

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 358

H. P. 280

House of Representatives, February 6, 1979

Referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Hughes of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Transfer Jury Commissioners' Functions to Clerks of Courts and Permit Grand Jury Terms to be Set by Order of the Chief Justice.

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

Sec. 1. 14 MRSA § 1251 is repealed and the following enacted in its place:

§ 1251. Prepare jury list; summon jurors; revise list

It shall be the duty of the clerk of courts to prepare a jury list, summon jurors for attendance at the several sessions of the Superior Court and to revise the list as often as he may deem it necessary.

Sec. 2. 14 MRSA § 1252, is repealed and replaced by PL 1977, c. 114, § 17, is repealed.

Sec. 3. 14 MRSA § 1253 is repealed.

Sec. 4. 14 MRSA § 1254, as last amended by PL 1973, c. 19, is further amended to read:

§ 1254. Preparation of list of prospective jurors

The registrar of voters or the board of registration of voters of the several municipalities or plantations and the registration commissioner of each Indian voting district shall prepare annually a complete list of the voters duly certified

and file such list with the ~~jury commissioners~~ **clerk of courts** of their respective county on or before the first day of June of each year.

The ~~jury commissioners~~ **clerk of courts** shall, in July of each year, from the list received, publicly select at random, using any given multiple that will give a fair and just distribution according to population, the names of a sufficient number of persons to be kept on a list which shall be considered a jury pool. A copy of said list shall be deposited with the clerk of courts of the several counties and shall, during all business hours, be open to public inspection.

This list shall contain such a number of names of persons as the ~~commissioners~~ **clerk of courts** shall deem necessary for the number of persons required for jury service in their county for the period of September 1st through August 31st.

The ~~jury commissioners~~ **clerk of courts** shall send to each person selected a jury questionnaire, which questionnaire, when returned by the prospective juror, ~~shall be deposited with the clerks of courts for their respective counties and~~ shall at all times during business hours **of the clerk's office** be open to inspection by the court and attorneys of record of the State of Maine.

The ~~commissioners~~ **clerk of courts** may, by the same process, add names to such lists to maintain the number provided.

Sec. 5. 14 MRSA § 1255, as last amended by PL 1977, c. 114, §§ 18-23, is repealed and the following enacted in its place:

§ 1255. Selection of jurors

The clerk of courts shall place in a master jury wheel the names of those persons selected in section 1254 and shall publicly draw from the master jury wheel the names of as many persons as may be required for jury service and prepare an alphabetical list of the names drawn. The selection shall be made with reasonable allowances for supernumeraries and for unforeseen causes of inability to attend. Summonses for those so selected shall be prepared by the clerk of courts and may be mailed by first class mail, postage prepaid, to each person selected, at his regular place of abode. Additional jurors may be drawn and summoned at any time by direction of the presiding justice, and they may be summoned to attend in a manner and at such time as the court may direct. When, by reason of challenge or other cause, a sufficient number of jurors duly drawn and summoned cannot be obtained for the trial of a cause, the court shall cause jurors to be returned from the bystanders or from the county at large to complete the panel. These jurors shall be returned by the sheriff or his deputy or such other disinterested person as the court appoints.

Grand jurors shall be selected in like manner prior to the first session of the Superior Court to be held for the transaction of criminal business on or after the first day of September annually.

The terms of the grand jury in any county shall be set by the Chief Justice with a maximum of 12 months' service required. When the number of grand jurors is

reduced by death or otherwise, additional grand jurors may be selected and summoned under the direction of the court at any time.

Sec. 6. 14 MRSA § 1256, as enacted by PL 1967, c. 544, § 36, is amended to read:

§ 1256. New jurors

If for any reason a grand jury or a traverse jury is dismissed before completing its work, ~~the jury commissioners upon being notified by the~~ clerk of courts shall proceed to draw and notify new jurors in accordance with section 1255.

Sec. 7. 14 MRSA § 1257, last ¶, as enacted by PL 1975, c. 337, § 2, is repealed.

STATEMENT OF FACT

The purpose of this bill is to eliminate the unnecessary functions of the jury commissioners and to shift the statutory responsibility to the clerks of court who, in fact, are now performing most of the functions.