

MAINE STATE LEGISLATURE

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SEVENTY-SEVENTH LEGISLATURE

HOUSE

NO. 256

House of Representatives, Feb. 18, 1915.

Ordered, That five hundred copies be printed and that the same be referred to the Committee on Judiciary.

Committee on Reference.

Presented by Mr. Greenleaf of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND FIFTEEN

AN ACT relative to Interrogatories in Civil Actions.

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 admissible
6 in evidence at the trial of the action, except as hereinafter
7 provided.

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,
3 and shall be signed by the party interrogated, who may
4 introduce into his answer any matter relevant to the issue
5 to which 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 perti-
3 nent to the subject of the action, the answer may state such
4 fact and that such part has been sealed up or otherwise pro-
5 tected from examination; and thereupon, such part shall not
6 be inspected by the interrogating party, but he may apply
7 to the court and obtain an order to inspect the part so pro-
8 tected from examination or so much thereof as the court,

9 upon a hearing, or if necessary by its own inspection, shall
10 find to 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,
4 or to answer a particular interrogatory, the court or a jus-
5 tice thereof may, upon motion, order such irrelevant matter
6 to be expunged, or such imperfect answer to be made full
7 and clear, or such interrogatory to be answered, within such
8 time as it may order.

Sect. 9. If an answer is adjudged irrelevant or insuffi-
2 cient, or if a party is ordered to answer an interrogatory,
3 such order may be made respecting costs, either in the action
4 or otherwise, as the court may direct by general rules or
5 by a 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
6 suspend the trial for the purpose of having them answered.

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

Sect. 13. This act shall become effective upon its passage.