

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 293

H. P. 237 House of Representatives, January 22, 1975
Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. McKernan of Bangor.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

**AN ACT Relating to the Preservation of the Constitutional Right of
Trial by Jury.**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, MRSA, Title 15, section 2114 was amended by the Public Laws of 1973, chapter 520 to provide for transfer of criminal prosecutions in the District Court to the Superior Court for jury trial upon election by the defendant; and

Whereas, as a result of such amendment there now exists a considerable backlog of District Court prosecutions on the docket of the Superior Court, impeding the orderly transaction of the business of said court and the administration of justice in said court; and

Whereas, if this Act were effective when approved it would permit measures to be taken immediately to ameliorate such situation; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

15 MRSA, § 2114, as last repealed and replaced by PL 1973, c. 520, is repealed and the following enacted in place thereof:

§ 2114. Preservation of right to jury trial

In all misdemeanor criminal proceedings, the defendant's constitutional right to trial by jury shall be preserved in such manner as the Supreme Judicial Court may by rule prescribe.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

The purpose of this bill is to provide that the right of defendants to jury trial in misdemeanor prosecutions shall be preserved as the Supreme Judicial Court may by rule prescribe.

In 1973 the Legislature amended the District Court statutes to permit a defendant in District Court to transfer his case to Superior Court for jury trial. Many defendants have taken advantage of this provision to delay disposition of their cases. At the present time there is a serious backlog of transferred misdemeanor prosecutions in the Superior Court which impedes the progress of that court on its own caseload.

This bill would permit the Supreme Judicial Court to make improvements in the handling of misdemeanor prosecutions so as to avoid this and other abuses under our present constitutional framework without the necessity of legislative changes.