

## **RULE 61. HARMLESS ERROR**

No error in either the admission or the exclusion of evidence and no error or defect in any ruling or order or in anything done or omitted by the court or by any of the parties is ground for granting a new trial or for setting aside a verdict or for vacating, modifying or otherwise disturbing a judgment or order, unless refusal to take such action appears to the court inconsistent with substantial justice. The court at every stage of the proceeding must disregard any error or defect in the proceeding which does not affect the substantial rights of the parties.

### **Reporter's Notes December 1, 1959**

This rule is the same as Federal Rule 61. It is declaratory of Maine law, as reflected by many cases. *See, e.g., McCully v. Bessey*, 142 Me. 209, 49 A.2d 230 (1946) (admission of evidence); *Torrey v. Congress Square Hotel Co.*, 145 Me. 234, 75 A.2d 451 (1950) (exclusion of evidence); *Mencher v. Waterman*, 125 Me. 178, 132 A. 132 (1926) (instructions to jury).