

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2161

S. P. 751

In Senate, January 2, 1974

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Brennan of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FOUR

**AN ACT to Clarify Election Procedure Respecting Jury
Trials in Misdemeanor Proceedings.**

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R. S., T. 15, § 2114, repealed and replaced.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of Title 15 of the Revised Statutes, as amended by section 62 of chapter 356 of the public laws of 1965, and as last repealed and replaced by chapter 520 of the public laws of 1973, is repealed and the following enacted in place thereof:

§ 2114. Defendant must make election respecting jury trial

In any prosecutions before the District Court where the defendant enters a plea of not guilty and desires a trial of facts in 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 the said plea of not guilty. 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 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 for arraignment and disposition.

Any appeal to the Superior Court following a plea of not guilty and an accepted waiver and a trial of the facts and judgment of conviction in the District Court shall be on questions of law and on the sentence only.

Nothing in this section shall be construed to mean that a defendant cannot waive his right of trial in District Court and thereafter appeal the conviction and sentence to the Superior Court where he may have a jury trial, or elect to waive said jury trial in said Superior Court, in which last event the case shall be heard by a Justice of the Superior Court without jury.

STATEMENT OF FACT

It is the intent of this bill to clarify procedures under Title 15, Section 214, whereby defendants make an election respecting jury trials in misdemeanor proceedings.