

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1055

H. P. 967

House of Representatives, February 24, 1953.

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Albert of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-THREE

AN ACT Relating to Witnesses in Criminal Proceedings.

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

R. S., c. 100, § 125-A, additional. Chapter 100 of the revised statutes is hereby amended by adding thereto a new section to be numbered 125-A, to read as follows:

‘Sec. 125-A. **Compelling evidence in criminal proceedings; immunity.** In any criminal proceeding before a court or grand jury, if a person refuses to answer a question or produce evidence of any other kind on the ground that he may be incriminated thereby, and if the prosecuting attorney, in writing, requests the court to order that person to answer the question or produce the evidence the court after notice to the witness and hearing shall so order, unless it finds that to do so would be clearly contrary to the public interest, and that person shall comply with the order. After complying, and if, but for this section, he would have been privileged to withhold the answer given or the evidence produced by him, that person shall not be prosecuted or subjected to penalty or forfeiture for or on account of any transaction, matter or thing concerning which, in accordance with the order, he gave answer or produced evidence. But he may nevertheless be

prosecuted or subjected to penalty of forfeiture for any perjury, false swearing or contempt committed in answering, or failing to answer, or in producing, or failing to produce, evidence in accordance with the order.'