

# MAINE STATE LEGISLATURE

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## CHAPTER 203

## JURIES

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**§ 1251. List of grand jurors**

Prior to the commencement of each term of the court to which grand jurors are returned, in any county, the clerk of the court shall make out from the returns on the venires an alphabetical list of such jurors.

R.S.1954, c. 148, § 1.

**§ 1252. Oaths**

When the grand jury is to be impaneled, the clerk shall call the first 2 persons named on the list and administer the following oath to them: "You, as grand jurors of this County of . . . . ., solemnly swear that you will diligently inquire and true presentment make of all matters and things given you in charge. The state's counsel, your fellows' and your own, you shall keep secret. You shall present no man for envy, hatred or malice; nor leave any man unrepresented for love, fear, favor, affection or hope of reward; but you shall present things truly as they come to your knowledge, according to the best of your understanding. So help you God." The other jurors shall then be called, in such divisions as the court orders and the following oath shall be administered to them: "The same oath which your fellows have taken on their part, you and each of you on your part shall well and truly observe and keep. So help you God."

R.S.1954, c. 148, § 2.

**§ 1253. Affirmations**

When any person returned as grand juror is conscientiously scrupulous of taking an oath, he may make affirmation, substituting the word "affirm" instead of "swear" and the words "This you do under the pains and penalties of perjury" instead of "So help you God."

R.S.1954, c. 148, § 3.

**§ 1254. Juror's oath or affirmation in cases punishable by life imprisonment**

The following oath shall be administered to jurors in cases punishable by imprisonment for life: "You swear, that you will well and truly try, and true deliverance make, between the State and the prisoner at the bar, whom you shall have in charge, according to your evidence. So help you God." In all other criminal cases, the following: "You swear, that you will well and truly try the issue between the State and the defendant, according to your evidence. So help you God." Any juror conscientiously scrupulous of taking an oath, may affirm in the mode described in section 1253.

R.S.1954, c. 148, § 12.

**§ 1255. Foreman**

The grand jury, having been impaneled and instructed by the court, shall retire in company with an officer to their room, and there elect, by ballot, one of their number for foreman and give notice thereof to the court, and the clerk shall record it. Such foreman shall continue in office during the time for which he was returned; but in case of his sickness or absence, the jury may in like manner elect and announce to the court another foreman who shall serve only during such time as the first regularly elected foreman shall be sick or absent.

R.S.1954, c. 148, § 4.

**§ 1256. Grand jury to present all offenses**

Grand juries shall present all offenses cognizable by the court at which they attend, and may appoint one of their number to take minutes of their proceedings to be delivered to the attorney, if the jury so directs. When they are dismissed before the court adjourns, they may be summoned again, on any special occasion, at such time as the court directs. Evidence relating to offenses

cognizable by the court may be offered to the grand jury by the Attorney General, the county attorney, the assistant county attorney and, at the discretion of the presiding justice, by such other persons as said presiding justice may permit.

R.S.1954, c. 148, § 6.

**§ 1257. Disclosures improper**

No grand juror or officer of the court, unless by order of the court, shall disclose that an indictment for felony has been found against any person not in custody or under recognizance until he is arrested, except by issuing process for his arrest, nor shall any grand juror state how any member of the jury voted or what opinion he expressed on any question before them. The court, in charging such jury, shall impress on their minds the provisions of this section.

R.S.1954, c. 148, § 7.

**§ 1258. Juries for offenses punishable by life imprisonment; 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 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.

R.S.1954, c. 148, § 13; 1961, c. 17, § 3.

**§ 1259. Facts tried; challenges allowed as in civil cases**

Issues of fact joined on indictments shall be tried by a jury drawn and returned in the same manner, and challenges shall be allowed to the prosecuting officer and the accused, as in civil cases, except that, in cases of felonies not punishable by imprisonment for life, 8 peremptory challenges shall be allowed each, to the prosecuting officer and the accused; but no member of a grand jury finding an indictment shall sit on the trial thereof, if challenged therefor by the accused.

R.S.1954, c. 148, § 15; 1955, c. 119.

**§ 1260. View by jury**

The court may order a view by any jury in a criminal case.

R.S.1954, c. 148, § 17.