

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

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Legislative Document

No. 725

S.P. 232

In Senate, March 2, 1993

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### **An Act Regarding the Use of Alternate Jurors.**

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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 CONLEY of Cumberland.

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

2           Sec. 1. 14 MRSA §1204, 3rd ¶, as amended by PL 1967, c. 441,  
4           §3, is further amended to read:

6           Whenever by reason of the prospective length of a civil  
8           trial or other civil cause the court in its discretion ~~shall deem~~  
determines it advisable, it may direct that jurors in addition to  
10          the regular panel be called and impaneled to sit as alternate  
12          jurors. ~~Such~~ The alternate jurors in the order in which they are  
14          called shall replace jurors who, ~~prior to the time the jury~~  
~~retires to consider its verdict,~~ become unable or disqualified to  
16          perform their duties. ~~Such~~ The alternate jurors ~~shall be~~ are  
18          drawn in the same manner, shall have the same qualifications,  
20          ~~shall be~~ are subject to the same examination and challenges,  
22          ~~shall~~ take the same oath and shall have the same functions,  
24          powers, facilities and privileges and ~~may be~~ are subject to the  
26          same obligations and penalties as jurors on the regular panel.  
28          ~~An alternate juror who does not replace a juror on the regular~~  
~~panel shall be discharged when the jury retires to consider its~~  
30          verdict. The Supreme Judicial Court shall ~~by rule provide~~ adopt  
32          rules providing for the number of alternate jurors, the manner of  
34          exercising all challenges to alternate jurors, and the order and  
36          number of challenges to alternate jurors.

#### STATEMENT OF FACT

28           This bill amends current law by removing language that  
30           prohibits the seating of an alternate juror once the jury has  
32           retired to consider its verdict, thereby permitting the Supreme  
34           Judicial Court to adopt a rule governing the procedure for  
36           seating an alternate juror under such circumstances. Although  
38           such occasions arise infrequently, there are a number of reasons  
          that might prevent a regular juror from continuing to serve, such  
          as illness, accident or weather. This bill may prevent the  
          declaration of mistrial and avoid the expenses associated with  
          conducting a new trial in such circumstances.