

# MAINE STATE LEGISLATURE

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S.  
D. OF R.

1

L.D. 1848

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(Filing No. S- 334)

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STATE OF MAINE

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SENATE

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111TH LEGISLATURE

6

SECOND REGULAR SESSION

7

COMMITTEE AMENDMENT " A " to S.P. 658,

8

L.D. 1848, Bill, "AN ACT Providing for Change of

9

Venue in Criminal Cases."

10

Amend the bill in the first paragraph after the  
11 amending clause, in the 5th line (page 1, line 28 in  
12 L.D.) by striking out the underlined words "in this  
13 section" and inserting in their place the underlined  
14 words 'by statute'

15

STATEMENT OF FACT

16

This amendment corrects an error in the original  
17 bill. The bill refers to locations for conducting  
18 criminal proceedings provided by the section the bill  
19 amends. That section does not, however, provide for  
20 these locations. They are provided for in other  
21 statutes.

22

This amendment also offers an opportunity to  
23 clarify the bill's statement of fact.

24

The bill addresses the matter of venue. Venue  
25 designates the particular county in which a court may  
26 exercise its authority to decide a given criminal  
27 case. State v. True, 330 A.2d 787, 789 (Me. 1975)

28

The purpose of the bill is to amend Title 15,  
29 section 1, last paragraph, to allow the Supreme Judi-  
30 cial Court by court rule to authorize the transfer of  
31 a criminal case from one county to another without  
32 the consent of the defendant so long as the transfer  
33 does not violate Article 1, section 6 of the Consti-  
34 tution of Maine. Maine Constitution, Article 1, sec-  
35 tion 6, in relevant part, provides as follows.

COMMITTEE AMENDMENT " A " to S.P. 658, L.D. 1848

1 "In all criminal prosecutions, the accused shall  
2 have a right...(to) have a speedy, public and im-  
3 partial trial...by a jury of the vicinity."

4 The Maine Supreme Judicial Court has held that the  
5 word "vicinity" as used in this section of the Maine  
6 Constitution does not mean "county;" rather, it means  
7 "neighborhood." State v. Baldwin, 305 A.2d 555, 559  
8 (Me. 1973) (citing State v. Longley, 119 Me. 535, 112  
9 A. 260 (1921)).

10 It has been the practice in Maine to try every  
11 defendant in the county where the crime is alleged to  
12 have occurred absent his consent to a venue change.  
13 See, e.g., 3 Glassman, Maine Practice: Rules of Crimi-  
14 nal Procedure Annotated Sections 18.1 - 18.4 and  
15 21.1 - 21.5 (1967 & Supp. 1975) This practice, how-  
16 ever, to the extent not coextensive with Section 6 of  
17 the Maine Constitution, causes some undesirable re-  
18 sults. First, in those counties where court backlog  
19 exists, some defendants refuse to consent to a change  
20 of venue so as to intentionally delay their upcoming  
21 trial. Second, in those instances where the scene of  
22 the alleged crime is much closer to a shire town in  
23 an adjoining county than the shire town of the county  
24 in which the alleged crime occurred, sound adminis-  
25 tration may militate for a venue change whether or  
26 not the defendant is willing to agree.

27 By authorizing the Supreme Judicial Court to  
28 promulgate a rule permitting transfers to exist with-  
29 in the neighborhood, the Legislature thereby strikes  
30 the proper balance between the efficient administra-  
31 tion of criminal justice and the constitutional guar-  
32 antee respecting venue afforded every defendant.

33

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