

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1355

H. P. 993

House of Representatives, March 5, 1971

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. McTeague of Brunswick.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

RESOLUTION, Proposing an Amendment to the Constitution, to Improve the Administration of Justice by Permitting Enabling Legislation Creating Six-man Juries in the District Court for Trials of Civil Cases and Certain Criminal Cases.

Constitutional amendments. Resolved: Two-thirds of each branch of the Legislature concurring, that the following amendments to the Constitution of this State be proposed:

Constitution, Article I, Section 6, amended. Section 6 of Article I of the Constitution is amended by adding a new paragraph at the end to read as follows:

The Legislature may provide for trial juries of less than twelve, but not less than five for the trial of misdemeanors; classify misdemeanors, prescribing the number of jurors to hear each class; define offenses which are not considered criminal offenses and are not to be tried before a jury. Verdicts of trial juries in criminal prosecutions shall be unanimous.

Constitution, Article I, Section 20, amended. Section 20 of Article I of the Constitution is amended by adding a new sentence at the end of the section to read as follows:

The Legislature may provide for juries consisting of less than twelve, but not less than five, for the trial of civil cases; may classify such cases; prescribe the number of jurors for each class; and the number of jurors necessary to reach a verdict.

Form of question and date when amendments shall be voted upon. Resolved: That the aldermen of cities, the selectmen of towns and the asses-

sors of the several plantations of this State are empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of Senators and Representatives at the next general election in the month of November or special state-wide election on the Tuesday following the first Monday of November following the passage of this resolution to give in their votes upon the amendment proposed in the foregoing resolution, and the question shall be:

“Shall the Constitution be amended as proposed by a resolution of the Legislature to Improve the Administration of Justice by Permitting Enabling Legislation Creating Six-man Juries in the District Court for Trials of Civil Cases and Certain Criminal Cases?”

The inhabitants of said cities, towns and plantations shall vote by ballot on said question, and shall indicate by a cross or check mark placed against the words “Yes” or “No” their opinion of the same. The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the office of the Secretary of State in the same manner as votes for Governor and Members of the Legislature, and the Governor and Council shall review the same, and if it shall appear that a majority of the inhabitants voting on the question are in favor of the amendments, the Governor shall forthwith make known the fact by his proclamation, and the amendment shall thereupon, as of the date of said proclamation, become a part of the Constitution.

Secretary of State shall prepare ballots. Resolved: That the Secretary of State shall prepare and furnish to the several cities, towns and plantations ballots and blank returns in conformity with the foregoing resolution, accompanied by a copy thereof.

STATEMENT OF FACT

The purpose of this resolution is to improve the administration of criminal justice by amending the Constitution to permit the enactment of enabling legislation creating six-man juries in the District Court for the trial of civil cases and criminal cases regarding misdemeanors except those misdemeanors considered to be petty offenses as defined by the Legislature. The resolution further requires that in all criminal prosecutions the verdict of the jury must be unanimous.