

# MAINE STATE LEGISLATURE

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(New Title)  
New Draft of H. P. 237, L. D. 293  
(EMERGENCY)

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ONE HUNDRED AND SEVENTH LEGISLATURE

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**Legislative Document**

**No. 1111**

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H. P. 1045

House of Representatives, March 21, 1975

Reported by Mr. Hughes from Committee on Judiciary and printed under  
Joint Rules No. 18.

EDWIN H. PERT, Clerk

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**STATE OF MAINE**

**IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE**

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**AN ACT Relating to the Transfer of Misdemeanor Proceedings without Trial  
to the Superior Court.**

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

Whereas, 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 on May 1, 1975, as herein provided in section 2, instead of 90 days after adjournment, it would permit measures to be taken to ameliorate said situation in a prompt but orderly manner; 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15 MRSA § 2114, as last repealed and replaced by PL 1973, c. 520, is repealed and the following enacted in place thereof: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. Defendant may request transfer without trial

In all misdemeanor criminal proceedings before the District Court the defendant may plead not guilty and may reasonably request that the case be transferred without trial to the Superior Court in which event the District Court shall forthwith transfer the case to the Superior Court for disposition as if an appeal under section 2111 of this chapter. 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.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall become effective on May 1, 1975.