

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

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Legislative Document

No. 203

H. P. 161

House of Representatives, January 17, 1973

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. Jalbert of Lewiston.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

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**AN ACT** Relating to Election of Jury Trials in Misdemeanor Proceedings.

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

R. S., T. 15, § 2114, repealed and replaced. Section 2114 of Title 15 of the Revised Statutes, as amended by section 62 of chapter 365 of the public laws of 1965, is repealed and the following enacted in place thereof:

§ 2114. Defendant must make election respecting jury trial

In all prosecutions before the District Court, the defendant may in open court waive in writing his right to a jury trial in the Superior Court and elect to be tried in the District Court at a hearing before the Judge of the District Court on a plea of not guilty or enter a plea of guilty or nolo contendere. If the Judge of the District Court is satisfied that the defendant's waiver of his right to jury trial is made freely and understandingly, he may then proceed to dispose of the case. The Judge of the District Court may refuse to accept the defendant's waiver of his right to jury trial or the defendant may refuse to waive the same or decline to make an election, in which event the Judge of the District Court shall forthwith transfer the case to the Superior Court following an accepted waiver and judgment of conviction in the District Court shall be on questions of law and on the sentence only. Nothing in this section shall prevent a defendant, after the transfer of the case to the Superior Court, from waiving his right to jury trial in the Superior Court, in which event the case shall be heard by a Justice of the Superior Court without jury.

## STATEMENT OF FACT

The purpose of this bill is to limit the present practice of having duplicitous evidentiary hearings on misdemeanor proceedings first before a Judge in the District Court and then before a jury in the Superior Court, which is expensive, inefficient and not reasonably related to any interest of the defendant or the State.