

MAINE STATE LEGISLATURE

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EIGHTY-SECOND LEGISLATURE

S. P. No. 396

S. D. No. 146

In Senate, Mar. 5, 1925.

Referred to Committee on Judiciary and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Cram of Cumberland.

STATE OF MAINE

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

AN ACT Relating to the Interrogating of Adverse Parties in
Actions at Law or Equity for the Discovery of Facts and
Documents Admissible in Evidence at the Trial of the Action.

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

Section 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
4 in evidence at the trial of the action. The word "party"
5 shall be deemed to include parties intervening or otherwise
6 admitted 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 at-
8 torneys as will enable him to make full and true answers
9 to 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 interrogatories shall be sent
4 by the party interrogating or his attorney, to the party in-
5 terrogated, 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 interrogatories filed
13 before a police or municipal court, or trial justice, shall be
14 filed within such time as such courts or trial justices re-
15 spectively 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 court 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 mat-
12 ters which have been disclosed by the answers to interroga-
13 tories 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 ex-
7 cept that no city or town official shall be interrogated con-
8 cerning matters of public record. If a minor or person
9 under guardianship is a party, the adverse party may inter-

10 rogate as if such party were not a minor or under guardian-
11 ship, provided that if a minor be not of such age as to ap-
12 preciate the oath or the person under guardianship be
13 mentally incompetent to answer, the person appearing in
14 the suit as the guardian, guardian ad litem or next friend of
15 such party 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
2 the right of a party interrogated under the direction of the
3 court to seal up or otherwise protect from examination such
4 parts of any document, book, voucher or other writing as
5 contains matters not pertinent to the subject of the action or
6 to 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.