

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 851

S.P. 313

Received by the Secretary, February 26, 1991

Submitted by the Office of the Attorney General pursuant to Joint Rule 24.  
Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator GAUVREAU of Androscoggin  
Cosponsored by Representative CARROLL of Gray, Representative MELENDY of Rockland  
and Representative MAYO of Thomaston.

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STATE OF MAINE

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

---

An Act to Modify the Law Relating to Continuing Deliberation by a  
Civil Jury in the Face of Disagreement.

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

2  
4 14 MRSA §1106 is amended to read:

6 **§1106. Disagreement in jury; instructions**

8 When a jury, not having agreed, returns into court stating  
10 the fact, the justice may, in his ~~the justice's~~ discretion,  
12 explain any questions of law if proposed to him ~~the justice~~ or  
14 restate any particular testimony and send them out again for  
further consideration. ~~They shall not be sent out a 3rd time in  
consequence of their disagreement unless on account of  
difficulties not stated when they first came into court.~~

16 **STATEMENT OF FACT**

18 This bill amends a provision enacted in 1821 that  
20 automatically aborts a civil jury trial following the return into  
22 court of a jury twice in consequence of disagreement based upon  
the same difficulties. Given the current costs of retrial and  
the impact on scarce court resources posed by a retrial, this  
bill leaves the decision to abort in the face of such  
disagreement to the trial justice.