

# MAINE STATE LEGISLATURE

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(Governor's Bill)  
FIRST REGULAR SESSION

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ONE HUNDRED AND TENTH LEGISLATURE

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**Legislative Document**

**No. 1527**

H. P. 1328

House of Representatives, April 8, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative O'Rourke of Camden.

Cosponsors: Representative Soule of Westport and Senator Pray of Penobscot.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

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**AN ACT to Provide for the Election of Jury Trials in Certain Criminal Cases.**

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

**Sec. 1.** 15 MRSA § 2114, as amended by PL 1979, c. 663, § 109, is repealed and the following enacted in its place:

**§ 2114.** Defendant shall make election of jury trial

**In all Class D and E criminal proceedings, the defendant may waive his right to jury trial and elect to be tried in the District Court, as provided by rule of the Supreme Judicial Court. An appeal to the Superior Court following trial and conviction in the District Court shall be only on questions of law.**

**Sec. 2. Effective date.** This Act shall be effective on January 1, 1982, provided that the Supreme Judicial Court is authorized to take necessary action to provide for the implementation of the Act upon enactment.

STATEMENT OF FACT

The purpose of this bill is to require a defendant in a criminal action to choose between a District Court trial before a judge and a jury trial in Superior Court.

The procedure by which this election will take place will be developed by rule of the Supreme Judicial Court.

In 1979, 17% or 76 of 447 criminal jury trials were in cases on appeal from District Court. These cases had already been through the process once and had resulted in a conviction of violation of a Class D or E offense. This bill eliminates the duplication in hearings that presently occurs in these cases.