

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1756

S. P. 594

In Senate, May 19, 1971

Reported by Senator Harding of Aroostook from Committee on Judiciary and printed under Joint Rules No. 18.

HARRY N. STARBRANCH, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Relating to the Preparation of List of Prospective Jurors.

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

Sec. 1. R. S., T. 14, c. 305, sub-c. I-A, additional. Chapter 305 of Title 14 of the Revised Statutes is amended by adding a new subchapter I-A to read as follows:

SUBCHAPTER I-A

JURY SERVICE

§ 1211. Disqualifications and exemptions from jury service

A prospective juror is disqualified to serve on a jury if he: Is not a citizen of the United States, 20 years old and a resident of the county; 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 disqualification may be required to submit a physician's certificate 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 surgeons, dentists, sheriffs, counselors and attorneys at law.

§ 1212. No exemptions

No qualified prospective juror is exempt from jury service.

§ 1213. Excuses from jury service

A person who is not disqualified for jury service, section 1211, may be excused from jury service by the court only upon a showing of undue hardship, extreme inconvenience, or public necessity, for a period the court deems necessary at the conclusion of which the person shall reappear for jury service in accordance with the court's direction.

§ 1214. Challenging compliance with selection procedures

Within 7 days after the moving party discovered or by the exercise of diligence could have discovered the grounds therefor, and in any event before the traverse jury is sworn to try the case, a party may move to stay the proceedings, and in a criminal case to quash the indictment, or for other appropriate relief, on the ground of substantial failure to comply with the provisions of this chapter for selecting the grand or traverse jury.

Upon motion filed under this section containing a sworn statement of facts which, if true, would constitute a substantial failure to comply with such provisions, the moving party is entitled to present in support of the motion the testimony of the jury commissioners or the clerk, any relevant records and papers not public or otherwise available used by the jury commissioners or the clerk and any other relevant evidence. If the court determines that in selecting either a grand jury or a traverse jury there has been such a substantial failure, the court shall stay the proceedings pending the proper selection of the jury, quash an indictment or grant other appropriate relief.

The procedures prescribed by this section are the exclusive means by which a person accused of a crime, the State or a party in a civil case may challenge a jury on the ground that the jury was not selected in conformity with the provisions of this chapter.

§ 1215. Mileage and compensation of jurors

A juror shall be paid mileage at the rate of 10¢ per mile for his travel expenses from his residence to the place of holding court and return and shall be compensated at the rate of \$20 for each day of required attendance at sessions of the court.

§ 1216. Length of service by jurors

In any 5-year period a person shall not be required: To serve or attend court for prospective service as a traverse juror more than 15 court days, except if necessary to complete service in a particular case; to serve on more than one grand jury; or to serve as both a grand and traverse juror.

§ 1217. Penalties for failure to perform jury service

A person summoned for jury service who fails to appear or to complete jury service as directed shall be ordered by the court to appear forthwith and show cause for his failure to comply with the summons. If he fails to show good cause for noncompliance with the summons, he is guilty of criminal contempt and upon conviction may be punished by a fine of not more than \$100 and by imprisonment for not more than 3 days, or by both.

§ 1218. Protection of jurors' employment

An employer shall not deprive an employee of his employment, or threaten or otherwise coerce him with respect thereto, because the employee receives a summons, responds thereto, serves as a juror or attends court for prospective jury service.

Any employer who violates this section is guilty of criminal contempt and upon conviction may be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months, or both.

If an employer discharges an employee in violation of this section the employee within 90 days may bring a civil action for recovery of wages lost as a result of the violation and for an order requiring the reinstatement of the employee. Damages recoverable shall not exceed lost wages for 6 weeks. If he prevails, the employee shall be allowed a reasonable attorney's fee fixed by the court.

§ 1219. Court rules

The Supreme Judicial Court may make and amend rules, not inconsistent with the provisions of this chapter, regulating the selection and service of jurors.

Sec. 2. R. S., T. 14, §§ 1201, 1202 and 1203, repealed. Sections 1201, 1202 and 1203 of Title 14 of the Revised Statutes are repealed.

Sec. 3. R. S., T. 14, § 1204, amended. The 2nd sentence of section 1204 of Title 14 of the Revised Statutes, as amended by section 3 of chapter 441 of the public laws of 1967, is repealed.

Sec. 4. R. S., T. 14, § 1254, amended. The 2nd and 3rd sentences of the 5th paragraph of section 1254 of Title 14 of the Revised Statutes, as repealed and replaced by chapter 336 of the public laws of 1967, are repealed.

Sec. 5. R. S., T. 14, § 1255, amended. The last 2 sentences of the first paragraph of section 1255 of Title 14 of the Revised Statutes, as repealed and replaced by chapter 336 of the public laws of 1967, and as amended, are repealed.