

STATE OF MAINE
SUPREME JUDICIAL COURT
AMENDMENT TO
MAINE RULES OF EVIDENCE

2015 Me. Rules 13

Effective: September 1, 2015

All of the Justices concurring therein, the following amendment to the Maine Rules of Evidence is adopted to be effective on the date indicated above. The specific amendment is stated below. To aid in understanding of the amendment, an Advisory Note appears after the text of the amendment. The Advisory Note states the reason for recommending the amendment, but the Advisory Note is not part of the amendment adopted by the Court.

1. Rule 601 of the Maine Rules of Evidence is amended to read as follows:

Rule 601. Competency to Testify in General

- (a) Every person is competent to be a witness unless these rules provide otherwise.
- (b) A person may not be a witness if the court finds that:
 - (1) The person cannot communicate about the matter so that the judge and jury can understand, either directly or through an interpreter;
 - (2) The person cannot understand the duty, as a witness, to tell the truth;
 - (3) The person had no reasonable ability to perceive the matter; or
 - (4) The person has no reasonable ability to remember the matter.
- ~~(c) Interpreters are subject to the same rules that apply to witnesses.~~

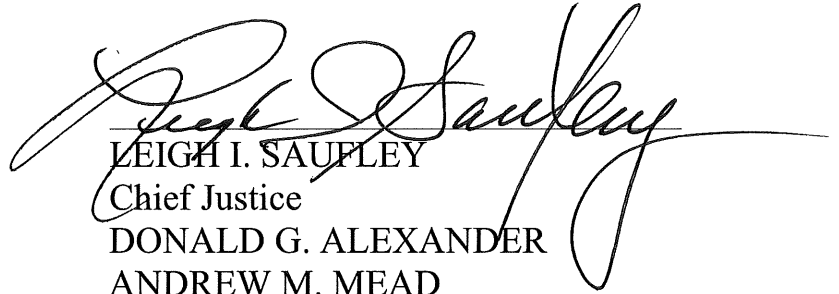
Advisory Note – June 2015

This amendment deletes subdivision (c) of Rule 601 as redundant and unnecessary. The qualification and swearing of an interpreter as a witnesses is explicitly covered by Rule 604. There does not appear to be any good reason to provide in Rule 601 as well that an interpreter is subject to the rules relating to witnesses.

2. This amendment shall be effective on September 1, 2015.

Dated: July 23, 2015

FOR THE COURT*

A large, stylized handwritten signature in black ink, which appears to read "Leigh I. Saufley". The signature is written over the printed name and title of the Chief Justice.

LEIGH I. SAUFLEY

Chief Justice

DONALD G. ALEXANDER

ANDREW M. MEAD

ELLEN A. GORMAN

JOSEPH M. JABAR

JEFFREY L. HJELM

THOMAS E. HUMPHREY

Associate Justices

* This Rules Amendment Order was approved after conference of the Court, all Justices concurring therein.