

# MAINE STATE LEGISLATURE

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EIGHTIETH LEGISLATURE

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HOUSE

NO. 152

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House of Representatives, February 18, 1921.

Referred to Committee on Legal Affairs and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Fagan of Portland.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND  
NINE HUNDRED AND TWENTY-ONE

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AN ACT Relative to the Filing of Interrogatories in Civil  
Actions.

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

Sect. 1. Any party after the entry of an action at law  
2 or the filing of a bill in equity may interrogate an adverse  
3 party for the discovery of facts and documents admissible in  
4 evidence at the trial of the action. The word "party" shall  
5 be deemed to include parties intervening or otherwise ad-  
6 mitted after the beginning of the suit.

Sect. 2. 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. 3. Each interrogatory shall be answered separately  
2 and fully, and if for any reason an interrogatory is not  
3 answered, or is not answered fully, then the interrogated  
4 party shall state the reasons therefor. The answer shall be  
5 in writing, under oath, and shall be signed by the party in-  
6 terrogated. The party interrogated shall, before making  
7 answer, make such inquiry of his agents, servants and  
8 attorneys as will enable him to make full and true answers to  
9 the interrogatories.

Sect. 4. Interrogatories shall be filed in the clerk's office,  
2 or in the office of a justice who has no clerk, and notice of  
3 such filing with a copy of the interrcgatories shall be sent  
4 by the party interrogating or his attorney, to the party  
5 interrogated, or to his attorney of record. Interrogatories  
6 shall be answered and the answers shall be filed in the clerk's  
7 office within ten days after notice of the filing thereof, has  
8 been given to the party interrogated or to his attorney, un-  
9 less, upon cause shown either before or after the expiration  
10 of such time further time is allowed by the court. A copy  
11 of the answers shall be sent to the party interrogating, or to  
12 his attorney of record. Answers to interrcgatories filed  
13 before a police or municipal court, or trial justice, shall be  
14 filed within such time as such courts or trial justices respec-  
15 tively order.

Sect. 5. No party interrogated shall be obliged to answer

2 a question, or produce a document, which would tend to  
3 incriminate him or to disclose his title to any property, the  
4 title whereof is not material to the issue in the proceeding in  
5 the course of which he is interrogated, nor to disclose the  
6 names of witnesses except that the court may compel the  
7 party interrogated to disclose the names of witnesses and  
8 their addresses, if justice seems to require it, upon such  
9 terms and conditions as the court may deem expedient. A  
10 party shall not interrogate an adverse party more than once  
11 unless the court otherwise orders, except as to any new  
12 matters which have been disclosed by the answers to inter-  
13 rogatories previously filed.

Sect. 6. If the party interrogated neglects or refuses to  
2 answer interrogatories, or fails to amend or expunge an  
3 answer or part of an answer according to the requirements  
4 of this Act, the court may make and enter such order, judg-  
5 ment or decree as justice requires.

Sect. 7. If a corporation is a party, the adverse party may  
2 interrogate the president, treasurer, clerk or a director,  
3 manager or superintendent or other officer thereof, as if he  
4 were a party. If a municipal corporation is a party the  
5 mayor of a city or the chairman of the board of selectmen  
6 of a town may be interrogated as if he were the party except  
7 that no city or town official shall be interrogated concerning  
8 matters of public record. If a minor or person under  
9 guardianship is a party, the adverse party may interrogate as  
10 if such party were not a minor or under guardianship, pro-  
11 vided that if a minor be not of such age as to appreciate the

12 oath or the person under guardianship be mentally incom-  
13 petent to answer, the person appearing in the suit as the  
14 guardian, guardian ad litem or next friend of such party  
15 may make answer.

Sect. 8. Such order may be made respecting costs either  
2 in the action or cause or otherwise as the court may direct  
3 by general rule or by special order in each case.

Sect. 9. Nothing in this act shall be construed to affect the  
2 right of a party interrogated under the direction of the court  
3 to seal up or otherwise protect from examination such parts  
4 of any document, book, voucher or other writing as con-  
5 tains matters not pertinent to the subject of the action or to  
6 affect the power of the court to protect said right or any  
7 right of the party interrogated, by suitable order.

Sect. 10. In actions in order for trial at the return term  
2 of the writ the court may make such order in respect to the  
3 time for the filing of interrogatories and the filing of answers  
4 thereto as the proper conduct of its business and justice may  
5 require.

Sect. 11. Any justice of the court wherein the action is  
2 brought may hear and determine motions brought under this  
3 Act, either in term time or in vacation.