

MAINE STATE LEGISLATURE

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NEW DRAFT OF S. P. 57; L. D. 33

N I N E T Y - F O U R T H L E G I S L A T U R E

Legislative Document

No. 1249

S. P. 592

In Senate, March 3, 1949.

Tabled by Senator Ward of Penobscot Pending Consideration of Either Report.

CHESTER T. WINSLOW, Secretary.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT Relating to Privilege of Newspaper and Press Association
Employees from Disclosing News Sources.

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

R. S., c. 117, §§ 36 and 37, additional. Chapter 117 of the revised statutes is hereby amended by adding thereto 2 new sections to be numbered 36 and 37, to read as follows:

'Sec. 36. Privilege of newspaper and press association employees. No reporter shall be compelled to disclose in any legal proceeding, trial or prosecution in any court of this state, or before any official thereof, whether such court be a court of record or not of record, or before any grand jury or traverse jury of any court, or before any medical examiner, or before the presiding officer of any tribunal, or before any committee of the legislature or any commission created thereby, or before any state, county or municipal inquisitional body, department or commission, or elsewhere, the source of any information procured or obtained by him and published in the newspaper or disseminated by the press association on which he is engaged, employed or with which he is connected. For the purposes of this section and the following section, the word "reporter" shall mean a person engaged on, connected with or employed by any news-

paper or press association for the purpose of gathering, procuring, compiling, editing or publishing news.

Sec. 37. Court to determine public interest. In any case where a reporter claims the privilege conferred by section 36, the body, officer, person or party seeking the information may apply to the superior court, or any justice thereof in vacation, for an order divesting the reporter of the privilege granted therein. Such application shall be made in the county in which the reporter resides. In case the reporter does not reside within the state, the application shall be made in the county where he has an office or other place of employment. If he has neither residence nor place of employment in the state, the application shall be made in the county where the hearing, action or proceeding, in which the information is sought, is pending. Application for such order shall be made by verified petition, setting forth the reasons why the disclosure is essential to the protection of the public interest and on due notice to the reporter, including the service of all papers upon which the application is made. The order shall be granted only when the court, after hearing the parties, shall find that disclosure is essential to the protection of the public interest. Any such order shall be appealable under the provisions of chapter 95 of the revised statutes.'