

**Title 3: LEGISLATURE**  
**Chapter 21: LEGISLATIVE INVESTIGATING COMMITTEES**

**Table of Contents**

<b>Subchapter 1. GENERAL PROVISIONS .....</b>	<b>3</b>
Section 401. SHORT TITLE.....	3
Section 402. DEFINITIONS.....	3
<b>Subchapter 2. LEGISLATIVE INVESTIGATING COMMITTEES .....</b>	<b>4</b>
Section 411. CREATION.....	4
Section 412. SCOPE OF STUDY OR INVESTIGATION.....	4
Section 413. NUMBER OF MEMBERS.....	4
Section 414. OVERSIGHT OF EXPENDITURES.....	4
<b>Subchapter 3. RULES OF PROCEDURE FOR LEGISLATIVE INVESTIGATING COMMITTEES .....</b>	<b>5</b>
Section 421. INVESTIGATING COMMITTEE ACTION.....	5
Section 422. ORDER OF PROCEDURE.....	5
Section 423. ISSUANCE OF A SUBPOENA.....	5
Section 424. NOTICE TO WITNESSES.....	5
Section 425. NOTICE TO MEMBERS.....	5
Section 426. OATHS.....	5
Section 427. TESTIMONY.....	6
Section 428. RECORDS.....	6
Section 429. RELEASE OF TESTIMONY.....	6
Section 430. REQUEST FOR COURT TO COMPEL OBEDIENCE.....	6
<b>Subchapter 4. RULES GOVERNING WITNESSES .....</b>	<b>6</b>
Section 451. COUNSEL.....	7
Section 452. QUESTIONING OF ADVERSE WITNESSES.....	7
Section 453. PERTINENCY OF REQUESTED TESTIMONY.....	7
Section 454. WHO CAN COMPEL TESTIMONY.....	7
Section 455. TELEVISION, FILMS, RADIO.....	7
Section 456. STATEMENTS AND FORM OF ANSWERS.....	7
Section 457. PRIVILEGES.....	8
Section 458. RIGHTS OF INTERESTED PARTIES.....	8
<b>Subchapter 5. SANCTIONS FOR ENFORCEMENT OF RULES .....</b>	<b>8</b>
Section 471. LEGISLATIVE RESPONSIBILITY.....	8
Section 472. ERRONEOUSLY COMPELLED TESTIMONY.....	8
Section 473. CONTEMPT.....	8
Section 474. SAVING CLAUSE.....	9



**Maine Revised Statutes**  
**Title 3: LEGISLATURE**  
**Chapter 21: LEGISLATIVE INVESTIGATING COMMITTEES**

Subchapter 1: GENERAL PROVISIONS

**§401. SHORT TITLE**

This Act may be called "Rules for Legislative Investigations." [1975, c. 593, §3 (NEW).]

SECTION HISTORY

1975, c. 593, §3 (NEW).

**§402. DEFINITIONS**

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings. [1975, c. 593, §3 (NEW).]

**1. Chairman.** The "chairman" is the presiding officer of the investigating committee. He may be the permanent chairman or another member designated as temporary chairman in the absence of the chairman.

[ 1975, c. 593, §3 (NEW) .]

**2. Executive session.** An "executive session" is a session at which only members of the investigating committee, staff of the committee, counsel to the committee, the witness and his counsel shall be present.

[ 1975, c. 593, §3 (NEW) .]

**3. Interested party.** An "interested party" is any person who learns that he has been specifically identified in testimony taken before an investigating committee and who reasonably believes that he has been adversely affected by such testimony.

[ 1975, c. 593, §3 (NEW) .]

**4. Investigating committee.** An "investigating committee" is any committee of the Legislature which has been granted by the Legislature the power to administer oaths, issue subpoenas and take depositions, as authorized by section 165, subsection 7. "Investigating committee" shall include the Legislative Council when it exercises the authority granted under section 162, subsection 4, but shall not include the Commission on Governmental Ethics and Election Practices when it exercises the authority granted under Title 1, chapter 25.

[ 1977, c. 78, §2 (AMD) .]

**5. Investigating committee action.** An "investigating committee action" is any decision arrived at formally by an investigating committee.

[ 1975, c. 593, §3 (NEW) .]

**6. Members.** The "members" of an investigating committee are the legislators appointed by the Legislature to serve on the committee.

[ 1975, c. 593, §3 (NEW) .]

**7. Quorum.** A "quorum" is a majority of the members of a legislative investigating committee.

[ 1975, c. 593, §3 (NEW) .]

**8. Testimony.** "Testimony" is any form of evidence received by an investigating committee.

[ 1975, c. 593, §3 (NEW) .]

**9. Witness.** A "witness" is any person who testifies before an investigating committee or who gives a deposition. "Witness" shall include an interested party who requests permission to testify.

[ 1975, c. 593, §3 (NEW) .]

#### SECTION HISTORY

1975, c. 593, §3 (NEW). 1977, c. 78, §2 (AMD).

## Subchapter 2: LEGISLATIVE INVESTIGATING COMMITTEES

### §411. CREATION

Whenever the Legislature delegates to a committee the power to administer oaths, issue subpoenas and take depositions in connection with any study or investigation, such committee shall automatically become an investigating committee for the purpose of such study or investigation and shall be subject to the provisions of this chapter, whether or not such power is utilized by the committee in the course of such study or investigation. [1975, c. 593, §3 (NEW).]

#### SECTION HISTORY

1975, c. 593, §3 (NEW).

### §412. SCOPE OF STUDY OR INVESTIGATION

The authorization creating an investigating committee shall clearly state, and thereby limit, the subject matter and scope of the study or investigation. No investigating committee shall exceed the limits set forth in such authorization. [1975, c. 593, §3 (NEW).]

#### SECTION HISTORY

1975, c. 593, §3 (NEW).

### §413. NUMBER OF MEMBERS

No investigating committee shall consist of fewer than 3 members. [1975, c. 593, §3 (NEW) .]

#### SECTION HISTORY

1975, c. 593, §3 (NEW).

### §414. OVERSIGHT OF EXPENDITURES

The Legislative Council shall provide oversight of expenditures for legislative investigating committees in the same manner as it provides oversight of joint select committees pursuant to chapter 7. [1985, c. 377, §2 (NEW) .]

#### SECTION HISTORY

1985, c. 377, §2 (NEW).

## Subchapter 3: RULES OF PROCEDURE FOR LEGISLATIVE INVESTIGATING COMMITTEES

### **§421. INVESTIGATING COMMITTEE ACTION**

Any investigating committee action shall require the affirmative votes of a majority of the committee members. [1975, c. 593, §3 (NEW).]

#### SECTION HISTORY

1975, c. 593, §3 (NEW).

### **§422. ORDER OF PROCEDURE**

The decision as to the order of procedure in making a study or an investigation shall be an investigating committee action. [1975, c. 593, §3 (NEW).]

#### SECTION HISTORY

1975, c. 593, §3 (NEW).

### **§423. ISSUANCE OF A SUBPOENA**

The decision to issue a subpoena shall be an investigating committee action. [1975, c. 593, §3 (NEW).]

#### SECTION HISTORY

1975, c. 593, §3 (NEW).

### **§424. NOTICE TO WITNESSES**

A reasonable time before they are to testify, all prospective witnesses shall be notified of the subject matter of the investigation and shall be provided with a copy of this chapter. When a subpoena is served, the information required by this section shall be presented at the time of service. [1975, c. 593, §3 (NEW).]

#### SECTION HISTORY

1975, c. 593, §3 (NEW).

### **§425. NOTICE TO MEMBERS**

Notice of the date and time of any meeting of the committee and of any hearing to be held by the committee shall be given to all members of the investigating committee at least 3 days in advance. [1975, c. 593, §3 (NEW).]

#### SECTION HISTORY

1975, c. 593, §3 (NEW).

### **§426. OATHS**

All testimony of subpoenaed witnesses shall be under oath. A voluntary witness may be required to testify under oath by legislative committee action. Oaths shall be administered by the chairman. [1975, c. 593, §3 (NEW).]

#### SECTION HISTORY

1975, c. 593, §3 (NEW).

## §427. TESTIMONY

Taking of testimony must be by the investigating committee's counsel, or other staff personnel or the members of the committee. A quorum must be present. Unless otherwise decided by investigating committee action, all testimony must be taken in open session. However, if any witness so requests, that witness's testimony must be taken in executive session, unless otherwise decided by investigating committee action. [2009, c. 2, §1 (COR).]

### SECTION HISTORY

1975, c. 593, §3 (NEW). RR 2009, c. 2, §1 (COR).

## §428. RECORDS

A complete record shall be kept of all investigating committee action, including a transcript of all testimony taken. [1975, c. 593, §3 (NEW).]

### SECTION HISTORY

1975, c. 593, §3 (NEW).

## §429. RELEASE OF TESTIMONY

**1. Release.** The decision to release testimony and the decision as to the form and manner in which testimony shall be released shall be investigating committee action. However, no testimony shall be released without first affording the witness who gave such testimony, or his counsel, an opportunity to object to the proposed release.

A. The witness or his counsel may, by such objection, require that testimony given in open session, if it is released at all, be released in the form of a full, consecutive transcript. [1975, c. 593, §3 (NEW).]

B. The witness or his counsel may, by such objection, require that testimony given in executive session not be released in any form or manner whatsoever. [1975, c. 593, §3 (NEW).]

[ 1975, c. 593, §3 (NEW) .]

**2. Transcript.** The witness or his counsel, upon payment of the cost of preparation, shall be given a transcript of any testimony taken. However, the witness or his counsel shall not be entitled to obtain a transcript of the executive session testimony of other witnesses. The release of a transcript under this subsection is not the release of testimony within the meaning of subsection 1.

[ 1975, c. 593, §3 (NEW) .]

### SECTION HISTORY

1975, c. 593, §3 (NEW).

## §430. REQUEST FOR COURT TO COMPEL OBEDIENCE

The decision to apply to the Superior Court to compel obedience to a subpoena issued by the committee shall be by investigating committee action. [1975, c. 593, §3 (NEW).]

### SECTION HISTORY

1975, c. 593, §3 (NEW).

## Subchapter 4: RULES GOVERNING WITNESSES

## §451. COUNSEL

The witness may have counsel present to advise him at all times. The witness or his counsel may, during the time the witness is giving testimony, object to any investigating committee action detrimental to the witness' interests and is entitled to have a ruling by the chairman on any such objection. [1975, c. 593, §3 (NEW).]

### SECTION HISTORY

1975, c. 593, §3 (NEW).

## §452. QUESTIONING OF ADVERSE WITNESSES

The witness or his counsel may question adverse witnesses whose testimony is being taken in open session. However, the chairman of the investigating committee may reasonably limit the right to so question. The chairman's ruling is final, unless otherwise decided by investigating committee action. [1975, c. 593, §3 (NEW).]

### SECTION HISTORY

1975, c. 593, §3 (NEW).

## §453. PERTINENCY OF REQUESTED TESTIMONY

The witness or his counsel may challenge any request for his testimony as not pertinent to the subject matter and scope of the investigation, in which case the relation believed to exist between the request and the subject matter and scope of the investigation shall be explained. [1975, c. 593, §3 (NEW).]

### SECTION HISTORY

1975, c. 593, §3 (NEW).

## §454. WHO CAN COMPEL TESTIMONY

The committee chairman may direct compliance with any request for testimony to which objection has been made. However, the chairman's direction may be overruled by investigating committee action. [1975, c. 593, §3 (NEW).]

### SECTION HISTORY

1975, c. 593, §3 (NEW).

## §455. TELEVISION, FILMS, RADIO

Any decision to televise, film or broadcast testimony shall be investigating committee action. If the witness or his counsel objects to a decision to televise, film or broadcast his testimony, his testimony shall not be televised, filmed or broadcast. [1975, c. 593, §3 (NEW).]

### SECTION HISTORY

1975, c. 593, §3 (NEW).

## §456. STATEMENTS AND FORM OF ANSWERS

The witness or his counsel may insert in the record sworn, written statements of reasonable length relevant to the subject matter and scope of the investigation. In giving testimony, the witness may explain his answers briefly. [1975, c. 593, §3 (NEW).]

### SECTION HISTORY

1975, c. 593, §3 (NEW).

## §457. PRIVILEGES

The witness shall be given the benefit of any privilege which he could have claimed in court as a party to a civil action, provided that the committee chairman may direct compliance with any request for testimony to which claim of privilege has been made. However, the chairman's direction may be overruled by investigating committee action. [1975, c. 593, §3 (NEW).]

### SECTION HISTORY

1975, c. 593, §3 (NEW).

## §458. RIGHTS OF INTERESTED PARTIES

Any interested party may request an opportunity to appear before the investigating committee. The decision on this request shall be investigating committee action. If such request is granted, the interested party shall appear before the committee as a witness. [1975, c. 593, §3 (NEW).]

### SECTION HISTORY

1975, c. 593, §3 (NEW).

## Subchapter 5: SANCTIONS FOR ENFORCEMENT OF RULES

### §471. LEGISLATIVE RESPONSIBILITY

The Legislature has primary responsibility for insuring adherence to these rules. [1975, c. 593, §3 (NEW).]

### SECTION HISTORY

1975, c. 593, §3 (NEW).

### §472. ERRONEOUSLY COMPELLED TESTIMONY

Testimony compelled to be given over a proper claim of privilege, or testimony released in violation of section 429, or any evidence obtained as a result of such improper procedure is not admissible in any subsequent criminal proceeding. [1975, c. 593, §3 (NEW).]

### SECTION HISTORY

1975, c. 593, §3 (NEW).

### §473. CONTEMPT

No witness shall be punished for contempt of an investigating committee unless the court finds: [1975, c. 593, §3 (NEW).]

**1. Conduct.** That the conduct of the witness amounted to contempt;

[ 1975, c. 593, §3 (NEW) .]

**2. Certain requirements.** That the requirements of sections 424, 430, 453 and 454 have been complied with; and

[ 1975, c. 593, §3 (NEW) .]

**3. Citations.** That in the case of:

A. A citation for failure to comply with a subpoena, the requirements of section 423 have been complied with; [1975, c. 593, §3 (NEW).]

B. A citation for failure to testify in response to a request for his testimony challenged as not pertinent to the subject matter and scope of the investigation, the requirements of sections 412 and 453 have been complied with and the request was pertinent as explained; [1975, c. 593, §3 (NEW).]

C. A citation for failure to testify in response to a request for his testimony on grounds of privilege, the requirements of section 457 have been complied with. [1975, c. 593, §3 (NEW).]

[ 1975, c. 593, §3 (NEW) .]

SECTION HISTORY

1975, c. 593, §3 (NEW).

## §474. SAVING CLAUSE

A decision by a witness to make use of any protection or remedy afforded by any provision of these rules does not constitute a waiver by the witness of the right to make use of any other protection or remedy. [2013, c. 424, Pt. A, §1 (AMD).]

SECTION HISTORY

1975, c. 593, §3 (NEW). 2013, c. 424, Pt. A, §1 (AMD).

---

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 127th Maine Legislature and is current through October 1, 2016. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.