

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1115

S. P. 329

In Senate, March 19, 1975

On Motion of Senator Katz of Kennebec, referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Clifford of Androscoggin.

Cosponsors: Senator Conley of Cumberland and Senator Speers of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

RESOLUTION, Proposing an Amendment to the Constitution Limiting the Right to Trial by Jury in Criminal Prosecutions to only those Instances in which an Accused may be Imprisoned or Suffer Loss of Liberty or be Fined More than Five Hundred Dollars.

Constitutional amendments. **RESOLVED:** Two-thirds of each branch of the Legislature concurring, that the following amendments to the Constitution of this State be proposed:

Constitution, Art. I, § 6 is amended by adding the following new paragraph:

An accused charged with a criminal offense which is not punishable by imprisonment or other loss of liberty and for which there is no fine or the maximum fine may not exceed five hundred dollars regardless of other penalties shall not be entitled to a jury trial but shall be tried in the manner prescribed by law.

Constitution, Art. I, § 7 is amended by adding at the end the following new paragraph:

The right to trial by jury shall be governed by section six of this Article.

Form of question and date when amendments shall be voted upon. **Resolved:** That the aldermen of cities, the selectmen of towns and the assessors of the several plantations of this State are empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of Senators and Representatives at the next

general election in the month of November or special state-wide election on the Tuesday following the first Monday of November following the passage of this resolution to give in their votes upon the amendments proposed in the foregoing resolution, and the question shall be:

“Shall the Constitution be amended as proposed by a resolution of the Legislature to limit the right to trial by jury in criminal prosecutions to only those instances in which an accused may be imprisoned or suffer loss of liberty or be fined more than five hundred dollars?”

The inhabitants of said cities, towns and plantations shall vote by ballot on said question, and shall indicate by a cross or check mark placed against the words “Yes” or “No” their opinion of the same. The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the office of the Secretary of State in the same manner as votes for Governor and Members of the Legislature, and the Governor and Council shall review the same, and if it shall appear that a majority of the inhabitants voting on the question are in favor of the amendments, the Governor shall forthwith make known the fact by his proclamation, and the amendments shall thereupon, as of the date of said proclamation, become a part of the Constitution.

Secretary of State shall prepare ballots. Resolved: That the Secretary of State shall prepare and furnish to the several cities, towns and plantations ballots and blank returns in conformity with the foregoing resolution, accompanied by a copy thereof.

STATEMENT OF FACT

It is the purpose of this resolution to amend Article I, Sections 6 and 7 of the Constitution of Maine so that only persons committing a crime punishable by imprisonment or by a fine of more than five hundred dollars will have a right to trial by jury.

The law in the federal system as well as in 48 of the 50 states allows non-jury trials of “petty,” as opposed to “serious,” offenses. Only Massachusetts and Maine guarantee a trial by jury for all crimes. A petty offense is defined by the Supreme Judicial Court of Maine, the United States Supreme Court and by the United States Congress as an offense punishable by not more than 6 months in prison or a fine of \$500 or more.

Recognizing the high regard for personal freedom held traditionally by the people of Maine, this resolution would retain the right to trial by jury for any person facing imprisonment or loss of liberty. But it also recognizes that effective administration of justice is often hampered by delays arising from demands for jury trial by defendants facing no risk of imprisonment. Weighing relative costs, this resolution reflects a conclusion that justice for the people of Maine and those criminal defendants not facing possible imprisonment will best be served by limiting the right to trial by jury to those punishable by fines in excess of \$500.