

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

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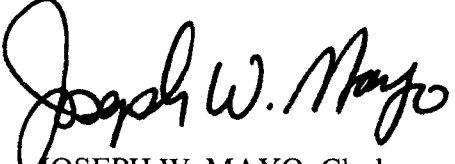
H.P. 544

House of Representatives, January 28, 1999

An Act to Make Materiality a Jury Issue Relative to the Crime of Perjury.

Reported by Representative POVICH for the Criminal Law Advisory Commission pursuant to Maine Revised Statutes, Title 17-A, section 1354, subsection 2.

Reference to the Joint Standing Committee on Criminal Justice suggested and printing ordered under Joint Rule 218.


JOSEPH W. MAYO, Clerk

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

4 **Sec. 1. 17-A MRSA §451, sub-§2,** as enacted by PL 1975, c. 499,
§1, is amended to read:

6 ~~2. Whether a statement is material is a question of law to~~
7 ~~be determined by the court.~~ In a prosecution under subsection 1,
8 paragraph B, it need not be alleged or proved which of the
9 statements is false but only that one or the other was false and
10 not believed by the defendant person to be true.

12 **SUMMARY**

14 This bill removes the current directive that the trial court
16 rather than the jury determine the materiality question. Since
18 "materiality" is an element of the crime of perjury as legally
20 defined, a defendant has the constitutional right to have the
jury rather than the trial court determine the question of
materiality. United States v. Gaudin, 515 U.S. 506 (1995).