

# MAINE STATE LEGISLATURE

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L.D. 1869  
(Filing No. S-444)

STATE OF MAINE  
SENATE  
110TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A " to S.P. 793, L.D. 1869, Bill,  
"AN ACT Relating to the Selection and Services of Traverse  
and Grand Jurors."

Amend the bill in section 1 in the 4th line after the  
amending clause (page 1, line 23 in L. D.) by striking out  
the underlined word "possible" and inserting in its place  
the underlined word 'feasible'

Further amend the bill in section 2 in the 2nd line  
after the amending clause (page 2, line 3 in L. D.) by  
striking out the underlined word "qualified"

Further amend the bill in section 4 by striking out all  
of that part designated "§1211" and inserting in its place  
the following:

'§1211. Disqualifications and exemptions from jury service

A prospective juror is disqualified to serve on a jury  
if he ~~is~~ is not a citizen of the United States, 18 years  
old and a resident of the county, or is unable to read,  
speak and understand the English language, is incapable, by  
reason of his physical or mental disability, of rendering  
satisfactory jury service; but a person claiming this dis-  
qualification may be required to submit a physician's cer-  
tificate as to the disability and the certifying physician  
is subject to inquiry by the court at its discretion; or has  
lost the right to vote because of a criminal conviction.  
The following persons are exempt from serving as jurors and  
their names shall not be placed on the list: The Governor,  
councilors, judges, clerks and deputy clerks of common law  
courts, Secretary and Treasurer of State, all officers of  
the United States, judges of probate, physicians and sur-  
geons, dentists, sheriffs, counselors and attorneys at law,  
attorneys-at-law and all persons exempt under Title 37-A,  
section 1117.

Further amend the bill in section 6 by striking out in

1 COMMITTEE AMENDMENT "A" to S.P. 793, L.D. 1869

2 that part designated "§1213" in subsection 2 and inserting  
3 in its place the following:

4 '2. Basis for excuse; record. A qualified prospective  
5 juror may be excused from jury service only upon a showing  
6 of undue hardship, extreme inconvenience, public necessity,  
7 or that he is incapable of rendering satisfactory jury ser-  
8 vice by reason of physical or mental disability. A person  
9 claiming a disability excuse may be required to submit a  
10 physician's certificate or accredited Christian Science  
11 practitioner's certificate and the certifying physician or  
12 Christian Science practitioner is subject to inquiry by the  
13 court at its discretion. The decision concerning a request  
14 for excuse shall be made by the presiding justice or by a  
15 clerk of court acting under the supervision of the presiding  
16 justice. Depending upon the circumstances, such a juror may  
17 be excused from jury service finally, be required to serve  
18 at a later specific time or be required to serve for a  
19 period of time less than the usual 15 court days. The clerk  
20 shall enter this determination and the reason therefor in  
21 the appropriate record kept for that purpose.'

22 Further amend the bill by inserting after section 7 the  
23 following:

24 'Sec. 7-A. 14 MRSA §1217, last sentence, as amended by  
25 PL 1979, c. 663, §79, is repealed and the following enacted  
26 in its place:

27 Notwithstanding Title 17-A, section 4-A, a prospective juror  
28 who fails to show good cause for noncompliance with the sum-  
29 mons is guilty of contempt and upon conviction may be pun-  
30 ished by a fine of not more than \$100 and by imprisonment  
31 for not more than 3 days, or by both.'

32 Further amend the bill in section 10, in that part des-  
33 ignated "§1252-A" by striking out all of subsection 1 and  
34 inserting in its place the following:

35 '1. Lists used. The lists of licensed drivers, per-  
36 sons issued an identification card by the Secretary of State  
37 and any person who notifies the clerk of the court in the  
38 county of their residence and requests to be put on the  
39 source list of prospective jurors shall serve as the source  
40 for prospective jurors in each county. These lists may be

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2 supplemented with names from other lists specified by the  
3 Supreme Judicial Court.'

4 Further amend the bill in section 10, in that part des-  
5 ignated "§1252-A" in subsection 2, 4th line (page 4, line 27  
6 in L. D.) by inserting after the underlined word "court" the  
7 underlined words 'at cost'

8 Further amend the bill in section 10, in that part des-  
9 ignated "§1252-A" by inserting at the end the following:

10 '4. Notice. At least once each year, the clerk shall  
11 give public notice to the residents of the county that their  
12 names may be placed on the source list of prospective jurors  
13 by notifying the clerk of the court. This notice may be  
14 made by newspapers, radio or any other method or combina-  
15 tion of methods which will reasonably assure as broad a dis-  
16 semination as possible to the residents of the county.'

17 Further amend the bill in section 10, by inserting at  
18 the end the following:

19 '§1252-D. Limitation on use of certain information

20 The lists of licensed drivers provided by the Secretary  
21 of State may only be used for the selection of traverse and  
22 grand jurors pursuant to this chapter.'

23 Further amend the bill in section 13, in that part des-  
24 ignated "§1254-A" in subsection 2, 6th line (page 6, line 9  
25 in L. D.) by striking out the underlined word "concerning"  
26 and inserting in its place the underlined words and punctu-  
27 ation 'including, but not limited to,'

28 Further amend the bill in section 13, in that part des-  
29 ignated "§1254-B" in subsection 2, 6th line (page 7, line 19  
30 in L. D.) by striking out the underlined figure "1216" and  
31 inserting in its place the underlined figure '1214'

32 Further amend the bill by striking out all of section  
33 16 and inserting in its place the following:

34 'Sec. 16. Appropriation. The following funds shall be  
35 appropriated from the General Fund to carry out the purposes  
36 of this Act.

D. OF R.

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2 1982-83

3 JUDICIAL DEPARTMENT

4 Administrative Office of the Court

5 All Other \$1,500

6 Sec. 17. Implementation; application of current law.  
7 Sections 9, 10, 11, 13, and 15 shall be implemented by the  
8 Supreme Judicial Court on a county by county basis. The  
9 court shall designate when those sections shall be imple-  
10 mented in each county. Those sections shall be fully imple-  
11 mented by September 1, 1983. Title 14, sections 1251, 1254  
12 and 1255 shall not apply to those counties which have fully  
13 implemented the jury selection plan, as determined by the  
14 Supreme Judicial Court.

15 Sec. 18. Effective date. Sections 8, 12 and 14 shall  
16 take effect on September 1, 1983.'

17 FISCAL NOTE

18 An appropriation of \$1,500 is necessary to fund the  
19 cost of drivers' lists for all counties at the same time,  
20 once a month.

21 STATEMENT OF FACT

22 This amendment makes the following changes in the bill:

23 1. Amends section 1 to clarify the legislative intent  
24 that the jurors represent the broadest "feasible" cross  
25 section of the population. The current language requiring  
26 the broadest "possible" cross section of the population cre-  
27 ates expectations of perfection that are neither practical  
28 nor necessary according to court decisions or national stan-  
29 dards for jury selection.

30 2. Deletes the word qualified in section 2 to allevi-  
31 ate confusion with juror qualifications in section 4;

32 3. Amends section 6 concerning mental or physical dis-

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2 ability by taking it out of the "qualification" section and  
3 making it a basis for "excuse" from jury service instead.  
4 It also authorizes a Christian Science practitioner's certi-  
5 fication of disqualifying mental or physical disability. A  
6 practicing Christian Scientist may seek the services of a  
7 Christian Science practitioner, instead of the services of a  
8 physician, for certification of his condition;

9 4. Makes certain technical changes in sections 4, 10  
10 and 13;

11 5. Amends, in section 7-A, Title 14, section 1217 to  
12 conform to the language of the Maine Criminal Code;

13 6. Makes it clear in section 10 that the court must  
14 pay for the lists it obtains;

15 7. Amends section 10 to allow anyone who does not have  
16 a driver's license or an identification card to be placed on  
17 the list of prospective jurors by merely notifying the clerk  
18 of the court in the county of their residence and requires  
19 annual notice of that option;

20 8. Further amends section 10 to prohibit the use of  
21 the drivers' list for any reason other than the selection of  
22 jurors;

23 9. Clarifies the contents of the qualifications ques-  
24 tionnaire in section 13;

25 10. Adds an appropriation and fiscal note to the bill;  
26 and

27 11. Provides a transition period of one year to imple-  
28 ment the bill on a county by county basis.

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Reported by the Committee on Judiciary.

Reproduced and distributed pursuant to Senate Rule 11-A.

March 30, 1982

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