

MAINE STATE LEGISLATURE

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1 (New Draft of H.P. 1368, L.D. 1932)
2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 2158

7
8 H.P. 1531

House of Representatives, March 11, 1986

9 Reported by Representative Cooper from the Committee on Judiciary
10 and printed under Joint Rule 2. Original bill sponsored by Representative
11 Kane of So. Portland. Cosponsored by Senator Carpenter of Aroostook,
Senator Chalmers of Knox and Representative Cooper of Windham.

EDWIN H. PERT, Clerk

12
13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-SIX
17

18 AN ACT to Eliminate Exemptions from Jury
19 Service.
20

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

23 Sec. 1. 14 MRSA §1211, as amended by PL 1983, c.
24 202, §2, is further amended to read:

25 §1211. Disqualifications and exemptions from jury
26 service

27 A prospective juror is disqualified to serve on a
28 jury if he is not a citizen of the United States, 18
29 years old and a resident of the county, or is unable
30 to read, speak and understand the English language.
31 The following persons are exempt from serving as ju-
32 rors: The Governor, judges, clerks and assistant
33 clerks of courts, Secretary and Treasurer of State,
34 all officers of the United States, judges of probate,
35 physicians and surgeons, dentists, sheriffs, counsel-

1 ~~ers~~, attorneys-at-law and all persons exempt under
2 Title 37-A, section 1117 37-B, section 185.

3 Sec. 2. 14 MRSA §1213, sub-§2, as enacted by PL
4 1981, c. 705, Pt. G, §6, is amended to read:

5 2. Basis for excuse; record. A qualified pro-
6 spective juror may be excused from jury service only
7 upon a showing of undue hardship, extreme inconve-
8 nience, public necessity, or that he is incapable of
9 rendering satisfactory jury service by reason of
10 physical or mental disability. A physician or den-
11 tist providing active patient care shall be excused
12 upon showing that jury service by the physician or
13 dentist will pose a threat to the health of a patient
14 or patients. A person claiming a disability excuse
15 may be required to submit a physician's certificate
16 or accredited Christian Science practitioner's cer-
17 tificate and the certifying physician or Christian
18 Science practitioner is subject to inquiry by the
19 court at its discretion. The decision concerning a
20 request for excuse shall be made by the presiding
21 justice or by a clerk of court acting under the su-
22 pervision of the presiding justice. Depending upon
23 the circumstances, such a juror may be excused from
24 jury service finally, be required to serve at a later
25 specific time or be required to serve for a period of
26 time less than the usual 15 court days. The clerk
27 shall enter this determination and the reason there-
28 for in the appropriate record kept for that purpose.

29 STATEMENT OF FACT

30 The purpose of this new draft is to exempt a few
31 categories of persons from jury service while delet-
32 ing other exemptions currently in law. The persons
33 exempted under the new draft are the Governor,
34 judges, sheriffs, attorneys and members of the state
35 military force while on duty. These military person-
36 nel, originally exempted from jury duty by the Maine
37 Revised Statutes, Title 37-A, section 1117, are now
38 exempted from jury duty by the Maine Revised Stat-
39 utes, Title 37-B, section 185.

1 The new draft also amends the provisions for be-
2 ing excused from jury service. The new draft permits
3 physicians and dentists currently exempted from jury
4 service to be excused from jury service upon showing
5 that jury service by the physician or dentist will
6 pose a threat to the health of a patient or patients.

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