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An Act To Adopt the Uniform Interstate Depositions and Discovery Act

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

Sec. 1. 14 MRSA c. 15 is enacted to read:

CHAPTER 15

UNIFORM INTERSTATE DEPOSITIONS AND DISCOVERY ACT

§ 401. Short title

This chapter may be known and cited as "the Uniform Interstate Depositions and Discovery Act."

§ 402. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Foreign jurisdiction. "Foreign jurisdiction" means a state other than this State.

2. Foreign subpoena. "Foreign subpoena" means a subpoena issued under authority of a court of record of a foreign jurisdiction.

3. Person. "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency or instrumentality or any other legal or commercial entity.

4. State. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, a federally recognized Indian tribe or any territory or insular possession subject to the jurisdiction of the United States.

5. Subpoena. "Subpoena" means a document, however denominated, issued under authority of a court of record requiring a person to:

A. Attend and give testimony at a deposition;

B. Produce and permit inspection and copying of designated books, documents, records, electronically stored information or tangible things in the possession, custody or control of the person; or

C. Permit inspection of premises under the control of the person.

§ 403. Issuance of subpoena

The issuance of a subpoena is governed by this section.

1. Request issuance. To request issuance of a subpoena under this section, a party must submit a foreign subpoena to the clerk of a District Court in the district or to the clerk of the Superior Court of the county in which the discovery is to be conducted. A request for the issuance of a subpoena under this Act does not constitute an appearance in the courts of the State.

2. Submission of foreign subpoena. When a party submits a foreign subpoena to a clerk of court in the State, the clerk, in accordance with that court's procedure, shall promptly issue a subpoena for service upon the person to which the foreign subpoena is directed.

3. Requirements. A foreign subpoena submitted under subsection 2 must:

A. Incorporate the terms used in the foreign subpoena; and

B. Contain or be accompanied by the names, addresses and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of any party not represented by counsel.

§ 404. Service of subpoena

A subpoena issued by a clerk of court under section 403 must be served in compliance with the Maine Rules of Civil Procedure, Rule 45.

§ 405. Deposition, production and inspection

The Maine Rules of Civil Procedure and the provisions of Title 16, sections 101, 102 and 251 apply to depositions and discovery carried out under this Act and subpoenas issued under section 403.

§ 406. Application to court

An application to the court for a protective order or to enforce, quash or modify a subpoena issued by a clerk of court under section 403 must comply with the Maine Rules of Civil Procedure and be submitted to the District Court in the district or to the Superior Court of the county in which the discovery is to be or is being conducted.

§ 407. Uniformity of application and construction

In applying and construing this Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

§ 408. Application to pending actions

Notwithstanding Title 1, section 302, this Act applies to requests for discovery in cases pending on the effective date of this Act.

SUMMARY

This bill enacts in Maine law the Uniform Interstate Depositions and Discovery Act.