial on the merits may file in the  
3 clerk's office, or in the office of a justice who has no clerk,  
4 or with a trial justice, interrogatories to the adverse party  
5 for the discovery of any facts and documents admissable in  
6 evidence at the trial of the action, except as hereinafter pro-  
7 vided.

Sect. 2. Interrogatories shall be answered, and the an-  
2 swers shall be filed in the clerk's office, or in the office of a  
3 justice who has no clerk, or with a trial justice, within ten

4 days after notice of the filing thereof has been given to the  
5 party interrogated or to his attorney, unless, upon cause  
6 shown either before or after the expiration of said ten days,  
7 further time is allowed by the Court.

Sect. 3. An affidavit of the interrogating party or of his  
2 attorney that he has reason to believe that the interrogating  
3 party will derive some material benefit in the action from  
4 the discovery which he seeks, if the discovery is fairly made,  
5 and that it is not sought for the purpose of delay, shall be  
6 annexed to such interrogatories.

Sect. 4. Each interrogatory shall be answered separately  
2 and fully. The answers shall be in writing, under oath, and  
3 shall be signed by the party interrogated, who may introduce  
4 into his answer any matter relevant to the issue to which  
5 the interrogatory relates.

Sect. 5. If a corporation is a party to an action the ad-  
2 verse party may examine the president, treasurer, clerk or  
3 a director, manager or superintendent, or other officer there-  
4 of, as if he were a party.

Sect. 6. If a document, book, voucher or other writing  
2 called for by an interrogatory contains matters not pertinent  
3 to the subject of the action, the answer may state such fact  
4 and that such part has been sealed up or otherwise protected  
5 from examination; and thereupon, such part shall not be in-  
6 spected by the interrogating party, but he may apply to the  
7 court and obtain an order to inspect the part so protected  
8 from examination or so much thereof as the court, upon a

9 hearing, or if necessary by its own inspection, shall find to  
10 have been improperly withheld and concealed.

Sect. 7. The party interrogated shall not be obliged to  
2 answer a question or produce a document which would tend  
3 to criminate him, or to disclose his title to any property the  
4 title whereof is not material to the trial of the action in the  
5 course of which he is interrogated, or to disclose the names  
6 of the witnesses by whom, or the manner in which, he pro-  
7 poses to prove his own case.

Sect. 8. If an answer contains irrelevant matter, or if it  
2 is not full and clear, or if an interrogatory is not answered,  
3 and the party interrogated refuses to expunge or amend, or  
4 to answer a particular interrogatory, the court or a justice  
5 thereof may, upon motion, order such irrelevant matter to be  
6 expunged, or such imperfect answer to be made full and  
7 clear, or such interrogatory to be answered, within such  
8 time as it may order.

Sect. 9. If an answer is adjudged irrelevant or insufficient,  
2 or if a party is ordered to answer an interrogatory, such or-  
3 der may be made respecting costs, either in the action or  
4 otherwise, as the court may direct by general rules or by a  
5 special order in each case.

Sect. 10. If a party neglects or refuses to expunge, amend  
2 or answer according to the requirements of this chapter, the  
3 court may enter non-suit or default.

Sect. 11. If the Court finds that due diligence has been  
2 used, it may allow interrogatories, with an affidavit, stating

3 the reason why they were not filed earlier, to be filed during  
4 the trial of an action. They shall be answered forthwith  
5 or with as little delay as practicable, and the court may sus-  
6 pend the trial for the purpose of having them answered.

Sect. 12. Interrogatories may be filed, and motions  
2 brought under this act may be heard by the court in term  
3 time or in vacation.

Sect. 13. This act shall become effective upon its pass-  
2 age.