

CHAPTER 21

LEGISLATIVE INVESTIGATING COMMITTEES

SUBCHAPTER 1

GENERAL PROVISIONS

§401. Short title

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

SECTION HISTORY

PL 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. [PL 1975, c. 593, §3 (NEW).]

1. Chair. The "chair" is the presiding officer of the investigating committee. The chair may be the permanent chair or another member designated as temporary chair in the absence of the chair. [PL 2019, c. 475, §26 (AMD).]

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 counsel may be present. [PL 2019, c. 475, §26 (AMD).]

3. Interested party. An "interested party" is any person who learns that that person has been specifically identified in testimony taken before an investigating committee and who reasonably believes that that person has been adversely affected by such testimony. [PL 2019, c. 475, §26 (AMD).]

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. [PL 1977, c. 78, §2 (AMD).]

5. Investigating committee action. An "investigating committee action" is any decision arrived at formally by an investigating committee. [PL 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. [PL 1975, c. 593, §3 (NEW).]

7. Quorum. A "quorum" is a majority of the members of a legislative investigating committee. [PL 1975, c. 593, §3 (NEW).]

8. Testimony. "Testimony" is any form of evidence received by an investigating committee. [PL 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. [PL 1975, c. 593, §3 (NEW).]

SECTION HISTORY

PL 1975, c. 593, §3 (NEW). PL 1977, c. 78, §2 (AMD). PL 2019, c. 475, §26 (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. [PL 1975, c. 593, §3 (NEW).]

SECTION HISTORY

PL 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. [PL 1975, c. 593, §3 (NEW).]

SECTION HISTORY

PL 1975, c. 593, §3 (NEW).

§413. Number of members

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

SECTION HISTORY

PL 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. [PL 1985, c. 377, §2 (NEW).]

SECTION HISTORY

PL 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. [PL 1975, c. 593, §3 (NEW).]

SECTION HISTORY

PL 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. [PL 1975, c. 593, §3 (NEW).]

SECTION HISTORY

PL 1975, c. 593, §3 (NEW).

§423. Issuance of a subpoena

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

SECTION HISTORY

PL 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. [PL 1975, c. 593, §3 (NEW).]

SECTION HISTORY

PL 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. [PL 1975, c. 593, §3 (NEW).]

SECTION HISTORY

PL 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. [PL 1975, c. 593, §3 (NEW).]

SECTION HISTORY

PL 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. [RR 2009, c. 2, §1 (COR).]

SECTION HISTORY

PL 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. [PL 1975, c. 593, §3 (NEW).]

SECTION HISTORY

PL 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 may be released is an investigating committee action. However, no testimony may be released without first affording the witness who gave such testimony, or the witness's counsel, an opportunity to object to the proposed release.

A. The witness or the witness's 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. [PL 2019, c. 475, §27 (AMD).]

B. The witness or the witness's counsel may, by such objection, require that testimony given in executive session not be released in any form or manner whatsoever. [PL 2019, c. 475, §27 (AMD).]

[PL 2019, c. 475, §27 (AMD).]

2. Transcript. The witness or the witness's counsel, upon payment of the cost of preparation, must be given a transcript of any testimony taken. However, the witness or the witness's counsel is not 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.

[PL 2019, c. 475, §27 (AMD).]

SECTION HISTORY

PL 1975, c. 593, §3 (NEW). PL 2019, c. 475, §27 (AMD).

§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. [PL 1975, c. 593, §3 (NEW).]

SECTION HISTORY

PL 1975, c. 593, §3 (NEW).

SUBCHAPTER 4

RULES GOVERNING WITNESSES

§451. Counsel

The witness may have counsel present to advise the witness at all times. The witness or the witness's counsel may, during the time the witness is giving testimony, object to any investigating committee action detrimental to the witness's interests and is entitled to have a ruling by the chair on any such objection. [PL 2019, c. 475, §28 (AMD).]

SECTION HISTORY

PL 1975, c. 593, §3 (NEW). PL 2019, c. 475, §28 (AMD).

§452. Questioning of adverse witnesses

The witness or the witness's counsel may question adverse witnesses whose testimony is being taken in open session. However, the chair of the investigating committee may reasonably limit the right

to so question. The chair's ruling is final, unless otherwise decided by investigating committee action. [PL 2019, c. 475, §28 (AMD).]

SECTION HISTORY

PL 1975, c. 593, §3 (NEW). PL 2019, c. 475, §28 (AMD).

§453. Pertinency of requested testimony

The witness or the witness's counsel may challenge any request for the witness's 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 must be explained. [PL 2019, c. 475, §28 (AMD).]

SECTION HISTORY

PL 1975, c. 593, §3 (NEW). PL 2019, c. 475, §28 (AMD).

§454. Who can compel testimony

The committee chair may direct compliance with any request for testimony to which objection has been made. However, the chair's direction may be overruled by investigating committee action. [PL 2019, c. 475, §28 (AMD).]

SECTION HISTORY

PL 1975, c. 593, §3 (NEW). PL 2019, c. 475, §28 (AMD).

§455. Television, films, radio

Any decision to televise, film or broadcast testimony is investigating committee action. If the witness or the witness's counsel objects to a decision to televise, film or broadcast the witness's testimony, the witness's testimony may not be televised, filmed or broadcast. [PL 2019, c. 475, §28 (AMD).]

SECTION HISTORY

PL 1975, c. 593, §3 (NEW). PL 2019, c. 475, §28 (AMD).

§456. Statements and form of answers

The witness or the witness's 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 the witness's answers briefly. [PL 2019, c. 475, §28 (AMD).]

SECTION HISTORY

PL 1975, c. 593, §3 (NEW). PL 2019, c. 475, §28 (AMD).

§457. Privileges

The witness must be given the benefit of any privilege which the witness could have claimed in court as a party to a civil action, provided that the committee chair may direct compliance with any request for testimony to which claim of privilege has been made. However, the chair's direction may be overruled by investigating committee action. [PL 2019, c. 475, §28 (AMD).]

SECTION HISTORY

PL 1975, c. 593, §3 (NEW). PL 2019, c. 475, §28 (AMD).

§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. [PL 1975, c. 593, §3 (NEW).]

SECTION HISTORY

PL 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. [PL 1975, c. 593, §3 (NEW).]

SECTION HISTORY

PL 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. [PL 1975, c. 593, §3 (NEW).]

SECTION HISTORY

PL 1975, c. 593, §3 (NEW).

§473. Contempt

A witness may not be punished for contempt of an investigating committee unless the court finds: [PL 2019, c. 475, §29 (AMD).]

1. Conduct. That the conduct of the witness amounted to contempt; [PL 1975, c. 593, §3 (NEW).]

2. Certain requirements. That the requirements of sections 424, 430, 453 and 454 have been complied with; and [PL 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; [PL 1975, c. 593, §3 (NEW).]

B. A citation for failure to testify in response to a request for the witness's 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; [PL 2019, c. 475, §30 (AMD).]

C. A citation for failure to testify in response to a request for the witness's testimony on grounds of privilege, the requirements of section 457 have been complied with. [PL 2019, c. 475, §30 (AMD).]

[PL 2019, c. 475, §30 (AMD).]

SECTION HISTORY

PL 1975, c. 593, §3 (NEW). PL 2019, c. 475, §29, 30 (AMD).

§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. [PL 2013, c. 424, Pt. A, §1 (AMD).]

SECTION HISTORY

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

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