

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

SECOND REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1849

H. P. 1733

House of Representatives, January 23, 1980

Reported by Mr. Hobbins from the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk of the House

Reported from the Joint Standing Committee on Judiciary pursuant to Joint Order H. P. 1567.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY

AN ACT to Expedite Criminal Trials and Provide for the Election of Jury Trials.

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

Sec. 1. 4 MRSA § 157-C, as enacted by PL 1979, c. 12, § 2, is repealed and the following enacted in its place:

§ 157-C. Judge or Active Retired Judge of the District Court to sit in Superior Court

The Chief Justice of the Supreme Judicial Court may designate a Judge or Active Retired Judge of the District Court as authorized to sit in the Superior Court. The Chief Justice may assign a judge so designated to sit in a Superior Court in any county for a specific period or otherwise. A judge so designated and assigned to a Superior Court shall have the authority and jurisdiction of a regular Justice of the Superior Court.

No Judge or Active Retired Judge of the District Court assigned to a Superior Court shall act in any cause tried before him in the District Court.

The order of the Chief Justice of the Supreme Judicial Court designating a Judge or an Active Retired Judge of the District Court as authorized to sit in the Superior Court shall be filed with the Executive Clerk of the Supreme Judicial Court, but need not be docketed or otherwise recorded in any case heard by him.

Sec. 2. 15 MRSA § 2114, as repealed and replaced by PL 1975, c. 139, is repealed and the following enacted in its place:

§ 2114. Defendant shall make election of jury trial

In a criminal proceeding before the District Court, the defendant may waive his right to a jury trial in the Superior Court and elect to be tried in the District Court. The waiver shall be made in writing and signed before a judge. If the judge is satisfied that the defendant's waiver is made freely and understandingly, he may then proceed to dispose of the case.

If the judge refuses to accept the waiver or the defendant refuses to waive, the judge shall transfer the case to the Superior Court for hearing and disposition. The waiver or transfer may occur after completion of arraignment or other preliminary proceedings.

An appeal to the Superior Court following an accepted waiver and judgment of conviction in the District Court shall be only questions of law or sentence.

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.

If a defendant waives his right after transfer, then the case shall be docketed for trial as soon as possible.

STATEMENT OF FACT

This bill is a result of a study by the Joint Standing Committee on Judiciary as ordered by H. P. 1567. The purpose of this bill is to increase the courts' flexibility and responsiveness to criminal proceedings in the District Court.

The bill amends the present authority to shift judges between various courts. It also gives the Chief Justice greater flexibility in assigning District Court Judges to the Superior Court by allowing him to designate certain judges to serve in Superior Court, and then assign them either temporarily or intermittently to hear Superior Court cases. The designation and assignment are separate actions, which allows rapid response to case loads and judicial assignments.

The bill also expedites the criminal proceedings in District Court by requiring a defendant in a criminal action to choose between a District Court trial before a judge or a jury trial in Superior Court. The choice must occur before the District Court trial has started. This procedure will eliminate many of the duplications in hearings that presently occur in some misdemeanor cases. If the defendant subsequently changes his choice, then the trial will be held as soon as possible to avoid any delays from redocketing.