

# MAINE STATE LEGISLATURE

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# ONE - HUNDRETH LEGISLATURE

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**Legislative Document**

**No. 12**

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S. P. 12

Office of the Clerk of the House

Filed December 7, 1960 under Joint Rule 19A by Senator Marden of Kennebec.  
To be printed and delivered to the Senate of the 100th Legislature.

HARVEY R. PEASE, Clerk

Presented by Senator Marden of Kennebec.

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## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-ONE

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### **AN ACT Clarifying Challenges in Trials of Offenses Punishable by Imprisonment for Life.**

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

**Sec. 1. R. S., c. 113, § 95, amended.** The last sentence of section 95 of chapter 113 of the Revised Statutes is amended to read as follows:

'If one or more alternate jurors are called, each party shall be entitled to one peremptory challenge in addition to those otherwise allowed by law, **except as already provided as to alternate jurors under chapter 148, section 13.**'

**Sec. 2. R. S., c. 113, § 102, amended.** Section 102 of chapter 113 of the Revised Statutes is amended to read as follows:

'**Sec. 102. Challenge from panel; right regulated.** In addition to challenges otherwise provided, either party may, before the trial commences, peremptorily challenge one juror from the panel unless the right of challenge provided in section 95 **and chapter 148, section 13**, has been exercised; ~~and the~~. The court may, by rules, prescribe the manner in which such right shall be exercised.'

**Sec. 3. R. S., c. 148, § 13, amended.** Section 13 of chapter 148 of the Revised Statutes is amended to read as follows:

'**Sec. 13. Jury for trials of offenses punishable by imprisonment for life impaneled; challenges.** When a person indicted for an offense punishable by imprisonment for life is put upon his trial, the clerk, under the direction of the court, shall place the names of all the traverse jurors summoned and in attendance in a box upon separate tickets, and the names, after being mixed, shall be drawn from the box by the clerk, one at a time, for the purpose of constituting

a jury of trial. All peremptory challenges, except as ~~herein~~ **otherwise** provided, and all other challenges and objections to the juror drawn shall be made and determined and the juror sworn or set aside before another name is drawn, and so on until the **regular** panel is completed. The State shall not challenge more than 10 of the jurors peremptorily, and the person indicted shall not challenge peremptorily more than 20 of the jurors while the **regular** panel is being formed; but he may, **before alternate jurors are drawn or** before the trial commences, challenge peremptorily 2 of the jurors from the **regular** panel and he may **use whatever remaining challenges of the original 20 he has left to peremptorily challenge their replacements. If alternate jurors are called, the person indicted shall have 2 peremptory challenges only to said alternate jurors and the State shall have one peremptory challenge only to said alternate jurors.** The Superior Court may, by general rules, prescribe the mode of exercising the right of challenge from the panel in all criminal cases.'